

APPENDIX C:

TWO CONSULTANT REPORTS SUBMITTED ON BEHALF OF LOCAL RESIDENTS

My Ref: 20-46
Your Ref: 4/02270/19/FUL
Date: 30/04/2020



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Dear Jane

Site: Land on Featherbed Lane Felden, Hemel Hempstead, HP3 0BT

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Proposal: Demolition of existing storage building and construction of new stable block

I write on behalf of my client Mr Smyth in objection to the above proposal. These objections and policy matrix are set out below.

The Background

The 1ha site is in the Green Belt, composed of scrubland and enclosed by mature hedgerow and tree foliage. This makes the site obscured from view from all directions within the semi-rural landscape. Its lawful use is agricultural but there is no evidence of any use taking place. There is a disused and dilapidated 'shed' located in the northwest corner and has not been in use for some considerable time. It has no apparent lawful use which may, in any event, have been abandoned.

Access to the site is along Featherbed Lane via a concealed field entrance. There is no access track within the site. Visibly vis a vis the highway is heavily restricted in both directions.

This application is separate from the refused planning application, ref. 19/02959/FUL for the erection of an agricultural building. Revisions to the application were submitted on 12 February 2020 and are explained in a supplementary statement of the same date. I form my view on this basis of these revisions.

The Proposal.

The proposal seeks permission for a substantial L-shaped stable building located in the north-western corner of the site albeit still some distance from the existing shed structure and adjacent field boundaries. It is to 'replace' the existing shed structure and comprises 3 stable loose boxes, a general store, tack room, hay storage, feed room and agricultural garage to house machinery. The building is proposed to be 186sqm in footprint, measuring 5m width x 23m, and the southern half, 6m width by 15m long. The 'garage' section to the south will protrude into the 'yard' by a further 1m.

Hardstanding associated with the yard will consist of a further 160sqm of development, making a total footprint of 346sqm. The structure includes a complicated roof structure that is shown to be ±0.3m of 5m high to the ridge. It will be clad in timber weatherboarding throughout. No access track has been shown on the submitted plans and is not included in the description.

The site is not part of a substantially built frontage and is beyond any defined settlement boundary.

Principle – Green Belt

The aims of the Green Belt are well established. The NPPF comprises a closed list of parameters that seek to prevent inappropriate development and preserve the openness thereby maintaining land free from development and kept open. Inappropriate development is by default harmful. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (see below).

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1/5

The LP policy CS5 complies with and refers to the NPPF to meet these aims. However, it goes further to refer to 'local distinctiveness and the physical separation of settlements' but provides no expansion on the national policy.

Para 145 of the NPPF allows for "appropriate facilities in connection with the existing use of land or a change of use for outdoor sport or recreation". This exemption is a qualified statement in as much that developments that may qualify within this exemption must also "preserve the openness of the Green Belt and does not conflict with the purposes of include land within it". Openness is not defined in statute, Local or national policy but often refers to both spatial and visual elements.

Regarding 'openness' I refer to the recent Supreme Court judgement in *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3. The Courts held that one first has to ask whether by granting the permission it fulfils the aims of Green Belt, and then satisfy themselves that all material considerations have been taken account of, namely visual and spatial elements, Very Special circumstance and any 'other' harm.

The land is currently an open field bound on all sides by hedgerow. It is free of development, the 'shed' notwithstanding, and effectively acts as a natural break between two bands of residential development: between Featherbed Lane/Highcroft Road and Sheethanger Lane. The site, therefore, performs an important function in creating a buffer between these two otherwise built areas. Despite the disused 'shed' and recent unauthorised development, which by the time of this letter may have been removed, the site is not previously developed land (PDL) as defined in Annex 2 of the NPPF. The existing structures cannot be said to function as a 'fall-back' position for a quid-pro-quo replacement.

Regarding character and distinctiveness, it is true to say that equestrian uses are part and parcel of the rural environment. However, by their nature, such uses decrease the openness of land by imposing facilities, buildings, structures and other such paraphernalia that decreases this open character. It leads to further development pressure beyond the scope of this application.

The total floorspace of development would amount to 360sqm and a trackway will increase this substantially. Given the relatively small inconspicuous 'shed', I consider that the development is disproportionate to the maintenance of 3 horses, and most importantly, to the relatively undeveloped nature of the site. The substantive nature of the application leads to the increased detriment of the character of the location.

The derelict condition of the shed structure ensures that its use has long since been abandoned and, in any event, by comparison to the proposal is vastly different in scale, size and design. The proposed structure, albeit of familiar style and design is excessive in all respects even taking account of the alterations and has the appearance of a small dwelling, which would be inappropriate.

It is acknowledged that the land will require maintenance but the need for a vehicle the size of a tractor or other large machines and storage facilities again is unjustified given the limited size of the site. No evidence has been advanced that the site can even support 3 horses.

Although the site is well screened by vegetation so that views are obscured, the proposed position relative to the shed structure, the scale and size of the building notwithstanding, would substantially increase its visibility within the landscape.

The plans do not show any trackway leading to the proposed building, which is an obvious requirement. Whether this is deliberate is unclear.

Notwithstanding the general exemption of recreational development, the proposal encroaches upon and fails to preserve the open character of the site by imposing a substantial structure. It would merge the hitherto separate built areas leading to the severe detriment of both the visual qualities of the site and the landscape around it. The development would be harmful to the openness of the Green Belt, which in turn is contrary to both the national and local Green Belt policy.

Very Special Circumstances (VSCs)

The applicant advances several VSCs.

These are:

- The development would remove an existing structure, albeit dilapidated, and by default improve the appearance of the site
- Result in fewer vehicle trips,

- Be of benefit to the rural economy.

In all accounts, I find these unsubstantiated and without merit.

The existing shed is in poor condition in various states of disrepair. It is neither in use nor can it be used without substantial work being undertaken to it. On face value therefore, this structure is for all intents and purposes a forgotten building. Although a replacement might be beneficial the proposed development is not justified in these terms.

Furthermore, although the proposal may result in 'better' facilities for any existing horses, which occupy the land no evidence has been advanced by the appellant to identify its lawful use. The need for a tractor and other such facilities to maintain such a relatively small portion of land is also groundless and the appellant fails to provide evidence of whether equestrian use can be supported on the site. Although I find there is some merit in an economic contribution, again I find that no evidence has been submitted to substantiate such a use. That said, the development as proposed is for private use and such a 'rural contribution' is therefore baseless.

It is noted that having a facility closer does reduce long/medium trips in the interest of wider sustainability concerns. However, likely this may be, the appellant will still be reliant on private vehicles to service the land. By reason of the sites apparent intensification, it will increase the number of trips to the site not reduce them.

For these reasons, the VSC advanced are either unsubstantiated or of little weight. Separately or accumulatively they do not outweigh the harm, previously found to the Green Belt.

Traffic and Highway Safety

The existing access is via a field gate located in a set-back and obscured position along Featherbed Lane, which presumed is a 40mph or national speed limit road. Even if the Lane was 30mph the visibility splay in either direction is extremely poor. By default, the access would give rise to an intensification of its use. Although the amount of intensification has not been given, it would involve not only movements of 3 horses but the feeding and maintenance of them at least twice per day, vet visits, and possible blacksmith and other service deliveries.

Manual for Streets outlines where there is an intensification of traffic, as in this case, it defines that a visibility splay of at least 43m in either direction is required (for a road of 30mph). Given the nature of the access, this is not achievable without substantive reduction to or removal of the adjacent field hedgerows. Such a removal, in any event, would result in a detrimental effect not just on the character of the location but also to flora and fauna and thus contrary to LP policy CS10, CS25, CS26 and CS29.

Such traffic movements have not been substantiated nor have the applicant proven that the access is safe and compliant with transport policy CS8. Furthermore, there is no provision for a safe access track, within the site, something which will undoubtedly lead to more hardstanding to the detriment of the Green Belt.

Conclusion

My assessment is derived from the proposal as revised. I conclude for the reasons outlined that it is my opinion, that the development constitutes 'inappropriate development' because of its scale, bulk and massing thus having a detrimental effect to the openness of the Green Belt when 'very special circumstances' have not been demonstrated. The revisions do not outweigh those harms and as harm has been identified in relation to highway safety and potential implications for wildlife, it is my opinion that the application should be refused.

If the Council is minded to approve the development, I would strongly urge them to apply suitably worded conditions to ensure that any future development is curtailed.

Yours faithfully


David Lomas

Director

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Policy Matrix

NPPF

Para 11 – Sustainable Development – a balance between competing elements.

Section 13 – Green Belt. Defined as being of high significance and should be preserved in all cases.

Local Policy

CS5 – Green Belt	<p>Main Green Belt policy</p> <p>The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.</p> <p>There will be no general review of the Green Belt boundary through the Site Allocations DPD, although local allocations (under Policies CS2 and CS3) will be permitted.</p> <p>Within the Green Belt, small-scale development will be permitted: i.e.</p> <ul style="list-style-type: none"> (a) building for the uses defined as appropriate in national policy; (b) the replacement of existing buildings for the same use; (c) limited extensions to existing buildings; (d) the appropriate reuse of permanent, substantial buildings; and (e) the redevelopment of previously developed sites*, including major developed sites which will be defined on the Proposals Map provided that: <ul style="list-style-type: none"> i. it has no significant impact on the character and appearance of the countryside; and ii. it supports the rural economy and maintenance of the wider countryside.
CS8	<p>Sustainable Transport</p> <p>All new development will contribute to a well connected and accessible transport system whose principles are to:</p> <p>(h) provide sufficient, safe and convenient parking based on car parking standards: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.</p>
CS10	<p>Design guidance</p> <p>The design of all new development will be expected to follow the '3 Step Approach to Successful Design' (Figure 13).</p> <p>At the broad settlement level, development should:</p> <ul style="list-style-type: none"> (a) respect defined countryside borders and the landscape character surrounding the town or village; (b) reinforce the topography of natural landscapes and the existing soft edges of towns and villages; (c) promote higher densities in and around town centres and local centres; (d) protect and enhance significant views into and out of towns and villages; (e) deliver landmark buildings at movement and pedestrian gateways and enhance focal points with high-quality architecture; (f) preserve and enhance green gateways; and (g) protect and enhance wildlife corridors.
CS25	<p>Landscape Character:</p> <p>All development will help conserve and enhance Dacorum's natural and historic landscape.</p> <p>Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Dacorum Landscape Character Assessment, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record.</p>
CS26	<p>Green Infrastructure</p> <p>Development and management action will contribute to:</p>

	<p>the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Open spaces will be managed following the Council's Green Space Strategy.</p>
CS29	<p>Sustainable Design and Construction</p> <p>New development will comply with the highest standards of sustainable design and construction possible. The following principles should normally be satisfied:</p> <ul style="list-style-type: none"> (a) Use building materials and timber from verified sustainable sources; (b) Minimise water consumption during construction; (c) Recycle and reduce construction waste which may otherwise go to landfill; (d) Provide an adequate means of water supply, surface water and foul drainage; (e) Plan to limit residential indoor water consumption to 105 litres per person per day until national statutory guidance supersedes this advice; (f) Plan to minimise carbon dioxide emissions; (g) Maximise the energy efficiency performance of the building fabric, in accordance with the energy hierarchy set out in Figure 16; (h) Incorporate at least one new tree per dwelling/per 100sqm (for nonresidential developments) on-site; (i) Minimise impacts on biodiversity and incorporate positive measures to support wildlife; (j) Minimise impermeable surfaces around the curtilage of buildings and in new street design; (k) Incorporate permeable and lighter coloured surfaces within urban areas; and (l) Provide on-site recycling facilities for waste. <p>Buildings will be designed to have a long life and adaptable internal layout.</p> <p>Applicants will need to explain how:</p> <ul style="list-style-type: none"> (i) they have considered the whole life cycle of the building and how the materials could be recycled at the end of the building's life; and (ii) their design has been 'future-proofed' to enable retrofitting to meet tighter energy efficiency standards and connection to decentralised community heating systems. <p>For specified types of development, applicants should provide a Sustainability Statement. Where new development cannot meet on-site energy or tree planting requirements, the applicant will be expected to contribute towards sustainability offsetting if at all possible (see Policy CS30). If a scheme would be unviable or there is not a technically feasible approach, the principles in this policy may be relaxed.</p>



**TOWN AND COUNTRY
PLANNING ACT 1990**

**Objection to Planning Application
4/02270/19/FUL**

**Demolition of existing storage building
and construction of new stable block
and access**

**Land on Featherbed Lane
Felden, Hemel Hempstead HP3 0BT**

**On behalf of
Vikesh Patel**

May 2020

**Prepared by
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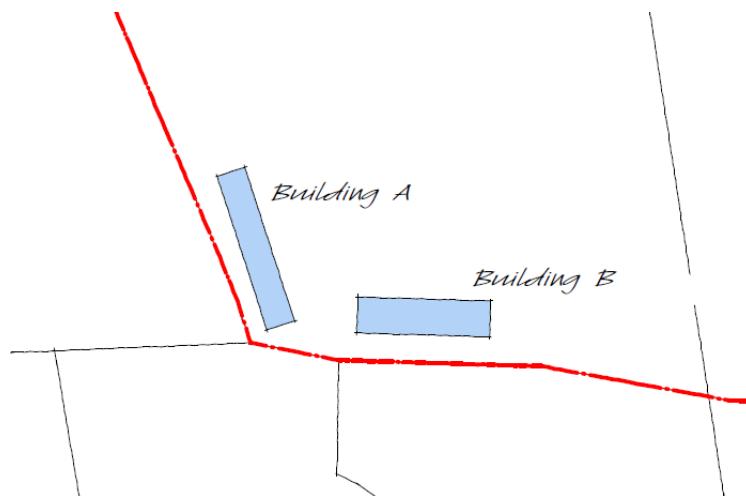
CHARTERED TOWN PLANNING CONSULTANTS

INTRODUCTION

1. My name is James Holmes and I am a Director with Aitchison Raffety, Chartered Town Planning Consultants. I have an MA in Town Planning and am a Member of the Royal Town Planning Institute.
2. I am instructed by Vikesh Patel who is the owner of a property known as Felden Lawns, Sheethanger Lane HP3 0BG, who OBJECTS to the planning application.
3. This Statement sets out the reasons why the application is considered to be unacceptable having regard to adopted planning policies and guidance.

EXISTING BUILDINGS DO NOT APPEAR TO BENEFIT FROM PLANNING PERMISSION

4. The existing buildings on the site do not appear to benefit from planning permission. We note that in February 2020, the Council REFUSED planning permission (reference 19/02959/FUL) for a retrospective application which sought to retain the unauthorised chicken coup (Building B) and the retention of the extension to a dilapidated 'stable' (Building A).
5. It is also understood that a Certificate of Lawful Development has not been applied for, or granted, to retain these buildings. As they appear to be unauthorised, they should be removed from the site.



Refused Stable (Building A) and Chicken Coup (Building B)

NO PLANNING PERMISSION FOR THE USE OF LAND FOR EQUESTRIAN PURPOSES

6. We also understand that planning permission has never been granted for the use of the land for equestrian purposes, and an application for a Lawful Development Certificate for equestrian use has not been submitted or approved. As such, it is requested that the applicant

provides the Council with evidence to show that the use of the land for equestrian purposes is lawful.

7. Page 4 of the Planning Statement submitted with the application states that the land is currently utilised for equestrian husbandry. However, from an inspection of the site it would appear that the land is not actually used for equestrian purposes at the present time.
8. Furthermore, google earth aerial photographs from 1999 to 2018 (a period of 19 years) do not show any horses being present on the land over this period. This raises questions as to the lawful use of the land.
9. Planning legislation dictates that after a period of 10 years the change of use of land becomes lawful (ie exempt from enforcement action). But to become lawful the use must be continuous over this period. However, the land does not appear to be currently used for equestrian purposes, and the evidence in the form of aerial photographs (above) does not appear to show any equestrian use has taken place for a continuous period of 10 years. This would indicate that the use for equestrian purposes may not be lawful.
10. We note that the grazing of horses falls within the definition of agriculture at S336 of the Act. We also understand that if additional food is brought onto the land, or if the horses kept on the land are ridden and used for recreation then that is classed as keeping horses for equestrian use. This position is confirmed in the appeal case (APP/Z3825/X/15/3133260) at paragraph 7.3.13 of the Appeal Decision, where the Inspector states:

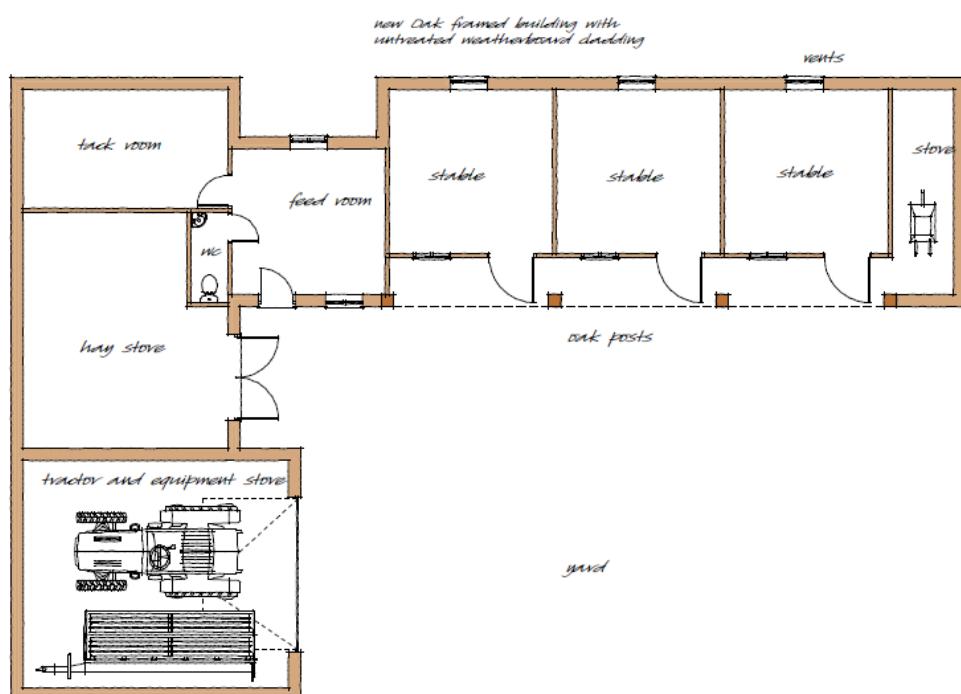
'the grazing of horses that are not used for an agricultural purpose (ie working horse) or raised and kept for the production of meat would not be an agricultural use of the land, unless they are simply turned out for grazing and nothing else. If there is supplemental feeding or they are kept there for exercise or accommodation that is an equestrian use, not an agricultural use.'

11. Page 14 of the Planning Statement confirms that the horses' diet would be supplemented by purchasing "hay and feed". As the horses' diet would be supplemented by additional food being brought onto the land, in accordance with the above appeal case, this would constitute a change of use from agriculture to equestrian. Furthermore, should the applicant intend to use the wider site to exercise and ride their horses, this would also constitute a material change of use of the whole site to equestrian.

HARM TO GREEN BELT

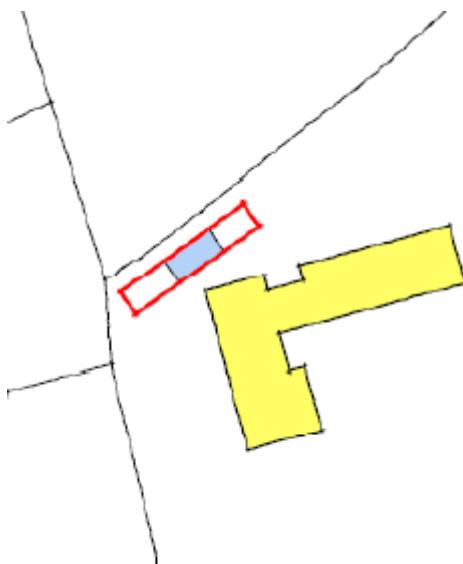
12. The site is located within the Metropolitan Green Belt and strict planning controls exist in order to safeguard character and openness. Both Local and National Planning Policy are consistent in their approach to new development in the Green Belt and state that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

13. The essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development in the Green Belt and development should not be allowed except in very special circumstances. The construction of new buildings is to be regarded as inappropriate unless it meets one of the exceptions set out in paragraphs 145 and 146 of the NPPF.
14. The provision of new build equestrian facilities is not specifically mentioned in the NPPF (paragraphs 145 and 146) as one of the exceptions to inappropriate development in the Green Belt. Paragraph 145 of the NPPF does allow for appropriate facilities in connection with outdoor sport and recreation. However, this is only on the grounds that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Planning consent should be refused for development where proposed facilities are not appropriate, in terms of their necessity and scale, and where the proposal would have an adverse effect on the character and openness of the Green Belt.
15. The current proposal seeks to obtain planning permission for a very large, purpose built stable on the land. This is larger than the stable proposed in the last application which was refused.
16. The current proposal is for a L-shaped building, which includes a tractor store, hay store, tack room, feed room, toilet facilities, a further storeroom and three separate stable areas. None of these facilities were shown on the previous proposal and their inclusion results in a building of a size that is not justified in planning terms.



*Current proposal for a far larger stable than the refused scheme
and includes a number of uses/facilities that were not applied for previously*

17. The plan below shows the current structure on the site in blue and the proposed stable building in yellow. This clearly shows that the stable would be significantly larger than the existing building on the site.



Current structure on site in blue and the proposed stable building in yellow

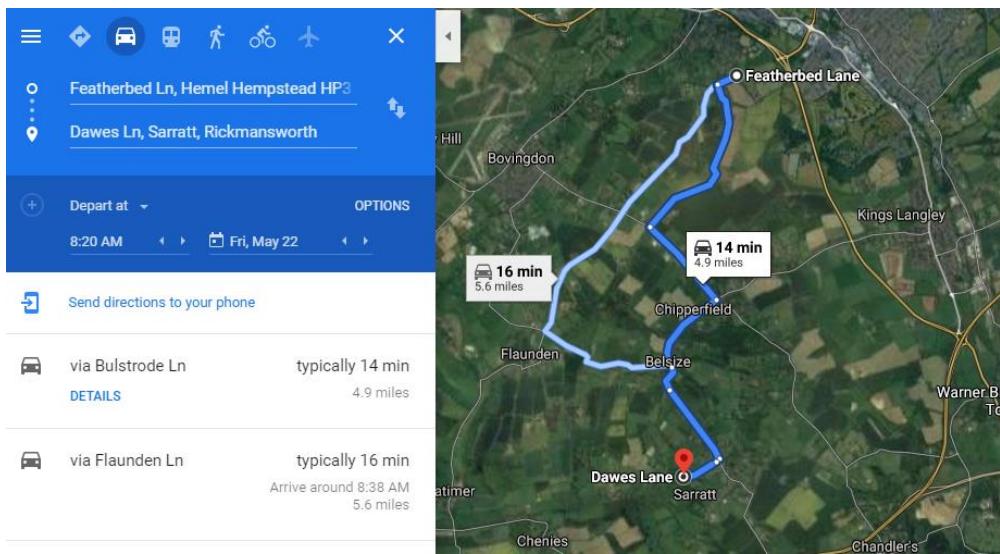
18. The proposed building would form a large and dominant addition at the site, appearing intrusive within the natural landscape and context of the surroundings. It would have an adverse urbanising effect, to the detriment of openness and the local environment.
19. As well as the visual impact of the building, the development would also significantly increase vehicular and pedestrian activity at the site and in the surrounding area to the detriment of the openness and character of the Green Belt.
20. The NPPF also states that facilities in connection with outdoor sport and recreation should not conflict with the purposes of including land within the Green Belt. These are set out below:-
- To check the unrestricted sprawl of large built-up areas
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside from encroachment
 - To preserve the setting and special character of historic towns
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
21. The proposal is considered to be contrary to the third bullet point above as it would not safeguard the countryside from encroachment. The development therefore conflicts with the purposes of including land within the Green Belt, contrary to paragraph 134 of the NPPF and constitutes an inappropriate form of development.

PROPOSAL IS AKIN TO A ‘LEISURE PLOT’

22. The Planning Statement advises that the building has been designed to accommodate not just horses, but someone to be on site for the vast majority of the day and also space for the applicant, his family and particularly his children. The Planning Statement clarifies that “this is why it is important that the additional rooms are on site”.
23. The proposal clearly provides more than just a shelter for horses. It is designed specifically as a place where the applicant and his family, including his children, can go and spend time during the day. For this reason, in many respects the proposal is akin to a ‘leisure plot’ for the applicant and his family. It is not, however, considered that there is any basis to allow such a use in the Green Belt.

LIMITED JUSTIFICATION IS PROVIDED FOR THE FACILITIES

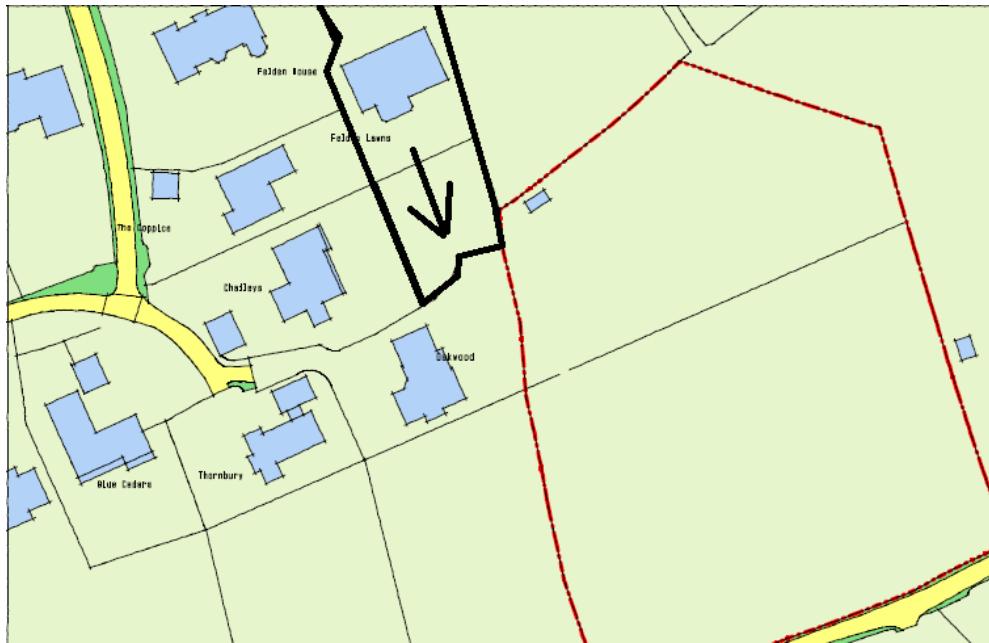
24. In our view, the application provides limited information in respect of the need for the proposed facilities.
25. The Planning Statement advises that the proposal will reduce the need for the client to have to travel to and from their horses being kept in Sarratt. However, we note that the applicant’s address is omitted from the application form, despite the form specifically requiring this information.
26. The Planning Statement advises that the applicant already has the use of facilities for his horses, tractor and trailer in Sarratt. No further information is given as to the facilities already available in Sarratt. As such, it is not clear why the proposed stable building is now required in Felden if adequate facilities are already provided in Sarratt.
27. The Planning Statement seeks to justify the new stable on the basis that the journey to Sarratt is “difficult in the morning traffic”, but this does not seem to be a valid reason to provide a substantial new development in the Green Belt. The journey from Felden to Sarratt at 8.30am only typically takes 14 minutes and is not considered to be at all ‘difficult’.



Journey from Felden to Sarratt is less than 5 miles and only takes 14 minutes

NEIGHBOUR AMENITY

28. The proposed stable building would be located directly to the rear of my client's house, at Felden Lawns, Sheethanger Lane. It should be noted that the planning application drawings are incorrect, in so far as the boundary of my clients garden adjoins the application site (as shown in black below)



The application drawings are incorrect, in so far as the boundary of my clients garden adjoins the application site

29. My client is concerned that the proposed stable would result in an adverse impact on amenity, including noise disturbance and smells from horse manure from horses to be brought to the site.
30. My client is also concerned about the increase in activity associated with the proposal. The proposed building is intended to be occupied for most of the day, with the appellant's family and children also spending leisure time at the site. One of the features which originally attracted my client to their property was its secluded and quiet location, and the proposed development could potentially erode this.
31. Finally, we note that a new fence has been constructed across the site in line with the rear garden boundary of the properties in Sheethanger Lane. My client is concerned that this fence is effectively seeking to create a separate plot adjacent to the rear of the properties on Sheethanger Lane.
32. We seek clarification as to why this fence has been constructed, as it does not seem to be related to the application for the proposed stable and is not referred to at all in the supporting Planning Statement.

CONCLUSION

33. In conclusion, for the reasons given above, we do not consider the application is acceptable in planning terms, and therefore planning permission should be refused.