

Flaunden House Stables

Planning Application 4/03481/15/MFA

Document will focus on the following:

Summary

The basis of the deferral at last DCC meeting and what has been done since

Non compliance with the NPPF and saved Local Plan Policy

106 Unilateral undertaking

Continued factual errors – Failure to meet DBLP Policy 22 and illegal current extension

Comments on proposal submitted

Other Issues raised

Flaunden House Stables

Planning Application 4/03481/15/MFA

Summary

Relic Homes have still not demonstrated that they are in compliance with Policy CS5 and saved Local Plan Policy 110 as they have failed to demonstrate that every reasonable effort has been made secure the existing business.

They have specifically not made any attempt to market the existing business and secure continued business use of the buildings being converted. The Viability report submitted is wholly inadequate and does not constitute 'every reasonable effort' (Policy110)

The proposal submitted will result in lower levels of employment and loss of business for surrounding service businesses ie. Vets, farriers, riding instructors etc and therefore fails to support the rural economy (Policy CS5)

They have also failed to undertake an assessment which clearly shows that the buildings, historically used for sport and recreation, are surplus to requirements as required under NPPF (NPPF Para 74)

The current residential property on site is illegal in its current construction and this additional proposal fails to comply with the maximum size permitted for the extension of property in the Green Belt (Policy 22)

In addition they have failed to comply with the earlier request of the DCC to provide a business plan and properly constructed site operation and management plan that will meet the needs of a commercial equestrian business and the relevant operational and safe practice standards or sign the proposed 106 undertaking.

As such this application should be refused.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Basis of deferral at the previous DCC meeting dated 25 February 2016

At the previous DCC meeting the application was deferred with a specific request that the applicant provide a comprehensive business plan for the proposed equestrian business and further details demonstrating the suitability of the site plan and layout to support a commercial equestrian business.

This followed a request from Dacorum Planning that permission be granted by the DCC subject to these conditions and that powers to ensure these were complied with be delegated to the Planning Officer, which was not acceptable to the DCC.

This latest proposal has not met these requirements.

1. Relic Homes have not produced a business plan and Dacorum Planning are still trying to have the responsibility to ensure this is complied with taken away from the DCC and delegated to them by recommending that permission be granted subject to a condition that 'Prior to the commencement of development a Business Plan for the equestrian use must be prepared and approved by the local planning authority' (Planning Officers Report page 41 para 11).

2. Relic Homes have submitted a superficial and unprofessional site layout plan which demonstrates little knowledge or interest in equestrian activities. They have not sought any professional guidance in compiling this and have demonstrated little regard to the commercial success, operational needs, site safety or equine wellbeing. (see attached letter from British Horse Society). To overcome this Dacorum Planning, acknowledging that the current submitted proposal is deficient in this regard, are again trying to take away responsibility for ensuring this is done from the DCC by recommending that the proposal be approved subject to plans being submitted to the local authority to demonstrate the stables and supporting buildings and infrastructure for the operation of the livery yard are in accordance with professional body guidelines (Planning Officers Report page 40 para 6).

3. Similarly the unilateral 106 agreement has still not been signed by Relic Homes, we believe this to be because they are not currently the registered owners of the property, despite taking effective ownership over a year ago. As such they cannot sign the document without first becoming the registered owners (and paying appropriate stamp duty).

This latest proposal has clearly not complied with the request of the DCC and should be refused, or deferred, until such time as the information requested has been properly compiled. Delegation of this responsibility to the Local Planning Authority was not acceptable previously and their continued desire to approve this project with incomplete and inadequate supporting information only supports further the earlier DCC decision to retain their control of this approval process.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Non compliance with the NPPF and saved Local Plan Policy

At the previous DCC meeting it was initially proposed that the application be refused on the same grounds as an earlier application, namely:

By removing an existing equestrian use, the proposal fails to support the rural economy, contrary to Policy CS5 of the Core Strategy, and has failed to demonstrate that every reasonable effort has been made to secure a business, recreation or tourism- related re-use, contrary to saved Local Plan Policy 110.

This was challenged by the Local Planning Authority on the basis of the additional submissions from Relic Homes, particularly referencing their 'Viability Report' which they argued 'demonstrated that every reasonable effort has been made to secure a business, recreation or tourism-related re-use' so complies with saved Local Plan Policy 110.

An extract, page 13, of this Viability Report is included to clearly demonstrate it's failure to make any mention of the viability of continuing as an equestrian business, which the site is custom made for and has demonstrably been for over 30 years. It's only reference to the equestrian activities is to dismiss this 30 plus year proven history as 'any previous equestrian use must have been on a low key basis'. The full report is available on the planning website

The misclassification of the two buildings proposed for residential conversion as 'agricultural barns' rather than the sports and recreational buildings they clearly are, which should not be built on unless an assessment has been undertaken which has clearly shown the buildings to be surplus to requirements, required by NPPF para 74, is similarly not correct and no effort whatsoever to market the equestrian business, typically constituting 'every reasonable effort', has been made under Policy 110. To the contrary a local demand survey (attached) clearly indicates that these buildings are not surplus to requirement.

For clarification, under the Town and Country Planning Act 1990 agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land. Neither of these buildings, built in the 1970's and 2010 has ever been used for this purpose.

The basis of this continued misclassification by the Planning Officer, who maintains that 'the buildings were originally built as agricultural buildings' includes; 'the applicant said it was being used to store equipment for agriculture' and during the site visit 'on the 17th March 2015 the smaller barn was being used to store equipment for agriculture' is nonsense based on the wealth of information provided for site history.

Given the above the committee at the previous meeting were correct to again propose refusal of this application on the original grounds of failure to comply with CS5 and Policy 110 and still are.

Flaunden House Stables

Planning Application 4/03481/15/MFA

Non compliance with the NPPF and saved Local Plan Policy

- **Extract from Aitchison Rafferty Viability Report (Page 13)**

- Flaunden House Stables, Birch Lane, Flaunden HP3 0PT 23 December 2015
- 9.26 It is anticipated that the high street shop investment market will see a broadening investor base and a more diverse spread of requirements. Investor appetite for prime shops remains strong and increased liquidity at the prime end of the market will ensure that prime yields move in further. Renewed investor appetite for the sector is being driven by two themes. The first being a simple improvement in investor's perceptions of the high street retail market, and the second being a rising belief that there are good opportunities to reinvest any proceeds from sales. It was the latter of these two themes that was creating the biggest logjam earlier this year, with many experienced high street retail investors unwilling to sell prime assets as they felt at the time the opportunities at the secondary end of the market were too limited and risky. This has changed over the last few months, with a rising interest in secondary assets.
- 9.27 In terms of retail warehouses, the investment performance of this sector has weakened over the last six months, both on an absolute basis and compared to other retail segments. Research shows that retail warehousing is one of the few sectors of the UK commercial marketplace that has seen rising yields in 2015, with a 25 bps rise this year. However, investor demand remains strong with institutional investors heavily biased towards the best schemes in the best locations. This has led to the emergence of a "two-tier" market with strong demand for the very good assets and softening yields for poorer assets where investor demand is weaker.
- **10.0 VIABILITY OF EXISTING USE**
- 10.1 The Property currently provides a 16.45 acre parcel of land that is utilised for farming and equestrian purposes with the exception of The Coach House, which is in residential use. The top yard and pony barn provide a total of 16 stables and loose boxes and, with the addition of two more stables, the amount of grazing land (which extends to around 14.75 acres) would result in an acceptable horse to grazing land ratio of 1:0.82 acres. As mentioned above, Guidance produced by the Department for Environmental Food and Rural Affairs (DEFRA), and supported by the British Horse Society (BHS) states that, as a general rule of thumb, each horse requires approximately 1.25 - 2.5 acres of grazing of suitable quality, depending on the type of grass, ground conditions, time of year, type of horse and degree of pasture management employed. A minimum ratio of one horse per half acre is generally expected and with the amount of stabling currently in existence, this minimum standard can be achieved.
- 10.2 There is no evidence of any previous viable equestrian business at the Property, and no records of any business operating at the Property at Companies House. No accounts have been produced. Any previous equestrian use must have been on a low key basis.
- **11.0 ALTERNATIVE USE OPTIONS AND ECONOMIC VIABILITY**
- 11.1 Within the scope of this Report we have been instructed to consider the commercial viability of alternative uses for the top barn and main barn to residential, by having consideration to potential demand, economic viability and factors that could affect capital value. We would reiterate that the viability of these alternative uses needs to be considered against the fact that the remainder of the land is to remain in equestrian use and controlled via a Section 106 unilateral undertaking.
- 13 of 21

Flaunden House Stables

Planning Application 4/03481/15/MFA

Local equestrian demand Survey.

Survey of those who would stable their horses at FHS

| Name | Number of Horses | Comments |
|--------------------|------------------|--|
| Rebecca Pocock | 3 | Owner of three horses, finds stabling difficult to find. Also teaches. |
| Ann Ackerman | 1 | Previous tenant |
| Jenny Harding | 1 | Previous tenant |
| Details on file | 1 | Previous tenant |
| Lauren Keates | 1 | Previous tenant |
| Details on file | 1 | Previous tenant |
| H Pegg | 1 | Previous tenant |
| Details on file | 1 | |
| AN Other | 5 | Prefers not to identify herself, keen to negotiate lease of part of the yard with new owners. |
| Trish Duggan | 1 | Would keep horses at Flaunden. |
| Tracy Hodges | 1 | Would move back in a flash |
| Details on file | 2 | Previous tenant |
| Carrie Hart | 2 | Previous tenant |
| Clare Pitcher | 2 | Previous tenant |
| Kathy Dean | 1 | Previous tenant + horse box |
| Clara Lawrence | 2 | Previous tenant (last to leave told to go by 30/4) also groom |
| Kelly-Jo Pritchard | 1 | Would love to keep my horse nearby; very hard to find a good yard with such great facilities as Flaunden House Stables |
| Steven Duncan | 3 | Previous tenant, live in Flaunden and would love to return to Flaunden Stables |
| | 30 | (Minimum number of horses) |

Flaunden House Stables

Planning Application 4/03481/15/MFA

Local equestrian demand Survey.

Professionals who would provided services to the yard

Charlotte Osmond
Details on file
Lorna Skinner
Sam Wade
Cathy High
Clare Yetton

Vet
Equine therapist
Physiotherapist
Farrier - lost business since closure of stables
Lost yard work since closure
Lost teaching work since closure

Lessons at the yard

Dick Liversedge
Gerry Ward

Grandchildren had regular riding instruction.
Grandchildren had regular riding instruction

Other comments

Boo & Charles Macleod Matthews

Creating a cross country course in the chess valley close to Flaunden, offering adults and children in the area chance of riding without danger of main road. Not viable without the support of local livery stables.

Diane Howard
Georgina Platts
E. Savage

No more houses
Notable shortage of good livery stables in this area
Great shame another yard is threatened with closure

Flaunden House Stables

Planning Application 4/03481/15/MFA

106 Undertaking to secure a scaled back equestrian activity

Agreement still not signed by Relic Homes

Title deed HD49610 still shows that the owners of the title are Brian and Georgina Turner, subject to the unilateral notice of a contract for purchase in favour of Relic Newberries Ltd.

Relic took effective ownership over 12 months ago

Relic therefore cannot complete the 106 document until they are the registered owners (and have paid the appropriate stamp duty).

106 Agreement provides no guarantee that the 16 stables will be re opened it simply specifies that they cannot 'be used for any purpose other than for commercial use as equestrian stables and associated equestrian uses'. There is every likelihood that they will not be reopened and simply left vacant as is currently the case.

Probable outcome:

A sub scale non viable equestrian business with inadequate infrastructure

Future applications to build storage barns on Green Belt to meet the needs of a constrained equestrian facility

Disinterested owners who's prime interest is development

In due course an application to have the undertaking removed on 'non-viability' grounds and further development

Flaunden House Stables

Planning Application 4/03481/15/MFA

Continued factual errors – Non compliance with saved Policy 22 and illegal current extension

Policy 22 of DBLP - Within the Green Belt the resulting building (including any earlier extensions and alterations or replacement) should be less than 130% of the floor area of the original dwelling.

The original Coach House dwelling pre-2003 was a simple, one bedroom, building (see area in white on plan below) that has been extended without planning permission (area shaded in blue) in recent years, illegally incorporating adjoining stables. An enforcement case has now been set up to investigate this.

The original dwelling size was 68 sq m (details from previous planning application 4/00567/03/FUL attached). Relic Homes' application includes the illegal extension in their existing ground floor plan. Their proposed extension will take the building to 167 sq m, well beyond the 130% permitted.

Both the illegal nature of the existing building and the non compliance with Policy 22 should be resolved before any decision is made on further development.

Flaunden House Stables

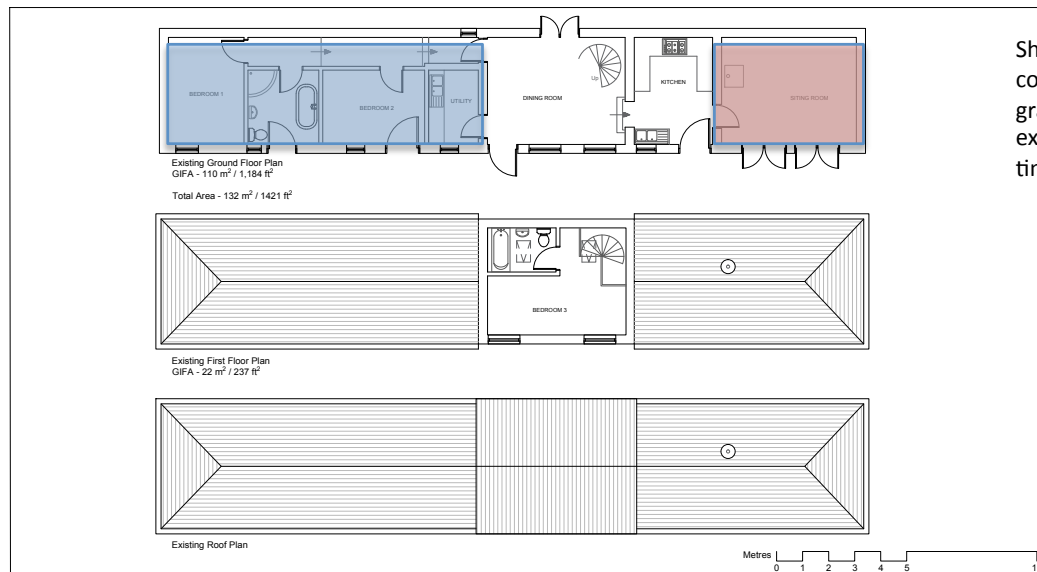
Planning Application 4/03481/15/MFA

Continued factual errors – Non compliance with saved Policy 22 and illegal current extension

Existing ground floor plan of The Coach House as presented includes illegal extension

New proposed extension will take The Coach House to 167 sq m (246% of original dwelling vs 130% permitted under Policy 22)

This was known by Relic Homes both from their searches on acquisition in December 2015 and from previous objections.



Shaded pink - Area converted with planning granted in 2003 – extension granted at that time was never built.

| <p>RELIC STUDIO Batters Green Farm, Common Lane Berket Herts WD7 8PH info@relichomes.co.uk www.relichomes.co.uk</p> | <p>NOTES</p> <ol style="list-style-type: none"> The drawing is copyright of RELIC HOMES. Reproduction is only to take place with our written authority. All dimensions shall be checked on site prior to starting of works or commencement of works. This drawing is for indicative purposes only and should not be relied upon for planning consent or any other purpose. Changes to this drawing are subject to the approval of RELIC HOMES. | <p>Status: PLANNING</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Details</th> <th>Initial</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> | Rev | Date | Details | Initial | | | | | | | | | | | | | | | | | | | | | <p>Project: Flaunden House Stables, Birch Lane, Flaunden, Hemel Hempstead, HP3 0PW</p> <p>Client: Relic Studio Rev: .</p> <p>Date: 12.08.15 Scale: 1:100 @ A3</p> | <p>Drawing Title: Existing Floor & Roof Plans</p> <p>DRAWN: GSD CHECKED: SW</p> <p>Dwg n°: 15.149.P4.102</p> |
|---|--|--|------|---------|---------|---------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---|--|
| | | Rev | Date | Details | Initial | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Flaunden House Stables

Planning Application 4/03481/15/MFA

Comments on site proposal submitted

Following the request of the DCC at the meeting on 25 February, Relic Homes have submitted a layout and plan detailing their proposed configuration as a commercial equestrian facility.

This plan drawing submitted is consistent with the concerns expressed by councillors at the previous DCC meeting with regard to the applicant's lack of both knowledge and interest in the ongoing wellbeing and viability of the equestrian activities or the operational and safety requirements.

The basis for this view includes;

- (i) The parking configuration and provision for safe loading and unloading of horses is ill thought out, impractical and inadequate eg. parking 3 horse boxes within the 'D' is both dangerous to horses and unworkable and the road immediately in front of the stables becomes a public access road to the three residential houses. Trailers and horse boxes, that typically have rear ramps, can not be unloaded in this position
- (ii) The storage areas proposed are not fit for purpose and are unlikely to satisfy current fire or health & safety regulations for a commercial equestrian business
- (iii) The removal of the managers office means there are now no facilities for staff and owners to use, including basic essentials such as wc's, wash basins or changing areas
- (iv) There are no facilities for the storage of essential equipment required for the maintenance of areas such as the manege eg. small tractor and rake etc
- (v) There are no facilities indicated for the storage and management of waste from the site eg. muck, spent bedding etc

A more detailed review of the information provided by Relic Homes is included in a letter from the British Horse Society (attached).

Flaunden House Stables

Planning Application 4/03481/15/MFA

Other issues raised

Appropriateness of historic equestrian business

It is implied that the historic equestrian business was inappropriate in size and failed to comply with Defra guidelines as highlighted in the letter from the British Horse Society the 'General rule' that each horse requires approximately 1.25 to 2.5 acres of grazing is misleading taken in isolation.

The code goes on to say 'a smaller area may be adequate where a horse is principally housed and grazing areas are used for only occasional turnout'.

A livery yard, such as Flaunden House Stables usually turns horses out for exercising for part of the day and also uses the horse exerciser currently on site for supplementary exercise as required. They also use supplementary feed (hay).

The previous, more prescriptive version of the code stated 'a minimum ratio of one horse per half acre is generally accepted, which they were in compliance with (Aitchison Rafferty Viability Report Page 13)

It should be noted that this facility operated for many years with no known regulatory problems and a high level of satisfied clients as witnessed by the local demand survey that includes many previous owners who used the stables and wish to return assuming historic facilities are maintained.