



Southern Planning Practice
Town Planning Consultants

Application 19/0570

Proposed indoor riding school, Stamford Manor, Station Road, Chobham

Response on behalf of the applicant to the representations

1. Email from Jayne Phethean 2 August 2019

The issue of flood risk and potential flooding was fully addressed and settled in application 17/0524. There is no reason to revisit the conclusions reached by the Council's drainage officer.

Whatever is at the end of Sandpit Hall Road has nothing to do with this application site

There is no need for large deliveries and trucks to visit Stamford Manor and the highway safety implications of the development were assessed and found acceptable in the previous application.

2. Email from Mrs L Bobrowski 6 August 2019

Mrs Bobrowski raises an interesting point but it is sadly misplaced. The definition of res judicata is:

a decision, pronounced by a judicial tribunal having jurisdiction over the cause and the parties, that disposes once and for all the matter(s) so decided, so that except on appeal it cannot be relitigated between the parties or their privies"

and has no part to play in planning proceedings. In so far as the appeal decision is concerned the submitted Planning Statement made it very clear that the appeal decision related to *"the site of the proposed building"* and did not rule out a different proposed siting.

The approach to be taken to inappropriate development and that development which is not inappropriate development was thoroughly examined by the Court of Appeal in *Lee Valley*. Mrs Bobrowski is correct in saying that *Lee Valley* related to buildings for agriculture and the proposed development is for an indoor riding school. However, both forms of development are exceptions to inappropriate development and Lord Justice Lindblom made it abundantly clear in *Lee Valley* that if development in the Green Belt is acceptable in principle (ie it is not inappropriate development) then very special circumstances do not need to be advanced. That is the point of difference the applicant holds with the officer assessment of the original application and the Inspector's conclusion.

As far as policy DM3 is concerned the indoor riding school is the smallest size for the training of horses and riders and Reading Agricultural Consultants considered it was an

appropriate size for the site in terms of policy DM3. The appeal Inspector made no adverse finding about the size of the building in policy DM3 terms.

For ecology, the Drummond Report covered the area of the site on which it is proposed to build the indoor riding school and that is patently obvious from the report site location plan. The objection on ecology grounds is undeserving of being dignified by any further response.

The objection on loss of amenity and traffic has previously been considered and dismissed. The training of horses for sale is something that the applicant has done in the past but as a small sideline to her and her family's principal activity of training and competing in eventing, show jumping and dressage. No commercial use is involved whatsoever, indeed the horses that were taken up by the Great Britain and New Zealand equestrian teams remained in the ownership of the applicant and returned to her once their international careers were over.

3. Email from M Collins 5 August 2019

Unfortunately, objection ground 1 is misplaced – the application is not '*simply a resubmission*' and neither is it the '*exact same piece of land*'.

It should also be recorded that the first position proposed for the indoor riding school was that advised by the planning case officer. Mr Collins, however, prevailed on the applicant to re-position it to the location that was considered by the Planning Committee and the appeal Inspector. Mr Collins drew on a piece of paper (which the applicant still has) where he said the building should go and said he would talk to the neighbours to withdraw their objections.

It is not the applicant who has misunderstood the Court of Appeal judgement in *Lee Valley*. The misunderstanding arises in the minds of those who either can't see or don't want to see what Lord Justice Lindblom says about development that is not inappropriate development.

Flood Risk is not a major issue and was addressed in the previous application and was not an issue in the planning appeal. Suggested condition 11 for the appeal proposal was proposed on the basis of the precautionary approach and was recommended by the drainage authority. If, and when, planning permission is granted the required scheme would be drawn up and submitted.

Objection grounds 5, 6 and 7 are unworthy of being dignified by a response.

4. Email from P Watford 6 August 2019

The submitted proposal has not been dismissed by an appeal Inspector; that decision concerned a different location. The reason for submitting the current proposal is fully explained in the Planning Statement and there are very strong grounds for considering the new application on its merits especially as the appeal Inspector accepted the development was an appropriate facility for outdoor sport and recreation.

The flood risk issue has been dealt with above as has highway safety. The new location for the riding school will be barely visible from Broadford Lane as it will be behind the approved stables. In any event, the appeal Inspector found the proposal would not harm the character

and appearance of the area and would comply with those aspects of CS Policy DM9. Dragging this issue up again serves no useful purpose other than to highlight the paucity of valid planning objections to the proposal.

5. Email from Ms S Watford 6 August 2019

The fence is not part of this application and did not require planning permission. No further comment on ecology is necessary.

The applicant is grateful for the objector acknowledging that the site has been used for the grazing of horses for the past 40 years. Whether that was for one, two or half a dozen horses or more doesn't alter the fact that horses have been a continuing presence on the land along with the former stables and manege. The size of the grazing land is not a limiting factor as the applicant's horses will generally be kept in the stables to ensure they are in the best condition. They are likely to be let out into the fields for up to four hours at a time.

The reference to the applicant stating there will be commercial activity is a figment of the objector's imagination as is the concern that residential amenity will be compromised. The training of a horse for sale at the applicant's current yard was mentioned and it would be a very small element of the overall private equestrian use at Stamford Manor and does not make the use commercial. Neither does employing staff to work with and look after the horses and stable yard

6. Letter from Mrs G Collins of 5 August

Most of the objections raised have been dealt with above.

Repeating past aspersions that Mrs Burrell and her daughter are not 'elite riders' seems to be a common theme and appears to be predicated on the grounds that if it is repeated often enough then it gains credibility. It has never been the case that it has been claimed that the applicant and her daughter are elite riders (although they would both like to be) and so the mere repetition of this point is uncalled for and no weight should be given to it.

The proposed building is between 12 and 17m from the boundary with the objector's property. That distance, coupled with the suggested intervening tree planting and roof sloping away from Oakhurst, would mean that the building not have an overbearing impact on Oakhurst. Contrast that with the position of the 'massive' ancillary building at Oakhurst built almost on the boundary to Stamford Manor's field.

The comment about potential light spillage from the indoor riding school is misplaced as the applicant has no intention to use the indoor school after 5:30 pm and a condition could be imposed to restrict the use up to 5:30 pm and no later.

Chobham Parish Council 25 July 2019

It would have been helpful had the Parish Council read and understood what the appeal Inspector said about the site and the impact of the then proposed riding school on "*open and is a clear part of the surrounding open fields and paddock land*". The Inspector made a telling point that it was the "*obviously undeveloped nature of the appeal site as part of a wider area of undeveloped land*" that meant that the proposed building would cause harm to the openness of the Green Belt.

Sadly, the Parish Council did not want to look closely at the appeal decision and also see that the Inspector accepted that the appellants had set out a convincing argument that the indoor riding school, which would be used to train horses and riders for competition in dressage and eventing, should be considered an appropriate facility for outdoor sport. Such uses, in principle, are consistent with the aims of Framework paragraph 141 regarding the provision of opportunities for outdoor sport and recreation.

Moreover, after choosing to misunderstand and misrepresent what the appeal Inspector said the Parish Council then lurches into a re-run of its past objections none of which carried any weight or significance in the Inspector's decision. Seemingly the Parish Council believes if it trots out the same objections a second time, they gain credibility when in fact they only serve to demonstrate the lack of objectivity and understanding of the case. It is almost as if the Parish Council has 'trotted out' the neighbours' objections without giving due consideration as to whether those objections hold water. They patently do not.'