

2019/0570

Reg Date 12/07/2019

Chobham

LOCATION: STAMFORD MANOR, STATION ROAD, CHOBHAM, WOKING,
GU24 8AX
PROPOSAL: Erection of an indoor riding school
TYPE: Full Planning Application
APPLICANT: Mr & Mrs Burrell
OFFICER: Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Wheeler on the basis that the proposal is inappropriate development within the Green Belt.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The application site relates to a currently vacant equestrian centre within the Green Belt. The proposal is to provide a private indoor riding school building.
- 1.2 Noting the size of the proposed indoor school, the proposal would be harmful to the openness of the Green Belt and would therefore be inappropriate development; and, it is considered that, in the light of the appeal decision for the earlier refused scheme SU/17/0540 for the same development (see Annex B), but with a different siting on the application site, very special circumstances for this indoor school do not exist.
- 1.3 There are no objections raised on character, highway safety, ecology, flood risk or residential amenity grounds. The proposal is therefore recommended for refusal on Green Belt grounds.

2.0 SITE DESCRIPTION

- 2.1 The application site extends to 0.1 hectares, but forms only a small part of a larger site of about 2 hectares, and is sited within the Green Belt to the east of the Green Belt settlement of Chobham. It is located on the south side of Station Road behind, but associated with, the residential dwelling, Stamford Manor (formerly Tiffanys/Longacres). Access to the site is either through the residential property or from an access road, an unadopted lane and bridlepath, running to the west of the residential property, Stamford Manor.
- 2.2 The wider existing site comprises an existing vacant stable building with storage and a foaling box, located to the north east and paddocks to the south and west. The land is relatively open, but bounded by trees and other vegetation on most boundaries. The residential properties St Nicholas, St Nicholas Cottage and The Ridings lie to the north of the wider site and residential property, Tiffanys, with Oakhurst and Oriel Cottage to the south. The site falls within flood zone 2 (medium risk).

3.0 RELEVANT HISTORY

- 3.1 SU/82/0454 Replace existing stables and erect additional stables and associated buildings.

Approved in November 1982 and implemented.

Condition 3 of this permission limited the use of the buildings for the accommodation of horses kept incidental to the personal enjoyment of the applicant not used for livery or other commercial purposes.

- 3.2 SU/17/0524 Erection of indoor riding school.

Refused permission in August 2018 for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the indoor riding school building would represent the provision of appropriate facilities to support outdoor recreation use. In addition, the size and siting of the building, would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The building would therefore be inappropriate and harmful development in the Green Belt; and, cause further harm by having an overbearing effect upon visual amenity and enjoyment of the countryside including use of public bridleway (Broadford Lane). There are no very special circumstances to outweigh the identified harm and as such the development would be contrary to Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2018.

The subsequent appeal was dismissed in May 2019. The officer report and appeal decision are annexed to this report [Annexes A and B, respectively].

- 3.3 SU/17/0540 Erection of replacement stables, along with the provision of a sand school and parking, following the demolition of existing stables.

Approved in August 2018 and part of the existing stables (built under SU/82/0454) have been demolished in readiness for this development to take place.

4.0 THE PROPOSAL

- 4.1 The proposal is to provide a 40 by 20 metre indoor riding school building on a currently vacant equestrian site. The building would have a gable roof over to a height of 6 metres at the ridge, falling to 4.8 metres at the eaves. The building would be timber clad and located close to the south flank boundary, with Oakhurst, and would be located south east of the existing stables proposed to be redeveloped as a new private equestrian centre with a sand school and replacement stables (as a part of permission SU/17/0540).
- 4.2 The siting for the indoor school would be adjacent to the existing (remaining) stables/siting of the replacement stables, different to the appeal scheme which located the indoor school to the south east of the existing (remaining) stables/siting of the replacement stables.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections
5.2	Surrey Wildlife Trust	No comments for this application but raised no objections to the appeal proposal.
5.3	Thames Water	No comments
5.4	Environment Agency	No comments
5.5	Arboricultural Officer	No objections
5.5	Chobham Parish Council	An objection raised on residential amenity, trees, highway safety, flood risk/drainage and Green Belt grounds. There would be an inadequate level of grazing land, the personal equestrian achievements need to be independently checked, and the relevance of case law is also disputed.
5.6	Council's Equine Adviser	No comments for this application but raised no objections to the appeal proposal on the basis that the proposal would support indoor training throughout the year to prepare for national and international competitions.
5.7	Drainage Engineer	No comments for this application but raised no objections to the appeal proposal.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, 7 representations raising an objection and no representations supporting the proposal had been received. The representations raising an objection raise the following issues:
- None of the issues raised in the Inspector's decision have been addressed [See *paragraph 7.3 onwards and Annex B*]
 - The *Lee Valley* case law referred to by the applicant relates to agricultural/forestry development and is therefore not relevant to this proposal. The approach taken by the applicant (against the approach taken by the Council and Inspector for the original appeal) is wrong [See *paragraph 7.3*]
 - No weight should be given to the applicant's horse riding/dressage abilities [See *paragraph 7.3*]
 - Flood risk – site fall within Flood Zone 2 and has a high water table [See *paragraph 7.8*]
 - Increase in traffic volumes on Broadford Lane and turning onto Station Road if it becomes a commercial operation) [*Officer comment: the proposal is a private equestrian use and limitations could be imposed on this basis if minded to approve*]
 - The building is industrial in style and it would be clearly seen from Broadford Lane [See *paragraph 7.3*]
 - Applicant should have appealed the decision, rather than move the proposal, if they had disagreed with the Inspector's assessment of the appeal proposal

[Officer comment: The applicant has provided a proposal with an amended position for the application proposal which has to be assessed]

- Impact on highway safety particularly if this is a commercial use [Officer comment: the proposal is a private equestrian use. In addition, see paragraph 7.5]
- Photos provided with the application are not up to date [Officer comment: This is not a material planning consideration]
- New fencing has had an adverse impact on ecology [Officer comment: This fencing is not part of this application proposal]
- Overdevelopment of the site [See paragraph 7.3]
- The planting of trees would not hide the development from adjoining properties [See paragraph 7.4]
- Current low level of use of stabling on the site [Officer comment: This is noted. However, the site could accommodate six stables in the existing accommodation]

7.0 PLANNING CONSIDERATIONS

- 7.1 The proposal relates to equestrian development in the Green Belt. The relevant policies relating to the above proposal are Policies CP1, CP2, CP9, CP11, DM3, DM9, DM10, DM11, DM10, DM12 and DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP) and the National Planning Policy Framework (NPPF). Advice in the *Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids* by DEFRA (2009) and Planning Practice Guidance (PPG) is also relevant. The proposal is not CIL liable.
- 7.2 The main issues in the consideration of this application are:
- Impact on the Green Belt and local character;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on trees;
 - Impact on ecology; and
 - Impact on flood risk and drainage.

7.3 Impact on the Green Belt and local character

- 7.3.1 The proposal relates to the redevelopment of a site within the Green Belt. Paragraph 145(b) of the NPPF indicates that the construction of new buildings is inappropriate development with the exceptions including the appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In this case, of the five purposes set out in Paragraph 134 of the NPPF, the only relevant purpose is "to assist in safeguarding countryside from encroachment."

- 7.3.2 The proposed indoor school under the appeal scheme (under SU/17/0524) was to be located beyond the stable building approved under SU/17/0540 and the location of the former/existing stables at the site on an undeveloped part of the site and it is considered that the scheme would spread development across the site. The current proposal would reposition the proposed indoor school adjacent to the approved stable building, closer to the rear boundary of the adjacent residential curtilage for Stamford Manor. This location would also not extend built form as far south west (away from this residential property and curtilage) as the outbuilding in the garden of Oakhurst which is built close to the boundary with the application site. As such, it is considered that the proposed building would not adversely affect the safeguarding of the countryside from encroachment. However, noting the size of the proposed building, it would still result in an adverse impact on openness, in spatial terms, which would be inappropriate development in the Green Belt.
- 7.3.3 The proposed indoor school under the appeal scheme was also considered to be unacceptable due to its impact on local character by having an overbearing effect upon visual amenity and enjoyment of the countryside including use of public bridleway (Broadford Lane). However, in this regard the Inspector for the appeal considered at Paragraphs 14 to 16 of the appeal decision (see Annex B) that whilst the scale of the appeal proposal would be apparent from Broadford Lane, it would not harm the character and appearance of the area, and with its setback from the lane, it would not be overbearing on the lane or users of this public right of way (bridle path). Under this application, the building is proposed to be re-sited much further away from the lane and therefore, no objections are raised to the proposal on character grounds.
- 7.3.4 The applicant incorrectly states that if the recreational use is not inappropriate, no further assessment on harm is required. However, this interpretation is incorrect and the Inspector held the same opinion. Paragraph 145(b) clearly states that for buildings for outdoor sport and recreation they should preserve the openness of the Green Belt.
- 7.3.5 The NPPF indicates that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3.6 In support of this application, the applicant has provided the following considerations to support this proposal in the event that very special circumstances are required. These include:
- The development does not conflict with the purposes of designating a Green Belt;
 - The development is supported by Paragraph 141 of the NPPF in providing opportunities for outdoor recreation in the Green Belt;
 - The development would provide a development which complements the approved stables and would be similar in design to other rural buildings; and
 - The building is associated with a lawful use.

In the officer's opinion these considerations do not outweigh the harm and have neutral or limited weight. Whilst they are benefits, they would be an expectation in any event. In addition, the following arguments are presented by the applicant which will be considered in turn:

- The revised position of the proposal, the use of soft landscaping (planting proposals), the lack of intrusion into the wider landscape and resulting reduction in the impact on

the openness of the Green Belt; and

- The specific needs of the applicant and her daughter and their wider operation to train elite horses and therefore the need to provide an indoor training facility and these are supported by the Council's Equine Consultant.

- 7.3.7 The new location for the proposed indoor school would locate the building adjacent to the approved replacement stables (in a position similar to the former stables on the site). It is acknowledged in paragraph 7.3.2 above that this would reduce the spread of development across the site, reducing countryside encroachment. However and as indicated above, it is considered that at its proposed size, the proposal would have an adverse visual impact on openness. The Inspector considered at Paragraph 11 of the appeal decision (see Annex B) that the existing boundary landscaping and other site characteristics did little to reduce this harm. It is considered that the addition of further soft landscaping would not significantly alter this position.
- 7.3.8 The earlier officer report (see Annex A) sets out in paragraphs 7.3.6-7.3.9 the justification of need for this facility. This included the applicant's need for the all-weather facility to assist in their training of high calibre horses for competition; their training of such horses for use by top riders and that such facilities would improve their own riding abilities and provide some benefit to horse welfare. No further details, since that assessment, have been provided to justify the current proposal. It was also acknowledged in the officer report that the indoor facility was at its minimum possible size for its purpose. Indeed, the Inspector for the earlier appeal also acknowledged that the current applicants (i.e. the appellants for that appeal) set out the need for the facility. However, the Inspector concluded in his appeal decision (see Annex B) that such benefits should only receive moderate weight and would not be sufficient weight to overcome the Green Belt harm of the proposal.
- 7.3.9 For the above reasoning the proposal would represent inappropriate and harmful development in the Green Belt. Following the Inspector's decision and the interpretation of Green Belt policy, it is considered that very special circumstances do not exist which outweigh the identified harm. As such, an objection is raised on Green Belt policy grounds with the proposal failing to comply with the NPPF.

7.4 Impact on residential amenity

- 7.4.1 The nearest residential property is Oakhurst with the proposed building positioned close to the curtilage of this dwelling. The proposed building would be positioned forward of the swimming pool building on the boundary of that property and rear garden beyond, and it would not result in any significant loss of amenity noting the distance of the proposal from this boundary (between 10 and 16 metres), the distance of the rear garden of that property (and swimming pool) from the mutual boundary in this location; and the level of separation to the dwelling within that plot. It is therefore considered that there would not be any significant impact on the amenity of the occupiers of this dwelling because of this relationship. The proposal is significantly set away from any other adjoining or nearby residential property to have any significant impact. No objections are therefore raised to the proposed development on residential amenity grounds complying with Policy DM9 of the CSDMP.

7.5 Impact on parking and highway safety

- 7.5.1 The parking arrangements are as existing (although it is noted that 8 parking spaces were proposed, as well as 3 lorry/horse box spaces for the replacement stables proposal under permission SU/17/0540). The proposal is proposed to be a private facility and, in itself, is not expected to material increase traffic movements.

The County Highway Authority has raised no objections, indicating that "*the application [proposal] would not have a material impact on the safety and operation of the adjoining public highway.*" The proposed development is considered to be acceptable on parking and highway safety grounds complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

7.6 Impact on trees

- 7.6.1 There are a number of trees on the site boundaries, or close to the site, but none of these trees are protected under a Tree Protection Order. However, the proposal would not result in any construction works for this development being undertaken within close proximity to major trees. The Council's Arboricultural Officer has raised no objections to the proposal on these grounds. As such, no objections are raised to the proposal on these grounds with the proposal complying with Policy DM9 of the CSDMP.

7.7 Impact on ecology

- 7.7.1 The current proposal has been supported by an ecological survey, which concludes that there were no protected species affected by the development. The comments are awaited for the Surrey Wildlife Trust and no objections are therefore raised on these grounds, subject to their comments.
- 7.7.2 As such, and subject to the above, the proposal is considered to be acceptable in terms of its impact on ecology, complying with Policy CP14 of the CSDMP and the NPPF.

7.8 Impact on flood risk and drainage

- 7.8.1 The current proposal provides development within Zone 2 (medium risk) of the floodplain. The development, as outdoor recreation, would be defined as "water-compatible" development by the PPG; such development is considered to be appropriate in such locations. The Environment Agency have raised no comments to the proposal on these grounds. The appeal proposal was considered to be acceptable on drainage grounds and therefore no objections are raised on these grounds. The proposal is therefore considered to be acceptable on flood risk and drainage grounds with the proposal complying with Policy DM10 of the CSDMP.

8.0 CONCLUSION

- 8.1 The proposal is acceptable in terms of its impact on character, trees, residential amenity, ecology, flood risk and drainage, parking and highway safety. However, the proposed development is considered to be inappropriate development in the Green Belt. No very special circumstances have been put forward by the applicant which outweigh the harm the development would have on the Green Belt. The application is therefore recommended for refusal.

9.0 WORKING IN A POSITIVE MANNER

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website,

to correct identified problems to ensure that the application was correct and could be registered.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the indoor riding school building would represent the provision of appropriate facilities to support outdoor recreation use. In addition, the size and siting of the building, would fail to preserve the openness of the Green Belt. The building would therefore be inappropriate and harmful development in the Green Belt. There are no very special circumstances to outweigh the identified harm and as such the development would be contrary to the National Planning Policy Framework 2019.