

ITEM NUMBER: 5e

19/03052/ROC	Variation of Conditions 6 (Roof/Covered Structure) and 8 (Development usage) attached to planning permission 4/01793/19/MFA (Replacement covered ménage (re-submission))	
Site Address:	Top Common The Common Chipperfield Kings Langley Hertfordshire WD4 9BN	
Applicant/Agent:	Mr D Sattin	
Case Officer:	Joan Reid	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/Flaunden/ Chipperfield
Referral to Committee:	Chipperfield Parish Council Support the application contrary to officers recommendation.	

1. RECOMMENDATION

- 1.1 That the s73 application for variation of conditions 6 and 8 be refused.

2. SUMMARY

- 2.1 The S73 application to vary conditions 6 and 8 of approved scheme 4/01793/19/MFA is not supported. Both conditions are considered to have been reasonable and necessary and meet the 6 tests set out in the NPPF. The proposed conditions put forward would diminish the special circumstances, which were given significant weight in granting permission for the inappropriate development in the Green Belt.

3. SITE DESCRIPTION

- 3.1 The application site comprises Top Common, which is a large residential property together with equestrian facilities, located to the south east of the village of Chipperfield. The site is located within the Green Belt, and is opposite a designated Conservation Area, Chipperfield Common. There is an existing open ménage located to the west of the site, which is on the right hand side when you approach the property from the road. Generally, the site is well screened by mature trees and hedging and there is PROW running on the northern boundary of the property. The site contains established residential and equestrian uses.

4. PROPOSAL

- 4.1 The application comprises a s73 application which seeks the variation of conditions 6 and 8 attached to planning permission 4/01793/19/MFA (Replacement covered ménage):

The approved scheme included the following Conditions:-

- 6 *The roof/covered Structure to the ménage hereby approved shall be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by Mrs.Sattin or her staff, and the demolition materials shall be removed from the site and the land shall be made good to details approved in writing by the LPA.*
- 8 *The development hereby permitted shall be used for the purposes of training Competition dressage horses by Mrs Sattin or her staff and for no other purposes*

The applicant wishes to amend both conditions to the following:

- 6 *The roof/covered Structure to the ménage hereby approved shall be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by the owners of Top Common or their staff and the demolition materials shall be removed from the site and the land shall be made good to details approved in writing by the LPA.*
- 8 *The development hereby permitted shall be used for the purposes of training competition dressage horses by the owners of Top Common or their staff and for no other purposes.”*

A copy of the officer's report for approved scheme 4/01793/mfa is contained at Appendix C.

5. PLANNING HISTORY

4/01793/19/MFA - Replacement covered ménage (re-submission)
GRA - 3rd October 2019

4/02084/18/MFA - Construction of a covered manage to replace the existing ménage
GRA - 13th December 2018

4/02136/15/AGD - Construction of a barn and tractor shed
PRQR - 27th July 2015

4/02135/15/FUL - Construction of an all-weather ménage
REF - 27th July 2015

4/02119/15/OUT - Outline application for replacement of existing detached residential property and associated outbuildings to form new detached residential property - all matters reserved except Access.
REF - 28th July 2015

4/02118/15/LDP - Relocation of existing stables. Construction of new detached Barn.
WRT - 27th October 2015

4/01196/09/FHA - Rear patio
GRA - 4th September 2009

4/01945/07/FHA - Replacement conservatory
GRA - 28th September 2007

4/00063/93/FUL - Formation of manege
GRA - 18th February 1993

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
CIL Zone: CIL2
Conservation Area: CHIPPERFIELD
Green Belt: Policy: CS5
LHR Wind Turbine
Parish: Chipperfield CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: Green (15.2m)
EA Source Protection Zone: 3

Wildlife Site: Chipperfield Common

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 None

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
National Planning Policy Guidance
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS5 – Green Belt
CS29 - Sustainable Design and Construction

9. CONSIDERATIONS

Background and Main Issues

- 9.1 Planning permission was granted for a large indoor ménage (extending to 22m by 60m) to the east of Top Common. This permission imposed two personal condition's which a) limit the use of the facility to the owner and her staff and b) requires the demolition of the covered ménage should the use cease by the named owner. This applicant now considers the disputed conditions to be unreasonable and unnecessary and seeks to amend these conditions to link these conditions to the owners of the main house, Top Common, instead of a named individual.
- 9.2 The Planning Practice Guidance (PPG Use) is clear that 'under s73 the LPA must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.
- 9.3 Therefore, the main issues to consider are:
- Whether the imposition of the original conditions are reasonable and necessary, having regard to the site's location in the Green Belt;
 - Whether the proposed alternative conditions are reasonable and justified and meet all the tests outlined in the NPPF.
- 9.4 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

- 9.5 Of particular, relevance is the guidance set out in PPG (Use of Conditions) which asks, “*Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?*”

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need”

- 9.6 The PPG (Use of conditions) also states, “Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. In considering issues around viability, local planning authorities should consider policies in the National Planning Policy Framework and supporting guidance on viability”.

Planning Considerations of original conditions

- 9.7 Planning permission was granted for a curved sedum roof ménage in December 2018 (4/02084/18/MFA). The ménage had been carefully designed to integrate into the landscape, and whilst was considered to be inappropriate development in the Green Belt as a result of its and size and location, was granted due to very special circumstances.

The applicant then submitted a revised scheme, which was approved in October 2018 (4/01793/MFA). The basis of this revised scheme was to alter the design of the building insofar that it was less expensive for the owner to construct. In granting this permission, the council give significant weight to the very special circumstances put forward by the applicant similar to the original scheme. These very special circumstances were;

VSC No 1. The covered ménage relates to an existing equestrian centre, which is PDL
- The proposed covered ménage would relate to an existing equestrian centre, providing for its more efficient use, so avoiding the need for additional ménage facilities on this site or elsewhere to provide an all-weather use. Furthermore, the location of the ménage will help conceal it and contain the equestrian clutter associated with the use.

VSC No 2 The cover would provide facilities for dressage competitors at the international level: The ménage would allow the international dressage competitors who use Top Common to do so with certainty that they can train in all weathers and over a longer season, so increasing the efficiency of the equestrian centre.

- 9.8 Looking more closely at the information provided in support of the application, a number of letters were provided detailing the justification for a covered ménage. In particular, a letter was submitted by the owner, Mrs Sattin stating that “... *I am a committed judge and supporter of the sport spending many hours involved in the sport and furthering potential Olympic competitors. I am closely connected with the Olympic Dressage team namely Carl Hester*

and Charlotte Dujardin, a triple gold medallist.” “My horse, ... Rubini Royale and is kept at Top Common and at a Hughes dressage in Warwickshire. The other horses I own are kept at Top Common and are progressing through a similar journey but training is so often disrupted during Spring, Autumn and Winter months because of adverse weather conditions of torrential rain, frost, wind and a frozen arena. This is harmful to their training and development. It makes training very difficult and is very frustrating as we lose many days and weeks. This is detrimental to their progress and wellbeing. This causes a welfare issue as the horses are kept fit but everything else has to go on hold therefore making them more susceptible to injuring themselves, as they cannot be turned out in these conditions. My horses are ridden out at odd times of the day when their riders can fit it in round their working lives. This means they cannot be flexible and wait for the weather to be suitable. Also, it is impossible for them to ride in the winter months when it gets dark early. There is a continuous disruption to any planned exercise or training. Taking all the above into account a cover over the existing arena would be invaluable”.

- 9.9 Another letter that was submitted from Gareth Hughes (International dressage rider and trainer) stating amongst other points, that “ *I strongly feel that the building of an indoor arena at Top Common is vital for Lorraine’s (The applicant) horse’s progression as an elite athlete and as an international dressage horse and as a potential Olympic Team Horse”.*
- 9.10 Similarly, a Letter from Judy Harvey, Fellow of the British Horse Society, Coach, Rider and Judge stated that “*Mr and Mrs Sattin own an international Grand Prix horse, which could be of British Team material. At the moment during the winter months this horse has to be trained elsewhere so that his preparation can be interrupted”.*
- 9.11 Furthermore, in correspondence to the agent in December 2018 the case officer stated “*As I’m sure you can appreciate, I am very concerned whether this application should be granted on very special circumstances for a huge structure in the Green Belt. Such a structure is very harmful to the GB with long lasting impacts far beyond the active use. If mindful to approve, I would seek to condition the use to the named family for private use and would be grateful for a draft condition (as private use has been indicated by applicant at the site meetings). Secondly, I am wondering what would happen with this structure once the use is no longer needed and am considering a condition requiring removal (only of structure) if the nature of the use ceases within a certain period of time. I consider this to be justified given, that the only reason it could be supported would be on the very specific need put forward by the applicant. Only 3 years ago, it was the intention of the applicant to convert the equestrian floorspace to a dwelling and build more stables and I would seek reassurance that by granting this structure, that it would not lead to such a situation in the future”.*

In response, the agent suggested the named conditions and stated that the ambitions of Mr and Mrs Sattin have changed since 2015 and given the excellent standing of British equestrian competitors in the 2016 Olympics they have decided to continue their competition dressage training but to do so and to ensure continuity, require a covered all weather ménage.

- 9.12 In granting both schemes substantial weight was given to the specific case put forward by the applicant, Mrs Sattin, in finding that very special circumstances existed, in particular she put forward her own horse’s specific circumstances and needs. Since approving these applications, the LPA is now aware of a recently dismissed appeal decision dated 26th November 2019 for an indoor riding arena for private purposes at Brook Farm, Peeks Lane, Horley. Appeal reference: APP/I3625/w/19/3235566. This appeal decision is for very similar development whereby the appellant sought permission for a 40m long, 20m wide covered ménage in the Green Belt however the land was considered PDL by the Inspector. Similar, to the Top Common applicant, the appellant indicated that the ménage was required for his personal carer as an international showjumper and for the training of his

horses in the winter months when the outdoor arena is not useable. However, the appeal was dismissed on the basis that the Inspector considered that the weight to be afforded to these personal factors to be limited and such circumstances vary over time.

- 9.13 Nevertheless, the Council have granted permission for the ménage, having given substantial weight put forward by the applicant. In order to control the use of the ménage for the specified reasons given, the disputed condition (no.8) is therefore considered necessary and relevant, as without it, the justification for permitting the inappropriate development in the Green Belt would be significantly diminished.
- 9.14 Another relevant appeal to this point is that at New Acre Stable, Wolverhampton Road (Appeal Ref: APP/C3430/W/18/3214818 dated 29th March 2019) whereby an appeal was made to remove personal named conditions linking occupation of a traveller site to particular individuals. The Inspector considered that the personal circumstances of the named occupants, in particular need for the base and nearby medical resources, were given substantial weight in granting the development on the basis of very special circumstances and retained the personal named condition stating “this is necessary in view of the personal circumstances I have taken into account in varying this condition”.
- 9.15 Turning to the second condition, which asks for the roof/covered Structure to the ménage to be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by Mrs.Sattin or her staff. The applicant indicates that the condition seeking demolition of the ménage should Mrs Sattin cease to use it in effect only grants temporary permission for the ménage and subsequently, effects the owner’s ability to sell the property or finance the erection of the ménage. The agent also argues that it is anticipated that this condition would severely limit the freedom of owners to dispose of their property in the future, given the uncertainty that any subsequent occupiers would be able to retain the facility. It is appreciated that whilst it is not recommended to seek demolition of a building intended to be permanent, given the substantial weight given to the specific requirements of the applicant, it was deemed necessary to require this condition in order to safeguard that the ménage would only be used for the intended purposes set out by the applicant and deemed as very special circumstances. It was considered that should the applicant no longer need the facility for the case put forward, there was no reason for it to remain.
- 9.16 As such it is considered that the LPA reasonably imposed the restrictive conditions having regard to the specific case put forward by the applicant instead of recommending refusal for the development. The case put forward that the conditions put unreasonable burdens on the applicant is not acceptable insofar that the case is exceptional. It cannot be judged against another development that is appropriate, as this scheme was only found acceptable due to the very special case put forward in granting the scheme. The financial implications of the building is not material to outweigh the need for these conditions. It is considered that had the points put forward now by the applicant come forward during the consideration of the scheme, the case officer would likely have recommended the application to be refused.
- 9.17 It is also noted that prior to final approval of the application, due to the size of the development the Green Belt, it was necessary to refer the application to the Secretary of State. The SoS considered the justification for the development and indeed the personal conditions, and did not call in the application, allowing the decision to be made by the LPA.

Planning Considerations of Proposed Conditions:

- 9.18 Despite the reasons put forward by the applicant indicating that the imposed conditions do not meet the tests, they seek to vary these conditions to limit the use and requirement to demolish the ménage to occupiers of Top Common rather than Mrs Sattin. The applicant indicates that altering the conditions to relate to the property rather than the owner would be reasonable because the site would only be purchased by someone who had high/level value competition dressage horses and who required a training facility.
- 9.19 It is considered that varying the conditions to limit the use of the facility to occupiers of Top Common would diminish the very special circumstances that were put forward in the first place to justify the harm to the Green Belt. Varying the conditions to allow occupation of the facility *for the purposes of training competition dressage horses by the owners of Top Common or their staff and for no other purposes, could result in a situation whereby this condition is considered unreasonable as it links the house to the facility meaning that only trainers/owners of competition dressage horses can live in Top Common.* It is not demonstrated that this condition can be realised. Should a situation arise in the future, whereby an alternative occupier seeks to purchase the facility, the LPA could then look at their business and vary the condition then if acceptable, however, it is considered that to vary the conditions at this stage is premature.
- 9.20 Finally, the applicant has submitted two appeals to argue the case. I consider that the grounds are fundamentally different to that being considered here. In particular, both appeals submitted were found to be appropriate development in the Green Belt unlike Top Common, which was justified on the grounds of very special circumstances. As such, the reasons for imposing the personal conditions are fundamentally different.

10. CONCLUSION

- 10.1 To conclude, it is not accepted that the application to vary conditions 6 and 8 of planning permission 4/01793/18/MFA should be granted as both the conditions are reasonable and necessary given the very special circumstances put forward by the applicant at the time. The suggested conditions put forward would diminish very special circumstances considered in granting permission and would not ensure the development amounted to very special circumstances in the Green Belt. As a result, granting the development with the suggested conditions would not sufficiently overcome the harm to the Green Belt.

11. RECOMMENDATION

- 11.1 That the application be refused. The proposed replacement conditions would not be reasonable, precise or relevant to the permission granted and would diminish the case put forward and accepted as very special circumstances which justified inappropriate development in the Green Belt. Therefore the proposals do not accord with the NPPF, NPPG (Use of Conditions) and policy CS5 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Local Parish	CPC not only supports this application but goes further to recommend that the two conditions be widened to 'any equestrian use'. Top Common has been a long established equestrian property (pre-dating the occupation by Mr and Mrs Sattin). Previous owners pursued different equestrian disciplines and there is high likelihood that future

	<p>owners would have equestrian interests but not necessarily only Dressage.</p> <p>The amendments to both conditions would substitute 'any equestrian use' in place of 'the purposes of training competition dressage horses'.</p>
Natural England	Natural England currently has no comment to make on the variation of condition 6 and 8

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
2	0	0	0	0

APPENDIX C: OFFICERS REPORT

DEVELOPMENT CONTROL SERVICE UNIT



PLANNING CASEWORK DELEGATED REPORT

Application Number: 4/01793/19 / MFA
Application for Proposal: Major Full Application
Proposal: REPLACEMENT COVERED MENAGE (RE-SUBMISSION)
Location: TOP COMMON, THE COMMON, CHIPPERFIELD, KINGS LANGLEY, WD4 9BN

Expected Decision Level: Delegated
Case Officer: Simon Dunn Lwin
Registration Date: 26 July 2019
Expiry Date: 25 October 2019
Earliest Decision Date: 21 August 2019
Officer's Site Visit Date: 08 August 2019
Site Notice Date: 08 August 2019

Summary of representations:

Comments received from consultees:

Chipperfield Parish Council

CPC supports.

HCC - Dacorum Network Area (Highways)

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

CONDITIONS

1. Solar Panels Prior to the commencement of any development on site a 'Glint and Glare Report' should be provided with regard to the potential for adverse reflection from the solar panels. The applicant will need to demonstrate that no part of the nearby highway will be adversely affected by glaring from the solar panels. Subject to clarification, suitable measures may be required to mitigate against glint and glare.

Reason: In the interests of highway safety.

INFORMATIVES:

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact

the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

COMMENTS

This application is for: Replacement covered ménage (re-submission).

I notice from Drawing no 104 that the proposal includes the installation of ground-based photovoltaic cells to power the internal lighting for the ménage. This requires the application of Condition 1 above to ensure the safety of the local highway.

PARKING AND ACCESS

No changes are proposed to current parking levels. There is adequate room on site for vehicles to manoeuvre in order to leave and enter the highway in forward gear. No new or altered vxo is required and no works are required in the highway.

Vehicular access is via a private drive off The Common, which is an unnumbered "C" classified local access road, subject to a 40mph speed limit, with low pedestrian traffic. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

No new or altered pedestrian or vehicular access is required and no changes are required in the highway.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.

HCC - Lead Local Flood Authority

Following a review of the additional information in support of the above application, we can confirm that we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The proposed drainage strategy is based on infiltration into the ground via a infiltration basin. We note there are no watercourses or public sewers within the vicinity of the site. Infiltration tests have not yet been carried out to ensure the feasibility of the scheme.

Therefore as the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA, should planning permission be granted.

Condition

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- Infiltration tests carried out in accordance with BRE Digest 365 at location of the infiltration basin.
- Detailed surface water calculations to reflect measured infiltration rate for all rainfall events up to and including the 1 in 100 year + climate change event.
- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

For further advice on what we expect to support an planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

HCC Ecology

Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:

I previously commented on a former application for a ménage on this site. The new application raises the same ecological issues as before, which I reiterate below:

The hedgerow adjacent to the location of the proposed new covered ménage is well connected to Chipperfield Common. It represents a good foraging and commuting habitat for wildlife including bats. Some bat species are highly light-adverse and artificial light falling directly or indirectly on the hedge line can act as a barrier for their use of this habitat.

There are Great crested newt breeding ponds in close proximity, however the ponds will not be affected by the proposal. The most risk to Great crested newts is often during construction works, when they are terrestrially active and may take refuge under building materials and consequently become trapped or harmed.

As a precaution to avoid any potential impacts to these protected species I advise that the following **Informatives** are added to any permission granted

External lighting

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as

directing lighting away from potential roost sites.

Great crested newts

"Keep any areas of grass as short as possible up to, and including, the time when the building works take place so that it remains / becomes unsuitable for Great crested newts to cross. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of Great crested newts using the piles for shelter. Any trenches or excavations are backfilled before nightfall or ramps provided to allow Great crested newts (and other animals) that may have become trapped to escape easily. In the event of Great crested newts being found, work must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England"

Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Case officer's report:

Background

Site and surroundings

The application site comprises a field located within the Top Common estate, which is a large residential property with smaller dwellings and equestrian facilities set within 9.7 hectares of land. Located to the south east of the village of Chipperfield, the site is within situated within the Metropolitan Green Belt, and lies opposite but outside the designated Chipperfield Common Conservation Area boundary, which lies to the west.

There is an existing open ménage located to the southwest of the main house and to the right hand side on approach the cluster of buildings from the main road from the west. Generally, the site is well screened by mature trees and hedging with a verdant character. There is a PROW through the estate to the north of the cluster of buildings, which continues across the fields to the north of the ménage site in the next field which is lower down.

Proposal

Planning permission is sought for the erection of a covered ménage within the paddocks located to the rear of Top Common to the east in a field which slopes down from south to north by several metres.

The proposal is a rectangular barn-like structure with a footprint of 1,320sq.m (22m width by 60m length) and covered by a curved corrugated grey tin roof with a solar panel array, would mimic existing farm buildings in the surrounding countryside. It is sunken into the by 1m and enclosed on three sides with the south elevation open towards the field.

There would be vertical timber boarding to the north elevation and the roof apex would be 5.4m above the adjacent ground level to the south (at higher level on the slope) with a maximum internal height of 5.55m from FFL. An underground rain water harvesting system is also included in the plan. The application has indicated that this is entirely underground and located to the south.

The application is a resubmission of a similar ménage building was approved under reference 4/02084/18/MFA on 13/12/18. The main difference between the two is set out below:-

- The siting has been maintained in a similar location within the field, but the building is closer to the hedgerow on the northern boundary. The applicant states the rafter feet of the previous scheme are no longer necessary to facilitate this move and less prominent against the backdrop of the adjacent boundary hedge and tree line.
- The height above ground level at 5.4m is maintained but the building is of a much simpler design to emulate an agricultural character.
- The size of the ménage, at 20m by 60m and the covering building over at 22m wide by 62m deep are as previously approved.
- The rainwater harvesting and photo voltaic system are retained as approved.

Relevant history

Site History for DC.AID (including Related)

Address: [TOP COMMON, THE COMMON, CHIPPERFIELD, KINGS LANGLEY, WD4 9BN](#)

4/02084/18/MFA CONSTRUCTION OF A COVERED MANAGE TO REPLACE THE EXISTING MÉNAGE

Granted

13/12/2018

4/02119/15/OUT OUTLINE APPLICATION FOR REPLACEMENT OF EXISTING DETACHED RESIDENTIAL PROPERTY AND ASSOCIATED OUTBUILDINGS TO FORM NEW DETACHED RESIDENTIAL PROPERTY - ALL MATTERS RESERVED EXCEPT ACCESS.

Refused

28/07/2015

4/02135/15/FUL CONSTRUCTION OF AN ALL WEATHER MÉNAGE

Refused

27/07/2015

4/02136/15/AGD CONSTRUCTION OF A BARN AND TRACTOR SHED

Prior approval required and refused

27/07/2015

4/01196/09/FHA REAR PATIO
Granted
07/09/2009

4/01945/07/FHA REPLACEMENT CONSERVATORY
Granted
02/10/2007

4/00063/93/4 FORMATION OF MENAGE
Granted
18/02/1993

4/02118/15/LDP RELOCATION OF EXISTING STABLES. CONSTRUCTION OF NEW
DETACHED BARN.

27/10/2015

Comments received from consultees:

Chipperfield Parish Council

CPC supports

HCC - Dacorum Network Area (Highways)

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

CONDITIONS

1. Solar Panels Prior to the commencement of any development on site a 'Glint and Glare Report' should be provided with regard to the potential for adverse reflection from the solar panels. The applicant will need to demonstrate that no part of the nearby highway will be adversely affected by glaring from the solar panels. Subject to clarification, suitable measures may be required to mitigate against glint and glare.

Reason: In the interests of highway safety.

INFORMATIVES:

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of

the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

COMMENTS

This application is for: Replacement covered ménage (re-submission).

I notice from Drawing no 104 that the proposal includes the installation of ground-based photovoltaic cells to power the internal lighting for the ménage. This requires the application of Condition 1 above to ensure the safety of the local highway.

PARKING AND ACCESS

No changes are proposed to current parking levels. There is adequate room on site for vehicles to manoeuvre in order to leave and enter the highway in forward gear. No new or altered vxo is required and no works are required in the highway.

Vehicular access is via a private drive off The Common, which is an unnumbered "C" classified local access road, subject to a 40mph speed limit, with low pedestrian traffic. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

No new or altered pedestrian or vehicular access is required and no changes are required in the highway.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.

HCC - Lead Local Flood Authority

Following a review of the additional information in support of the above application, we can confirm that we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The proposed drainage strategy is based on infiltration into the ground via a infiltration basin. We note there are no watercourses or public sewers within the vicinity of the site. Infiltration tests have not yet been carried out to ensure the feasibility of the scheme.

Therefore as the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA, should planning permission be granted.

Condition

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context

of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- Infiltration tests carried out in accordance with BRE Digest 365 at location of the infiltration basin.
- Detailed surface water calculations to reflect measured infiltration rate for all rainfall events up to and including the 1 in 100 year + climate change event.
- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

For further advice on what we expect to support an planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Summary of Representations

In Support	Against	Representations Received	Neighbours Notified
0	0	0	2

Constraints

Source Protection Zone
45.7m Air Dir Limit
15.2m Air Dir Limit
Green Belt
Right of Way
Wildlife Sites
Conservation Area

Consideration

Policy and Principle

The consideration for this application are similar to the previous case as there are no overriding change in material planning considerations.

The National Planning Policy Framework (NPPF) places great importance to protecting the Green Belt with the fundamental aim of preventing urban sprawl by keeping land permanently open. The NPPF states at paragraph 145 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

All development within the Green Belt is inappropriate, and by definition under Paragraph 143, inappropriate development is harmful unless the works fall within the exceptions criteria under Paragraph 145 of the NPPF, or very special circumstances are demonstrated to outweigh the harm.

The acceptance of the approved development under very special circumstances has been demonstrated by the applicant and set out below, which is repeated in this application. The approved development under reference 4/02084/18/MFA establishes the principle of the development as acceptable. The extant permission is a material consideration and carries significant weight. there are no material changes to the planning circumstances surrounding the current application to come to a different view. The minor material changes to the design and materials of the proposed building are considered acceptable.

The very special circumstances that have been accepted are:

VSC No 1. The covered ménage relates to an existing equestrian centre which is PDL: The proposed covered ménage would relate to an existing equestrian centre, providing for its more efficient use, so avoiding the need for additional ménage facilities on this site or elsewhere to provide an all-weather use. Furthermore, the low eaves of the cover will help conceal and contain the equestrian clutter associated with the use.

VSC No 2 The cover would provide facilities for dressage competitors at the international level: The ménage would allow the international dressage competitors who use Top Common to do so with certainty that they can train in all weather conditions over a longer season, and therefore increase their chances of success on the international stage in the national interest.

Solar panels

The layout plan shows 4 arrays of solar panels, The use of the renewable energy source is encouraged and necessary to off-set its carbon footprint. They are considered acceptable, subject to the condition recommended by the Highway Authority to assess the potential impact on highway safety from glint and glare.

Ecology and biodiversity

The structure and works will result in disturbance to the natural habitat. Herts Ecology response is set out above. They do not object to the proposal subject to informatives on external lighting and safeguarding Great Crested Newts are included on any approval. This reflects the same advice provided on the previous application. It is included in the recommendation.

Lighting

A significant concern is how the ménage will be lit and how this could result in light pollution/spillage on the open countryside that could affect the natural habitat. Part of the justification for the covered ménage is to allow for use in the winter months with shorter days. While it is accepted that some lighting will be required, a condition is recommended to consider lighting details with appropriate mitigation to safeguard the amenity of the surrounding countryside and potential impact on the natural habitat.

Flooding

The Lead Local Flood Authority have been consulted on the application. Their comments are set out above. While there is no objection to the proposal a condition should be recommended by the LLFA to address surface water drainage, consistent with the approved scheme, to ensure the proposed development on this greenfield site is adequately drained.

Conclusion

The proposed development would be inappropriate development in the Green Belt, however, given the precedent set by the approved development, a refusal for this similar proposal would not be warranted. In view of the above approval is recommended subject to conditions.

Reason why application delegated/committee item	Within scheme of delegation
Reason(s) why application overtime in terms of 8/13 week deadline	N/A
Plans checked on Anite	Yes
All gateway, Anite, email, letter, consultee and neighbour rep screen comments checked and summarised above	Yes
CIL Additional Information Forms Checked and amended as necessary.	N/A

Officer: Simon Dunn-Lwin MRTPI

Date: 02.10.2019

Recommendation: Grant

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS5 and the very special circumstances including visual impact in accordance with the NPPF.

- 3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees and hedges to be retained and measures for their protection during construction works;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **Any above ground development in association with the rainwater harvesting tanks.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS5 and CS12 of the Core Strategy.

- 4 **Prior to the commencement of the use hereby approval, full details of external and internal lighting shall be submitted and approved. Details shall include full specification, siting of lighting and hours of use. The lighting shall be installed and operated in accordance with agreed details and there shall be no other lighting installed without the specific grant of planning permission.**

Reason: To avoid unnecessary and harmful light pollution within the open countryside in accordance with policy CS5 and the NPPF.

- 5 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.**

The scheme shall also include:

- Infiltration tests carried out in accordance with BRE Digest 365 at location of the infiltration basin.
- Detailed surface water calculations to reflect measured infiltration rate for all rainfall events up to and including the 1 in 100 year + climate change event.
- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Core Strategy Policy CS29.

- 6 **The roof/covered Structure to the ménage hereby approved shall be removed within 6 months of its use ceasing for the purposes of training competition dressage horses by Mrs.Sattin or her staff, and the demolition materials shall be removed from the site and the land shall be made good to details approved in writing by the LPA.**

Reason: To ensure that the very special circumstances to justify the inappropriate development in the Green Belt remain valid, and if not the Green Belt shall return to the existing open condition in accordance with the NPPF.

- 7 **Prior to the first occupation of the ménage hereby approved, a scheme for the removal and replanting of the existing ménage shall be submitted and approved in writing by the LPA. The approved details shall then be implemented before the expiry of 6 months from the date of the first occupation of the ménage hereby approved and the use of the existing ménage shall cease and land returned to paddock. Details shall include specific planting plans.**

Reason: In order to protect the openness of the Green Belt and in accordance with the detailed very special circumstances for the new ménage in accordance with the NPPF.

- 8 **The development hereby permitted shall be used for the purposes of training competition dressage horses by Mrs Sattin or her staff and for no other purposes.**

Reason: In order to ensure that the very special circumstances to justify the inappropriate development in the Green Belt remains valid in accordance with policy CS5 and the NPPF.

- 9 **Prior to the commencement of any development on site a 'Glint and Glare Report' on the Solar Panels should be provided with regard to the potential for adverse reflection. The applicant will need to demonstrate that no part of the nearby highway will be adversely affected by glaring from the solar panels. Subject to clarification, suitable measures may be required to mitigate against glint and glare.**

Reason: In the interests of highway safety to comply with Core Strategy Policy CS9..

- 10 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

201 rev A
202
203
204 rev A
205 rev A
206 rev A
207 rev A
Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives

Highways -

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

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2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

Ecology –

External lighting

4. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost sites.

Great crested newts

5. Keep any areas of grass as short as possible up to, and including, the time when the building works take place so that it remains / becomes unsuitable for Great crested newts to cross. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; and any rubbish is cleared away to minimise the risk of Great crested newts using the piles for shelter. Any trenches or excavations are backfilled before nightfall or ramps provided to allow Great crested newts (and other animals) that may have become trapped to escape easily. In the event of Great crested newts being found, work must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

This application was supported by the following:

201 rev A
202
203
204 rev A
205 rev A
206 rev A
207 rev A
Planning Statement

Signed:

Dated:

Case Officer

Team Leader

Dated: