

**SITE PLAN ATTACHED**

**05. THE CROFT MORES LANE SOUTH WEALD ESSEX CM14 5RU**

**MODIFICATIONS TO APPROVAL 14/00037/FUL (CONSTRUCTION OF A PITCHED ROOF CANOPY OVER EXISTING DRESSAGE TRAINING AREA INCORPORATING COVERED LINK TO EXISTING STABLES) TO RETAIN EXISTING STRUCTURE WITH ALTERED ROOF CLADDING, ROOF PITCH INCREASED FROM 10 TO 15 DEGREES, MAXIMUM RIDGE HEIGHT INCREASED FROM 6.95M TO 7.95M, NUMBER OF TRANSLUCENT PANELS INCREASED FROM 24 TO 80 AND DEPTH OF EAVES OVERHANGING INCREASED FROM 0.6M TO 2.0M (RETROSPECTIVE)**

**APPLICATION NO: 16/00278/FUL**

<b>WARD</b>	South Weald	<b>8/13 WEEK DATE</b>	28.04.2016
<b>PARISH</b>		<b>POLICIES</b>	GB1 GB2 CP1 NPPF NPPG
<b>CASE OFFICER</b>	Kathryn Mathews	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	F203/01B; F203/03B; F203/04B; F203/05B;		

This application was referred by Cllr McCheyne for consideration by the Committee. The reason(s) are as follows:

Councillor McCheyne referred this application on the basis that the building cannot have a 10% pitch and must have a 15%.

**1. Proposals**

Planning permission is sought for amendments to the previously approved scheme for the construction of a pitched roof canopy over existing dressage training area (incorporating covered link to existing stables) (reference 14/00037/FUL). The main amendments proposed are:-

- increase in roof pitch from 10 degrees to 15 degrees and associated increase in the ridge height of the building from between 6.6m and 6.95m by 1m
- increase in height of cladding of external walls at eaves level from 0.6m to 2.1m

- increase in the number of rooflights from a total of 24 large panels to 80 smaller ones
- use of fibre cement panels for the roof rather than the approved metal cladding

The current application is retrospective.

The proposed canopy would still cover an existing manege and would be 20.7m in width and 61.1m in length. The structure is supported by steel posts and has a maximum ridge height of 6.95m. Built into the canopy are clear roof panels which provide light into the manege. A low post and rail fence encloses the open bays.

The application is accompanied by the Design and Access Statement/Planning Statement submitted with the original planning application in 2014 which provided the following supporting information:

- the arena is to be used by the applicant's daughter (who is on the British Equestrian Federation's World Class Development Programme) for dressage riding but also by other family members. The applicant's daughter has represented Great Britain at pony and junior levels and hopes to represent her country at the Rio Olympics in 2016, in subsequent Olympics and other international competitions
- the outdoor school and floodlighting was approved in 2001 (01/00345/FUL)
- The Croft is within the Green Belt but is previously development land
- the nearest alternative training facilities would be extremely unsustainable in transportation terms

A Supplementary Planning Statement has also been submitted which provides the following additional supporting information:

- it is explained that a change to the roofing material from metal cladding to fibre cement sheeting required the roof pitch to be increased from 10 degrees to 15 degrees. The noise of heavy rain on the metal cladding would have 'spooked' the horses.
- the depth of the eaves has been increased to reduce the effect of the wind when riding in the arena and to reduce the spillage of light from within the building
- the number of translucent roof panels was increased from 24 to 80 to try and reduce the effect of shadows on the ground as horses can be 'spooked' when moving from bright into dark areas
- the applicant considered that these were very minor changes and the facility was required by their daughter urgently

- the alterations made to the building were necessary for safety reasons and to provide a training facility best suited to its purposes
- the building could not now be altered to comply with the original approved plans without being demolished and completed re-built
- the existing building causes little, if any additional harm than the originally approved scheme and the very special circumstances advanced with this application are at least as strong, if not stronger, than they were in 2014
- the applicant's daughter continues to compete successfully at national and international levels

## **2. Policy Context**

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment.

GB1 (New development) refers to the need for very special circumstances to justify proposals which are inappropriate in the Green Belt.

GB2 (Development Criteria) refers to the need to proposals not to harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. The Policy also requires account to be taken to public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

### **3. Relevant History**

- 15/00922/FUL: Modifications to approval 14/00037/FUL (construction of a pitched roof canopy over existing dressage training area incorporating covered link to existing stables) to increase the roof pitch and infill fence around arena (retrospective). -Application Refused
- 14/00037/COND/1: Discharge of condition 3 (Samples of materials) of application 14/00037/FUL (Construction of a pitched roof canopy over existing dressage training area (incorporating covered link to existing stables) -
- 14/00037/FUL: Construction of a pitched roof canopy over existing dressage training area (incorporating covered link to existing stables) -Application Permitted

### **4. Neighbour Responses**

10 letters of notification were sent out and a site notice was displayed near to the site. One letter of objection has been received raising the following concerns:-

- conditions on the original planning permission being breached including that the building is being used for paid riding lessons (condition 4)
- the originally approved building was too large and unjustified
- the building is highly visible from Mores Lane and swamps the public footpath
- the proposal is huge departure from the original 'canopy to keep the rain out of the horses eyes' and the openness of the building is no longer apparent
- causes huge light pollution already when lit up - increasing the rooflights would further affect the local area
- there is no reason to have the south wall filled-in or the top of the south wall as clear plastic
- no special circumstances to justify proposal
- planting previously proposed has not been done
- the applicant's daughter is unlikely to be performing in the Olympics next month
- the building is out of keeping with the surrounding built form, is excessive and unduly prominent when seen from the surrounding area
- concern regarding the sprinkler system installed and the use of a sound system

One letter of support has been received on the basis of the following:-

- the owner's daughter has had huge success in the equestrian discipline of dressage in the UK and Europe
- the owners have invested heavily in the best horses and ponies as well as the building, competitions and horse boxes
- we as a country should do all we can to support and encourage our sportsmen and women especially our junior competitors and for ridden equestrian sports an indoor riding school is essential
- very small additional ridge height has had very little effect on the impact of the building and is far outweighed by the benefits for the young extremely successful dressage rider

## **5. Consultation Responses**

- **:None**

## **6. Summary of Issues**

The application site is located in the Metropolitan Green Belt on the eastern side of Mores Lane on land associated with 'The Croft'. There are residential properties to the north, west, east and south of The Croft. A public footpath runs along the eastern boundary of the property.

Planning permission was refused for 'Modifications to approval 14/00037/FUL (construction of a pitched roof canopy over existing dressage training area incorporating covered link to existing stables) to increase the roof pitch and infill fence around arena (retrospective)' (reference 15/00922/FUL) for the following reasons:-

1. The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size, height and design of the building proposed, would result in a reduction in the openness of the Green Belt, encroachment into the countryside and harm to the character and appearance of this rural area, contrary to the NPPF (in particular section 9) as well as Policies GB1, GB2 and CP1 of the Brentwood Replacement Local Plan.
2. The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, and harm to

the character and appearance of the area. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

The development the subject of this previous application would have materially reduced the openness of the Green Belt by reason of its height, width, scale and design compared to the originally approved scheme (reference 14/00037/FUL). The southern elevation of the building would have been completely enclosed. The side elevations of the building (with the external cladding at eaves level and in-filled fence at ground level) would have had a gap of only around 1.4m along its length. The northern end of the building (with the cladding of the gable end and in-filled fence at ground level) would have had a gap of only around 2.8m. As a result, there would have been very limited views through the structure which is highly visible from surrounding public views.

The current application does not include a proposal to construct a close boarded fence around the perimeter of the arena and restates that new planting is proposed along the southern wall of the building and alongside the public footpath which lies across the field to the east of the building.

The main issues in the determination of the current application are whether or not the development is inappropriate development within the Green Belt, the effect that the proposal would have upon the openness of the Green Belt and the effect on the living conditions of neighbouring occupiers.

#### Green Belt

National Policy for Green Belts is within chapter 9 of the NPPF. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt which includes assisting in the safeguarding the countryside from encroachment.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 sets out that development involving outdoor recreation will be inappropriate development if it does not preserve the openness of the Green Belt.

The development proposed is for amendments to a previous planning permission for an outdoor sport facility but the building proposed would materially reduce the openness of the Green Belt by reason of its height, width, scale and design

compared to the originally approved scheme. The originally approved scheme included the southern elevation of the building being completely enclosed and the gabled end of the northern elevation being enclosed. However, the ridge height of the building has been increased by 1m along its full length (over 61m), the external cladding at eaves level has been increased in depth from 0.6m to 2m and the building is highly visible from surrounding public views. As a result, the proposed development reduces the openness of the Green Belt to a materially greater degree than the originally approved scheme as the building would be significantly larger and there would be more limited views through the structure.

The proposal, therefore, would be inappropriate development within the Green Belt and would cause additional harm through a further material reduction in openness, in conflict with NPPF (section 9) and Policies GB1 and GB2.

#### Character and appearance

The amendments proposed would increase the harm the development would cause to the character and appearance of the area as a result of the increased height and altered external appearance of the building. The overriding character of surrounding built form is modest in scale and bulk. Whilst a landscaping scheme could be required by condition to soften the impact of the development, the proposed amendments would still result in a development that would be more out-of-keeping with surrounding built form and prominent when seen from the surrounding area than the originally approved scheme, contrary to Policy CP1 (criterion i, ii and viii).

#### Neighbouring amenity

The nearest neighbouring property would be located over 50m away from the proposed development and, given the nature and scale of the use proposed, it is considered that the amended development would not have any greater impact on the amenity of local residents than the originally approved scheme, in compliance with Policy CP1 (iii).

#### The Green Belt Balance

As the proposal would be inappropriate development, there would need to be other matters which clearly outweighed all the harm the development would cause (by reason of inappropriateness, loss of openness and harm to the character and appearance of the area) for there to be very special circumstances justifying the grant of planning permission.

An extant planning permission exists for a canopy of the same footprint as the structure currently proposed. The original planning permission was granted on the

basis that there were other matters which clearly outweighed the harm the development would cause to amount to very special circumstances which justified planning permission being granted in that case. The matters were that the daughter of the applicant was a talented dressage rider who had competed at an international level but there were insufficient facilities for her to house the horse she competed on, inadequate storage space and there was no all-weather manege at the property.

However, the development currently proposed would cause materially greater harm than the previously approved scheme as it would result in a further material reduction in the openness of the Green Belt as a result of the increased height and size of the roof proposed and the greater enclosure of the building's external walls. The local planning authority was of the view that the matters previously raised clearly outweighed the harm the development would cause but it is considered that the matters advanced on behalf of the applicant do not clearly outweigh the greater harm the current proposal causes.

On the basis of the above, it is considered that very special circumstances do not exist and it is recommended below that planning permission is refused for the amended scheme on this basis.

In response to the matters raised in objection to the proposal by a local resident which have not been referred to above, the breach of planning control is under investigation by the Council's planning enforcement officers, the continuation of which is pending the outcome of this application. The imposition of conditions relating to the use of lighting and amplified sound could be considered if planning permission were to be granted for the currently proposed scheme.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1            U12706

The proposed development would be inappropriate development within the Green Belt and, as a result of the scale, size, height and design of the building proposed, would result in a reduction in the openness of the Green Belt and harm to the character and appearance of this rural area, contrary to the NPPF (in particular section 9) as well as Policies GB1, GB2 and CP1 of the Brentwood Replacement Local Plan.



R2 U12725

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, and harm to the character and appearance of the area. Therefore, no circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

*BACKGROUND DOCUMENTS*

**DECIDED:**