

**4/02937/16/FUL - CONVERSION OF AGRICULTURAL BARN TO FORM A PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT FOR A STABLE MANAGER WITH ASSOCIATED TACK STORAGE, LOCKABLE OFFICE AND A ONE-BEDROOM DWELLING FOR OPEN MARKET HOUSING..
BARN 2, FLAUDEN HOUSE STABLES, FLAUDEN, HEMEL HEMPSTEAD, HP3 0PW.
APPLICANT: Mr Smyth.**

[Case Officer - Elspeth Palmer]

Summary

The proposals are considered to be acceptable for approval as the proposed conversion of existing agricultural barn to 2 semi-detached dwellings comprising a two bedroom unit, a stable Manager's one bedroom dwelling and a Manager's Office complies with CS5 Green Belt, CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment. The recommendation is that determination of the application be delegated to the Group Manager, Development Management with a view to approval subject to the amendment and signing of the Unilateral Undertaking by the relevant parties.

The principle of conversion of this building from agriculture to residential has already been established under a previous planning permission (4/03481/15/MFA) see history below.

There will be no impact on the openness or character of the Green Belt as the footprint and bulk of the building will not be changing from the existing. Via the previously signed unilateral undertaking this conversion will not have a detrimental impact on the rural economy. The UU will be amended to ensure that despite this application there will still be provision of a Manager's office and accommodation in this building.

The design of the proposal will be in character with the existing building and surrounding countryside. The design and materials of the proposal will also be in character with the adjacent Flaunden Conservation Area.

Summary of information submitted following the Development Control meeting held on 12th January, 2017

At the Development Control Committee meeting on 12th January 2017 the committee discussed the application for the following:

- conversion of an existing agricultural building to form a pair of semi-detached dwellings comprising a two bedroom unit, a stable Manager's one bedroom dwelling and a Manager's office. The Manager's Office will include a desk area, a kitchenette, a rest area, tack store and W.C.

The members raised the following two concerns:

1. There seems to be inadequate provision of tack room facilities for an equestrian facility of this size.
2. The size of the accommodation for the Manager of the equestrian use was too small and would be unlikely to attract a suitably qualified tenant manager.

Members also asked for an independent equestrian expert to give advice to the Committee.

The members recommended to defer the application so that more information could be obtained regarding the two concerns raised above.

The applicant has reviewed their application based on the above concerns and has amended the proposal to be:

- **Conversion of agricultural building to form a pair of semi-detached dwellings comprising a two bedroom unit for a stable manager with associated tack storage, lockable office and a one bedroom dwelling for open market housing.**

Please note that the Manager's accommodation is now a two bedroom dwelling thus allowing the person managing the site to be either single or to have a family (as raised at the last DCC meeting).

New plans and information has been submitted and sent out to consultees for their comments.

Two equestrian experts will speak and be available for questions at the next meeting. One representative from the British Horse Society who was asked to comment on earlier applications by the local community and one who has provided expert advice to the applicant during the preparation of the recent applications.

Summary of Representations

Flaunden Parish Council

Flaunden Parish Council recommend REFUSAL of this amended application for the following reasons:

The whole of Barn 2 should remain tied to the management of the equestrian land in order to ensure that the viability of the business is not affected. The condition of a tie to barn 2 was an important factor in the granting of planning permission for the whole site. The Unilateral Agreement, which formed a crucial part of the conditions of approval states that (16, b, iii) 'Not use or permit the use of the Tie Barn 2 other than as a Manager's Cottage'. The future viability of the business was fundamental in the approval of the original planning application for the whole site. We believe that these proposed amendments would adversely affect the future viability of the business.

Flaunden Parish Council believe that the long term Equestrian Tie which was transferred from the Coach House to Barn 2 should remain on the entirety of the property. The proposed amendments would put the re-opening and operation of this livery yard at risk for reasons of viability and safety.

The latest application seeks approval for a self-contained 'open market' dwelling, with no tie to equestrian use. This dwelling is in the centre of the livery yard with a front door opening immediately into an area of danger – namely the most practical space on the livery yard used for the loading and unloading of horses. The aspect of safe loading areas and horsebox parking as previously agreed are clearly shown in detail on the site plan for the approved application and the business plan but not on the current application site plan.

Selling such a unit in the middle of the livery yard to someone who may have little or no knowledge of horse behaviour provides the potential for creating a very dangerous situation. The livery yard manager and horse handlers will need to ensure controls and safety procedures are followed for the loading and unloading of horses in order to keep at a safe distance residents or visitors who will use the area in front of the dwellings as the only access route to the other dwellings on site. We believe these proposals would result in a failure to meet the minimum standards of DEFRA and the BHS as required and defined in the previously approved application conditions.

The British Horse Association has consulted with local livery yard owners who, in their professional opinion, consider the proposal to sell a small domestic unit in the centre of an active livery yard with no say or control over the occupants to be an unacceptable risk. It is highly likely this would also be the conclusion by any suitably qualified potential tenant or buyer

for the business and would therefore affect the future viability of the business.

At the last Development Control Committee, the Committee asked that independent advice be sought. Initially Mr John Rugg (on behalf of the British Horse Association) was asked to speak at the DCC but this request was withdrawn by the Planning Officer. We consider it important that the DCC have the opportunity to listen to the advice of the British Horse Association.

The application addresses the issue of insufficient space being allocated to the storage of tack and equipment, by showing two separate wooden storage areas attached to stables. However, the buildings referred to in the latest proposal are not suitable for housing high value tack. The applicant has submitted a simplified 'revised site plan', which shows the locations of the proposed additional tack store. However, we believe the DCC should consider these locations in relation to the approved site plans for 4/03481/15/MFA (as attached), which indicates, not just the location of the tack storage areas, but all of the facilities, and which clearly illustrates the congested and potentially hazardous nature of the site.

British Horse Society - objects

The BHS objects to the proposed removal of a long established Equestrian Tie in order to provide for private sale a single bedroom open market self-contained domestic dwelling to be located in the middle of the livery yard business accommodation unit and work activity area.

The associated risks within this application, if approved, may jeopardise the re-opening and continuing existence of this livery yard as required under the decision notice for 4/03481/15/MFA.

Selling an "open market" domestic unit in located in the middle of the main livery yard operations area to someone who may have little or no knowledge of horse behaviour is potentially extremely dangerous, as explained in more detail in the accompanying appendix. We welcome the agreement for the 2 bedroom accommodation for the proposed livery yard manager, or an eventual owner of the livery yard, and an improved tack room but must in the interests of safety continue to recommend the total area of domestic accommodation in Barn 2 retains the agreed equestrian tie.

We believe it is vital the DCC understands the implication of the potential risk and danger to horses, the proposed resident, any children and public. We therefore felt it necessary to seek further advice and obtain an independent opinion from a member of the Chartered Institute of Environmental Health specialising on assessing risks for horse riding and livery yard businesses.

Dr. M. Sinclair-Williams is a director of a large international company and he co-authored the publication *Health & Safety in Horse Riding Establishments and Livery Yards*, published by the Chartered Institute for Environmental Health, and available through the central government website under the heading of

He was provided with access to copies of the current application and Barn 2 building plans plus the "Proposed site plan 15.149.P7C.001", is aware of the contents of the business viability plan and agrees with our view in that this simply establishes what can be achieved and that the complex is capable of again being commercially viable.

He also notes the business plan is not supported by any operating detail or design or management plan to identify potential hazardous areas on the site with the issues to be considered and taken into consideration within the design to eliminate hazards and minimise risks. It appears a manager of the livery yard will be unlikely to have any enforceable controls over an owner or visitors entering or leaving the 'open market' accommodation in Barn 2 and no safe zone for them as pedestrians, who may be children, to walk through a work area that will regularly contain horses and handlers.

In his opinion the current design and location of the open market accommodation indicates a serious potential hazard and area of risk. If established as proposed the findings of a risk assessment alone is likely to result in a failure to meet the minimum standards of the BHS Livery Yard Approval Scheme.

It is unfortunate that the BHS recommendations in writing in March 2016 were not followed: *'We feel very strongly that a professional designer would be a good first step for the applicant to consider. It would be helpful to all if they were also to provide a business plan and ideally an outline management plan'*.

A professional designer would include a management plan along with a design for accommodation, stables and work areas for a commercial livery yard, identify the potential hazards, recommend safety management controls. And reinforce the need to ensure compliance with a duty of care as required by Health & Safety at Work legislation for the protection for staff, residents, and visitors and in particular pedestrians who may often be children.

As the BHS previously indicated (Nov 2016) having two accommodation units within Barn 2, with both units retaining the buildings current Equestrian Tie, could be of great benefit to this business as the smaller one could be rented on a Shorthold Tenancy Agreement to either a groom/employee. Or perhaps consider, with the written consent of the Council, renting this to a client using the livery yard stables to keep their horse/s. This would enable the yard manager to ensure any occupant both agrees with and complies with the livery yards safety and risk management systems.

Appendix A.

Safety & Risks.

1. An important safety feature for this site within the approved application 4/03481/15/MFA ensures the location of buildings to be converted to domestic dwellings, and sold on the open market, are to remain separated from the majority of the livery yard operational activities. A need for a sensible vehicle traffic control scheme has been suggested in the business plan.
2. The latest application seeks approval for a self-contained open market dwelling in the centre of the main livery yard with a front door opening immediately into the road and an area of danger – namely the most practical remaining space on the livery yard available for the loading and unloading of horses. The horsebox and trailer parking areas are shown on the equestrian proposed use site plan as required in the approved application but not on the current application site plan.
3. As indicated, selling such a freehold or leasehold unit in the middle of the livery yard to someone who may have little or no knowledge of horse behaviour provides the potential for creating a very dangerous situation. If they or a visitor or a child simply opens the front door at the wrong moment, this is most likely to startle a horse being loaded or unloaded close by and cause it to rear up or kick, break loose and cause a serious injury to someone or damage itself or something.
4. Health and Safety legislation requires the manager, owner or eventual proprietor of the livery yard has a duty of care to protect employees, clients, any residents, visitors and contractors etc. They will be required to undertake assessments and have systems in place to manage safety and minimise risks generated by the equestrian activities, communicate the controls and make sure they are understood and agreed by all involved.

5. The livery yard manager and horse handlers will need to minimise risks by ensuring the agreed controls and safety procedures are always strictly followed for the loading and unloading of horses in order to keep at a safe distance residents or visitors on foot who may use the main livery yard as an access route.

Kernon Countryside Consultants Limited - supports

Approved plan 15.149.P7.301 Rev. D shows Barn 2 converted to form a two bedroomed dwelling and a tack room, toilet and washroom for riders. The dwelling would be limited to occupation by a person working solely or mainly at the equestrian centre at Flaunden House Stables, under Condition 9 of permission 4/03481/15/MFA.

The floor area of the approved dwelling was approximately 168 sq m, internally, and the floor area for the rider / tack area was approximately 24 sq m.

Although not shown on approved plan 15.149.P7.301 Rev. D, the dwelling would contain an office for business use associated with the equestrian centre. In order to provide a separate, lockable room in which the worker would keep all necessary documents related to the keeping of horses and running an equestrian business, I assume the office would be provided in the second bedroom. It would be impractical to maintain an office in the open-plan living area, as it would not be particularly secure and the worker would probably wish to undertake paperwork and correspondence in a quiet environment, if not living alone.

The provision of an office in the second bedroom on the approved plans would provide a discrete, secure working environment for the management of the equestrian centre. The approved worker's dwelling would, in actual fact, become a one bedroom dwelling.

The current application seeks to amend the approved plan.

The inclusion of a separate office provides a secure, private place in which the equestrian manager can work without the distraction of a housemate, partner or family. Confidential documents relating to the operation of the equestrian business (equine passports, livery agreements, employment contracts, supplier details etc.) can be stored securely in the office.

The office also provides a private area for meetings. The office is easily accessible via the front door of the dwelling, so prospective or current clients or suppliers need not walk through and domestic areas to reach a meeting.

Whilst the floor area of the dwelling has been reduced from the approved plans, the internal layout offers a more practical and professional approach to the management of the equestrian yard.

The floor area of the tack room has increased slightly from the approved plans, which will inevitably be useful. There are also other storage areas across the yard and a rug room is proposed in one of the main stables.

Response to Neighbour Notification

Birch Lane House - Objects

1. The holistic plan (Ref 4/03481/15/MFA) first submitted by Relic homes and approved included transferring the existing tied detached Coach House to a similar detached new barn conversion (Barn 2) for the purpose of ensuring that adequate accommodation for the management of the ongoing commercial equestrian activities was maintained. In addition the development was to increase the number of residential dwellings on the site from one to three houses alongside the equestrian activities on the site. This latest proposal, in what has been

an endless stream of amendments to this plan, now seeks to increase the number of separate residences on the site to five and, in the process, reduce the residential property tied to the commercial activities to a smaller semi-detached property of 99 sq metres.

2. At the start of this process much emphasis was placed by both local residents, Flaunden Parish Council, Dacorum Planning, the British Horse Society and the Development Control Committee members on trying to ensure that the equestrian activities would both re-open and also be viable and sustainable. By reducing the quality and size of the tied residential property the viability and sustainability of the stables will be further eroded.

3. The need to have a reasonable sized detached house attached to the equestrian activities, which is proportional and appropriate to the commercial activity, has already been accepted by Dacorum Planning in allowing the original Coach House to be extended (Ref 4/02292/03/FUL). If a detached unit larger than the one being proposed was previously accepted as not adequate why would you now accept that this smaller semi-detached one is?

4. Additionally, having a non-equestrian tied property (the proposed one-bedroom open market unit) so close to the very heart of a busy commercial working stables with the associated horse movement and traffic activity right outside of the front door, on the only access to the commercial stables complex, cannot be sensible or safe.

5. Ultimately the stables will be put on the market and marketed by Relic Homes, who are property developers not equestrian professionals. The smaller semi-detached 'tied' residence, together with the inappropriate adjoining 'non-tied' configuration of the other part of Barn 2, will negatively impact the attractiveness of this site to professional equestrian buyers, as the accommodation will be both unsafe and disproportionate to the 16 acres of commercial equestrian land and buildings. At which point Relic Homes will return with a new application to develop the remaining stables buildings on the grounds that the business was unsaleable and therefore 'non-viable'. This whole scenario will have been cleverly engineered, one amendment at a time, until what is left bears no resemblance to the original holistic plan. The importance of an adequate infrastructure and accommodation required to sustain a successful equestrian activity on the site will have been completely undermined.

6. This latest proposal is inappropriate as it puts commercial profitability and the desire to create an additional saleable residence above both safety (horses and people) and the required protection of the rural economy.

7. I do not believe there is anything within planning guidelines to dictate that the 'tied' status has to be lifted on the detached barn, as approved within the current 106 Agreement. As such I would ask that you refuse this application and maintain the current 106 Agreement tie and the requirement therein that the entirety of Barn 2 'be used for commercial equestrian purposes only'.

8. The last DCC committee meeting also rightly questioned the layout of the Tack Room and its wholly inadequate size at 26 sq metres to service 16 horses in a professional commercial equestrian yard. This latest proposal misleadingly claims that additional storage of 24 sq metres, is available on the site for tack storage.

Based on the above, I am therefore objecting to this application.

Planning Considerations

Policy and Principle

The principle of residential conversion of this building was approved under 4/03481/15/MFA which included a holistic approach for the whole site at Flaunden House Stables.

The Development Control Committee at its meeting on 7th April, 2016 recommended that the above application be delegated to the group manager with a view to approval subject to the signing of a Unilateral Undertaking which would bind the property and every part thereof to carry out and comply with the obligations.

The obligations are:

- that the existing stables be only used for commercial uses;
- Barn 2 will be the Manager's cottage;
- the land (except for that shown on the Master Plan - ownership map) which will belong to the dwellings approved under this development will be used for equestrian stables and associated equestrian use.

The Unilateral Undertaking is to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity;

This subject site is within the area covered by the Unilateral Undertaking.

The Unilateral Undertaking will need to be reworded and resigned to allow the changes proposed under this proposal.

Suggested amendment is to Clause 16(b)ii of the sec. 106 Agreement to read, 'Not use nor permit the use of the two bedroom unit in Barn 2 other than as a manager's dwelling (unless granted through a further specific planning permission)'.

The current proposal

The main differences between that already approved under the MFA and that now proposed are:

- two separate dwellings;
- minor changes to the outward appearance; and
- amenity space has been reduced by being shared between two dwellings.

Analysis of information:

Tack Room facilities:

Under the planning approval 4/03481/15/MFA the area provided for a tack room in Barn 2 was 24 square metres.

The current proposal shows an area measuring 26 square metres for the following:

- a tack store;
- rest area;
- kitchenette;
- WC;
- shelving for first aid equipment.

The original plans have been amended by moving the office from the tack store to the manager's dwelling so it will be lockable and provide adequate privacy.

Plans have also been provided showing provision of tack room facilities elsewhere on the

larger site of 24 square metres thus making a total area for tack of 50 square metres (see No. 15.149.P7.200E and 16.149.P10.000C).

As the provision of a 24 square metres tack room was considered adequate and approved under the previous planning permission it is not now reasonable to state that more room is required.

Size of Manager's Accommodation:

The Manager's accommodation approved under the MFA approval was 168 square metres.

The two bedroom unit has now been allocated to the Manager and will measure 99 square metres.

At the last Development Control Committee meeting it was considered necessary that the Manager's accommodation allowed for the Manager to have a family and that two bedrooms were considered essential for this to be possible.

The one bedroom dwelling to be sold on the open market will measure 63 square metres. National Space Standards state the minimum size of a one bedroom dwelling is 39 square metres. A study published by the Royal Institute of British Architects (RIBA) in 2011 found that the average size of a one bedroom home in England is 46 square metres.

Mixed Use of the site

One of the main issues raised by the BHS is the mixed use of the site. The principle of the mix of residential and equestrian use on the site was accepted under the original MFA approval.

Operational Plan

Saved Policy 81 Equestrian Activities of the Dacorum Borough Local Plan 1991-2011 states that small scale facilities will normally be permitted in the Green Belt and Rural Area provided they meet certain criteria. None of these criteria include a Business Plan or an Operational Plan.

There are no planning policies which require the submission of Business Plans or Operational Plans for Equestrian Uses. The main planning issues are related to minimising any impacts on the openness of the Green Belt and assimilation into the rural area and any established rights of way for equestrians.

The Dacorum Borough Council approves numerous stables/riding school developments throughout the Borough and never require such a plan as it was not deemed to be necessary.

Dr. M. Sinclair-Williams noted that "the business plan is not supported by any operating detail or design or management plan to identify potential hazardous areas on the site with the issues to be considered and taken into consideration within the design to eliminate hazards and minimise risks."

The planning permission granted under 4/03481/15/MFA for " Conversion of existing agricultural barn to form a 4 bed detached dwelling, conversion of existing agricultural barn to form a 2 bed detached dwelling with Manager's Office, single storey rear extension to Coach House and refurbishment and improvement of existing stables" does not have a condition requiring an operational plan.

Paragraph 206 of the NPPF states that "Planning Conditions should only be imposed where they are:

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

Based on the above policies and national guidance it cannot be said that provision of an Operational Plan is a reasonable condition to place on a planning permission.

The other planning matters assessed in the previous report eg. impact on neighbours, car parking, amenity space have not changed so are not reproduced in this report.

RECOMMENDATION - That determination of the application be DELEGATED to the Group Manager, Development Management with a view to approval subject to the amendment and signing of the Unilateral Undertaking by the relevant parties, and the following conditions:

- 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 **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing buildings.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11,12 and 27.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **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 to be retained and measures for their protection during construction works;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other**

storage units, signs, lighting etc);

• proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

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 and to comply with CS5,11,12 and 27.

- 4 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for

the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

6 Prior to the commencement of development the refurbishment of the stables as described in the application and listed below must be completed.

- **Replacement and renewal of worn felt roof on the stables;**
- **Replacement of rotten stable doors with new stable doors;**
- **Repoint loose bricks to the bottom of wall; and**
- **Renew / seal leaking rainwater goods.**

Reason: To ensure that the stables are refurbished and that they are available for the re-establishment of the equestrian use on the site and therefore complies with CS5 with particular reference to supporting the rural economy.

7 Prior to the commencement of development plans showing the layout of the equestrian use shall be submitted for approval by the local planning authority to demonstrate the stables, supporting buildings and infrastructure for the operation of the livery yard, provide for horse and pedestrian safety and will support the rural economy in terms of a sustainable equestrian facility.

Reason: to ensure the proposed use supports the rural economy and maintenance of the wider green belt countryside as well as highway safety in accordance with policies CS5 (Green Belt), CS9 (Management of roads) of the Core Strategy 2013, Policy 51 (Development and transport Impacts), Policy 81 (Equestrian activities) of the Dacorum Borough Local Plan 2004 and the NPPF.

8 Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.

The development shall thereafter be implemented in accordance with those approved details.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in

accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]

Part 2 Classes [A, B and C].

Part 6 Class A

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of two agricultural buildings in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

- 10 **The occupation of the two bed conversion shall be limited to a person solely or primarily working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.**

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses. The two bed conversion will help support the rural economy and maintenance of the wider countryside. To ensure compliance with CS 5.

- 11 **Where the proposed materials for Barn 2 do not match the existing, no development shall take place until details of the external materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Samples shall be made available to inspect on the site. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area and to comply with policies CS27 and CS 11 and 12.

- 12 **Prior to commencement of development a Business Plan for the equestrian use must be submitted to and approved by the local planning authority.**

Reason: To ensure the viability of the equestrian business and to comply with CS5 with particular reference to supporting the rural economy.

- 13 **All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.**

Reason: In the interest of highway safety and free and safe flow of traffic.

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

CIL

Site and Location Plan 16.149.P10.000 Rev C

Proposed Floor & Elevation Plan 16.149.P10.002 Rev C

Existing Floor and Elevation Plan 16.149.P10.001

Revised Planning Statement, 24th January 2017.

Amended Application Form

Unilateral Undertaking - tying the two bedroom dwelling and tack room within Barn B and all land not under the ownership of the one bedroom dwelling in Barn B, Barn A and The Coach House to the stables for the equestrian use.

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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) Order 2015.

Informatives:

Welfare of animals

Please refer to the DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids, NEWC Compendium for the Welfare of Horses, Ponies and Donkeys and the BHS Approval Criteria for Livery Yards. This guidance sets out minimum standards to ensure a level of appropriate well-being at an equestrian use which will ensure the longevity of the business and in turn supports the rural economy in accordance with CS5.

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: <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.

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Protected Species

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water

In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Appendix 1 - Previous Development Control Committee Report

Summary

The application is recommended for approval as the proposed conversion of existing agricultural barn to 2 semi-detached dwellings comprising a two bedroom unit, a stable Manager's one bedroom dwelling and a Manager's Office complies with CS5 Green Belt, CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment.

The principle of conversion of this building from agriculture to residential has already been established under a previous planning permission (4/03481/15/MFA) see history below.

There will be no impact on the openness or character of the Green Belt as the footprint and bulk of the building will not be changing from the existing. Via the previously signed unilateral undertaking this conversion will not have a detrimental impact on the rural economy. The UU will be amended to ensure that despite this application there will still be provision of a Manager's office and accomodation in this building.

The design of the proposal will be in character with the existing building and surrounding countryside. The design and materials of the proposal will also be in character with the adjacent Flaunden Conservation Area.

Site Description

The site is located on the eastern side of Birch Lane, Flaunden. This site is set back from the lane and reached via an unnamed access lane which also serves a number of stables and a dwelling. The site comprises a timber clad agricultural building on the southern side of the lane and a stable building opposite with a large area of land to the north which is predominantly fields with some dividing fences.

The building has internal partitions and has been predominantly used for storage.

The agricultural building is located to the rear of a number of dwellings which are clustered around the intersection of Birch Lane and Flaunden.

The site is located in the Flaunden Conservation Area and the Green Belt.

Proposal

The proposal is for the conversion of an existing agricultural building to form a pair of semi-detached dwellings comprising a two bedroom unit, a stable Manager's one bedroom dwelling and a Manager's office. The Manager's Office will include a desk area, a kitchenette, a rest area, tack store and W.C.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Flaunden Parish Council.

Planning History

4/02298/16/DRC DETAILS REQUIRED BY CONDITIONS 3 (HARD AND SOFT LANDSCAPING), 4 (PHASE 1 REPORT), 6 (LAYOUT OF EQUESTRIAN USE), 7 (FIRE HYDRANTS), 10 (EXTERNAL MATERIALS), 11 (EXTERNAL MATERIALS) AND 12 (BUSINESS PLAN) ATTACHED TO PLANNING PERMISSION 4/03481/15/MFA - CONVERSION OF

EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES.
Delegated

4/01658/16/FUL CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS.
Granted

4/03481/15/MFA CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 4 BED DETACHED DWELLING; CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A 2 BED DETACHED DWELLING WITH MANAGER'S OFFICE; SINGLE STOREY REAR EXTENSION TO COACH HOUSE; AND REFURBISHMENT AND IMPROVEMENT OF EXISTING STABLES.
Granted
05/07/2016

4/02986/15/FUL CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A DETACHED TWO BEDROOM DWELLING
Withdrawn
26/09/2016

4/02895/15/FUL CONVERSION OF EXISTING AGRICULTURAL BARN TO FORM A DETACHED FOUR BEDROOM HOUSE WITH HOME OFFICE AND STABLES (AMENDED SCHEME).
Withdrawn
04/11/2015

4/01123/15/FUL CONVERSION OF AN EXISTING STABLES TO FORM A SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP (REVISED SCHEME).
Refused
21/08/2015

4/00201/15/FUL CONVERSION OF EXISTING STABLES TO FORM A FOUR BEDROOM HOUSE WITH GARAGE AND WORKSHOP
Withdrawn
17/03/2015

4/01569/05/FUL STATIONING OF CARAVAN FOR SAFETY AND WELFARE OF HORSES
Refused
20/09/2005

4/02292/03/FUL EXTENSION TO COTTAGE AND CONVERSION OF ADJOINING
STABLES. DEMOLITION OF TACK/FEED ROOM
Granted
18/12/2003

4/00567/03/FUL DEMOLITION OF EXISTING TACK AND FEED ROOM, CONVERSION
OF STABLES AND EXTENSION TO ACCOMMODATION
Refused
09/05/2003

4/02089/01/CAC REMOVAL OF BARN
Refused
01/03/2002

4/02088/01/FUL REPLACEMENT OF EXISTING BARN WITH NEW DWELLINGHOUSE
Refused
28/02/2002

4/00848/01/CAC DEMOLITION OF BARN
Refused
28/08/2001

4/00821/01/ ONE DWELLING
Refused
28/08/2001

4/03435/15/FUL Conversion of agricultural barn to B1a office space

CASE WITHDRAWN
Unknown

4/03688/15/FUL PART DEMOLITION OF EXISTING AGRICULTURAL BARN AND
CHANGE OF USE TO A DAYTIME COMMUNITY CENTRE AND
WARDEN'S OFFICE. CHANGE OF USE OF EXISTING PARKING
AREA TO 7 TRAVELLER AND GYPSY PITCHES INCLUDING 7 DAY
UNITS
Unknown

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS5 - The Green Belt
CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 - Economic Development
CS17 - New Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 81,110.
Appendices 3 and 5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flauden Parish Council

Flauden Parish Council recommend **REFUSAL** of this application for the following reasons :

The whole of Barn 2 should remain as a single dwelling tied to the management of the equestrian land in order to protect the conditions of the Unilateral Agreement and to ensure the viability of the business is not affected.

The details of this application make no mention of the condition which ties this dwelling to the management of the equestrian centre. This condition was an important factor in the granting of the original application for the whole site. By changing the approved Tie Barn 2 to two properties, one of which we assume would not be tied to the management of the land. This application is in breach of the Unilateral Agreement which formed part of the approval for application 4/03481/16/MFA which states that (16,b, iii) 'Not use or permit the use of the Tie Barn 2 other than as a Manager's Cottage'.

Breach of conditions of Application 4/03481/16/MFA which was approved with the condition that the viability of the business would not be affected. We believe these plans show, yet

again, how Relic Homes show very little consideration and understanding of what is required to run an equestrian business. We believe that this application if successful, will impact on the viability of the business as it would be highly unlikely that someone wishing to run a 16 acre stables complex would consider it possible to run the business without the provision of an adequately sized Tack Room (which should include rest area, washing and kitchen facilities) and a completely separate and secure office area. We also consider that by reducing the size of the manager's dwelling to 65 sq m the dwelling which is too small for its stated purpose and would be unlikely to attract someone in the role of site Manager. This would affect the viability and sustainability of the business, thus breaching the conditions of the Unilateral Agreement.

Inappropriate layout and insufficient space allocated to Manager's residence. Prior to Relic Homes' purchase of Flaunden House Stables, the 'Coach House', a property still on site, was tied to the management of the stables. The Coach House was originally a one bedroom property, which in 2003 (4/2292/03/FUL) was approved for extension to two bedrooms. Dacorum Council accepted this as being appropriate to support the commercial activity of the stables. Application 4/02481/15/MFA transferred the tie to the **2 bedroom barn** conversion for the purpose of ensuring that adequate accommodation for the management of ongoing equestrian activities was maintained. We do not consider that reducing this to a 1 bedroom property is appropriate to support the commercial activity of the stables.

Inadequate size of Tack Room and no provision of Manager's Office. 4/03481/MFA requires there to be a Manager's Office and Tack Room. Details required by conditions 4/02298/16/DBC, include a Business Plan which states (2.10) The dwelling will include an office area (2.1) a secure tack room is to be provided within the same building as the worker's dwelling but kept entirely separate. Flaunden Parish Council considers that a Tack Room of 12 square metres is inadequate for the storage of equipment for 16 horses. Again, offering a limited amount of space for this essential part of the business will affect the viability of the business. The area allocated to 'manager's office' includes a kitchenette and rest area for staff, which in total has an area of 10.6 sq m we consider this highly inadequate. The Manager's Office should be entirely separate from the rest area and kitchenette provided for staff. (The British Horse Association's comments detail further the facilities which should be provided).

Impact on safety. By adding another dwelling to the site, this changes the originally approved 4/03481/MFA for the whole site from 3 properties to 5 properties. By increasing the number of dwellings the amount of traffic entering the site will also increase. This further accentuates comments made on all previous applications for this site, by both Flaunden Parish Council and the British Horse Association, regarding safety for all due to the congested nature of the site, which shares access with pedestrians, horses, commercial and private vehicles.

Strategic Planning

The site falls within the Green Belt (Policy CS5). Policy CS5 (in accordance with national policy in the NPPF (para. 90)) allows for the appropriate reuse of permanent and substantial buildings in the Green Belt. We note that the conversion and change of use of the existing barn has already been approved under 4/03481/15/MFA. Furthermore, the Government has recently introduced new permitted development rights to allow the conversion of certain agricultural buildings to housing through a prior approval process. Therefore, the principle of subdividing a barn to create 2 new dwellings is generally acceptable in this location.

Policy 110 provides further detail on the conversion of agricultural buildings in order to achieve a high quality of development. While it does point to a preference for non-residential over residential use of buildings, given the above points, we would advise to give this approach less weight. However, the policy does point to the need for care to be taken in terms of the conversion itself, fencing, parking and access, etc. (bullet points (d)-(f)).

Parking should be provided at 2.75 spaces (saved DBLP Appendix 5) and we note that 3

spaces are proposed.

Amenity space to a minimum of 11.5m should also be provided (saved DBLP Appendix 3) and it appears that this can be achieved in the case of both of the units.

Conservation and Design

Conservation and Design were satisfied with the previous proposal and the external appearance has not changed significantly from that already approved.

Thames Water

Waste Comments -Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Hertfordshire Highways

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:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informative notes below:

CONDITIONS

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

2. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development 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.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

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.

COMMENTS The proposal is for CONVERSION OF EXISTING AGRICULTURAL BARN TO 2 SEMI DETACHED DWELLINGS AND STABLE MANAGER'S OFFICE. PARKING AND ACCESS No changes are proposed.

Birch Lane is an unnumbered classified "C" road, subject to a 30mph speed limit, with low pedestrian traffic. There has been one slight accident in the vicinity of the site in the last 3 years.

CONCLUSION

The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.

HCC Planning Obligations Officer

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance

- Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

British Horse Society

Original Comments

The BHS objects to the changes proposed in 4/02937/16/FUL unless the previously required occupancy restriction and Unilateral Undertaking continues to apply to the whole of Barn B for the reasons below. They welcome the proposed improvement of the tack room and provision of a W/C.

The proposed smaller 65 sq metre single bedroom unit and no office would be entirely inappropriate for an equestrian mangers dwelling but could potentially be ideal for a junior groom or employee.

The reduction in size to a 99 sq metre two bedroom accommodation as currently proposed is possibly adequate for an equestrian manager and her/his partner and possible child.

It is noticeable the current proposal to modify the plans for Barn B to reduce the size of the managers accommodation (as recently approved in application 4/03481/15/MFA) greatly reduces the size to below the established GIFA guidelines, previously defined in PPG7 as: The applicant's current application ignores the condition only recently discussed and approved by your Development Control Committee for Barn B to be converted to "form a 2 bed detached dwelling with Manager's office, protected by an agreed occupancy restriction.

The condition being a "Unilateral Undertaking to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity; plus the associated land which is not directly in the ownership of The Coach House and Barn A".

It is important for the ongoing commercial viability of this enterprise that appropriate accommodation is provided for a professional and or knowledgeable person managing the equestrian use.

Comments on amendments

The BHS object to the latest amended plan for Barn 2 that retains a small single bedroom unit for the livery yard manager and family. In addition the amended plan layout of the combined rest room, kitchen and managers office space is inappropriate for such a business for the reasons stated below.

Our letter of 30 Nov requests the Officers consider that the manager's dwelling be retained as originally approved as a two bed dwelling of a similar size and consistent with decisions regularly determined in planning applications for rural workers. Plus the manager's office is also retained as an integral part of the two bedroom managers unit.

This application and the latest amended plan ignore the conditions stipulated when approval was granted for the conversion of Barn 2 in July 2016 (4/03481/15/MFA) in particular the Equestrian Tie requirements for t

Plus it overrides the Agricultural Consultant's viability report proposals clearly stating the need for the manager's office to be part of the dwelling and a tack room to be separate.

The area allocated for the manager's office on the latest plan is inappropriate being part of a single room to be shared with staff and clients who use the major part of the room as their rest area and kitchenette. The divided room now appears to have a tack area rather small for the size of yard.

The manager needs to be able to work in a secure office environment that can be locked and left secure when she/he is called away for say an emergency on the yard.

Attached as appendix A is a list of the typical records, documents and data for a livery yard that require protection, unlikely to be afforded in the proposed shared location for the manager.

The lack of a secure environment makes it difficult or even impossible for a manager to undertake a confidential conversation with a member of staff or a current/ prospective client particularly if documents or data need to be accessed during the meeting.

Councillor Objections:

Initial comments

The Tack, Saddle & Related Equipment Store MUST be inextricably linked to the adjacent 1 Bedroom Dwelling, which can ONLY be occupied by a (Full Time) Equestrian Centre Manager.

The two must NOT be allowed to be separated under any circumstances!

This appears to be confirmed within the Planning Statement at 2.1

N.B. A statement within this document at 5.1 appears to be incomplete. Something (grammatically) is missing.

Comments on amendments:

Under the circumstances, there are only two options available in connection with the current application. There are no others:

1) The applicant should withdraw the current application to carry out all the necessary design amendments to ensure the application is totally compliant with all conditions contained in the relevant approvals already granted and the Unilateral Undertaking.

I presume the applicant would still have time to carry out the necessary alterations and amendments - and re-submit amended (compliant) documentation for consideration at the DCC on 12th January 2017.

2) However, If the applicant is not prepared to withdraw and carry out the necessary amendments as stated in Item (1) above - and insists the current application is put before the DCC on 12th January 2017 (Which is less than 4 weeks away), I trust you would have no alternative but to include within your report a recommendation for REFUSAL until such time that a totally compliant application is submitted.

Please confirm whether Item (1) or (2) will be applicable.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Birch Lane House - Objects

1. The holistic plan (Ref 4/03481/15/MFA) first submitted by Relic homes and approved included transferring the existing tied Coach House to a similar sized new barn conversion of 2056 sq ft for the purpose of ensuring that adequate accommodation for the management of the ongoing commercial equestrian activities was maintained. In addition the development was to increase the number of residential dwellings on the site from one to three houses alongside the equestrian activities on the site. This latest proposal, in what has been an endless stream of amendments to this plan, now seeks to increase the number of separate residences on the site to five and, in the process, reduce the residential property tied to the commercial activities to a substantially smaller one bedroom property of 695 sq ft.

2. At the start of this process much emphasis was placed by both local residents, Flaunden Parish Council, Dacorum Planning and the Development Control Committee members on trying to ensure that the equestrian activities would both re-open and also be viable and sustainable. By reducing the size of the tied residential property to the barest minimum possible the viability and sustainability of the stables will be further eroded.

3. The need to have a reasonable sized two bedroom house attached to the equestrian activities which is proportional and appropriate to the commercial activity has already been

accepted by Dacorum Planning in allowing the original Coach House to be extended (Ref 4/02292/03/FUL). If a unit larger than the one being proposed was previously accepted as not adequate why would you now accept that this one is?

4. Ultimately the stables will be put on the market and marketed by Relic Homes, who are property developers not equestrian professionals. If the attached 'tied' residence is only a very small 695 sq ft one bedroom semi detached unit it is highly unlikely that the sale of the 16 acres of commercial equestrian land, buildings and tied accommodation will find a buyer at the price this acreage in Flaunden would justify. At which point Relic Homes will return with a new application to develop the remaining stables buildings on the grounds that the business was unsaleable and therefore 'non-viable'. This whole scenario will have been cleverly engineered, one amendment at a time, until what is left bares no resemblance to the original holistic plan. The importance of an adequate infrastructure and accommodation required to sustain a successful equestrian activity on the site will have been completely undermined.

5. Relic Homes have already demonstrated their desire to sell this property independently of the equestrian activities, disregarding the planning approval which tied the barn to the equestrian activities, which you have previously been made aware of and sent the estate agents particulars for. This latest application is simply a further attempt to maximise their profitability at the expense of the equestrian business viability and sustainability.

6. I do not believe there is anything within planning guidelines to dictate that the 'tied' status has to be lifted on the detached barn, as currently approved, and as such I would ask that you refuse this application. It is wholly driven by profit maximisation through further residential development of the site to the detriment of the local economy. It is important, as was the intention of the original approval for this barn conversion, that a reasonable balance between residential development and protection of the local economy is maintained. This latest application goes significantly beyond that level.

Based on the above, I am therefore objecting to this application.

Flaunden House - Objects

1. Relic Homes are seeking to increase the number of separate homes at Flaunden House Stables to five, reducing the residential property tied to the commercial activities to a much smaller one-bed property of 695 ft².
2. By reducing the size of the tied residential property, the possibility and viability of an equestrian centre will be eroded further.
3. If a unit larger than the one being proposed was previously not deemed adequate and proportional, then surely this smaller one would not be either?
4. Relic Homes clearly seem to be setting up a scenario that will eventually render an equestrian business unmarketable and non-viable. This is not acceptable.
5. Relic Homes have already demonstrated their wish to sell this property independently of the equestrian activities, disregarding the planning approval that tied the barn to the equestrian activities - you have seen the estate agent's particulars for this.

Considerations

Policy and Principle

The principle of residential conversion of this building was approved under 4/03481/15/MFA which included a holistic approach for the whole site at Flaunden House Stables.

The Development Control Committee at its meeting on 7th April, 2016 recommended that the above application be delegated to the group manager with a view to approval subject to

the signing of a Unilateral Undertaking which would bind the property and every part thereof to carry out and comply with the obligations.

The obligations are:

- that the existing stables be only used for commercial uses;
- Barn 2 will be the Manager's cottage;
- the land (except for that shown on the Master Plan - ownership map) which will belong to the dwellings approved under this development will be used for equestrian stables and associated equestrian use.

The Unilateral Undertaking is to ensure that a commercial equestrian use is re-established on the site by tying the two bedroom dwelling, the 16 stables and associated land together for sole use of the equestrian activity;

This subject site is within the area covered by the Unilateral Undertaking.

The Unilateral Undertaking will need to be reworded and resigned to allow the changes proposed under this proposal.

Suggested amendment is to Clause 16(b)ii of the sec. 106 Agreement to read, '**Not use nor permit the use of Tie Barn 2 other than as a manager's Cottage unless granted through a further specific planning permission**'.

The current proposal

The main differences between that already approved and that now proposed are:

- two separate dwellings;
- minor changes to the outward appearance; and
- amenity space has been reduced by being shared between two dwellings.

Impact on Green Belt

As there is no increase in the footprint proposed when compared to the previous conversion scheme, and minimal changes to the exterior of the building there will not be an impact on the openness or character and appearance of the green belt or countryside.

Effects on appearance of building

There are only minor changes to the fenestration from the approved plans so no significant change to the character of the building.

Impact on Street Scene / Conservation Area

The proposal will not change the form of the building so will not have a detrimental impact on the street scene or the Flaunden Conservation Area.

Impact on Trees and Landscaping

No significant trees will be affected by the proposal.

Impact on Highway Safety

There is no change to the access to be used by the site.

Car Parking

The maximum parking standards in Appendix 5 of the Dacorum Borough Local Plan states that a 1 and 2 bedroom dwelling outside of Zones 1 and 2 must have 2.75 spaces. The provision of 3 car parking spaces complies with this standard.
(1 bed 1.25 and 2 bed 1.5 spaces)

Impact on Neighbours

There will be no changes to the form of the building already approved so there will be no loss of sunlight and daylight.

The minimum garden depth of 11.5 metres will be retained and no side windows are proposed so there will be no loss of privacy as a result of the proposal.

Amenity Space

Appendix 3 of the Dacorum Borough Local Plan states that "private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests."

The proposal will provide for a garden depth in excess of the 11.5 metres.

Other Material Planning Considerations

As this application is in effect an amendment to the previously approved 4/03481/15/MFA the relevant conditions placed on this approval to ensure the equestrian use is re-established on site have been applied to the current proposal.

If the conditions were not applied to this approval the current proposal could be built with no work being carried out towards the re-establishment of the equestrian use on the site which would be contrary to the MFA approval and the previous decision at DCC to refuse the original proposal to convert the building to residential.

Conclusions

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the amendment and signing of the Unilateral Undertaking by the relevant parties.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 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 **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing buildings.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11,12 and 27.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **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 to be retained and measures for their protection during construction works;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

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 and to comply with CS5,11,12 and 27.

- 4 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of

available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 6 **Prior to the commencement of development the refurbishment of the stables as described in the application and listed below must be completed.**

- Replacement and renewal of worn felt roof on the stables;
- Replacement of rotten stable doors with new stable doors;
- Repoint loose bricks to the bottom of wall; and
- Renew / seal leaking rainwater goods.

Reason: To ensure that the stables are refurbished and that they are available for the re-establishment of the equestrian use on the site and therefore complies with CS5 with particular reference to supporting the rural economy.

- 7 **Prior to the commencement of development plans showing the layout of the equestrian use shall be submitted for approval by the local planning authority to demonstrate the stables, supporting buildings and infrastructure for the operation of the livery yard, provide for horse and pedestrian safety and will support the rural economy in terms of a sustainable equestrian facility.**

Reason: to ensure the proposed use supports the rural economy and maintenance of the wider green belt countryside as well as highway safety in accordance with policies CS5 (Green Belt), CS9 (Management of roads) of the Core Strategy 2013, Policy 51 (Development and transport Impacts), Policy 81 (Equestrian activities) of the Dacorum Borough Local Plan 2004 and the NPPF.

- 8 **Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.**

The development shall thereafter be implemented in accordance with those approved details.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]

Part 2 Classes [A, B and C].

Part 6 Class A

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of two agricultural buildings in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

- 10 **The occupation of the two bed conversion shall be limited to a person solely**

or primarily working at the stables located immediately north-east of the dwelling or a widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses. The two bed conversion will help support the rural economy and maintenance of the wider countryside. To ensure compliance with CS 5.

- 11 **Where the proposed materials for Barn 2 do not match the existing, no development shall take place until details of the external materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Samples shall be made available to inspect on the site. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area and to comply with policies CS27 and CS 11 and 12.

- 12 **Prior to commencement of development a Business Plan for the equestrian use must be submitted to and approved by the local planning authority.**

Reason: To ensure the viability of the equestrian business and to comply with CS5 with particular reference to supporting the rural economy.

- 13 **All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.**

Reason: In the interest of highway safety and free and safe flow of traffic.

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

CIL

Site and Location Plan 16.149.P10.000 Rev C

Proposed Floor & Elevation Plan 16.149.P10.002 Rev C

Existing Floor and Elevation Plan 16.149.P10.001

Revised Planning Statement, 24th January 2017.

Amended Application Form

Unilateral Undertaking - tying the two bedroom dwelling and tack room within Barn B and all land not under the ownership of the one bedroom dwelling in Barn B, Barn A and The Coach House to the stables for the equestrian use.

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led 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) Order 2015.

Informatives:

Welfare of animals

Please refer to the DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids, NEWC Compendium for the Welfare of Horses, Ponies and Donkeys and the BHS Approval Criteria for Livery Yards. This guidance sets out minimum standards to ensure a level of appropriate well-being at an equestrian use which will ensure the longevity of the business and in turn supports the rural economy in accordance with CS5.

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: <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.

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent person).

Protected Species

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural

England (Tel: 0300 060 3900) or a licensed bat consultant.”

- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water

In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.