

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

5e 16/1235 Reg'd: 18.05.17 Expires: 30.09.17 Ward: HE  
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**LOCATION:** 3Js Nursery, Smarts Heath Road, Woking, Surrey, GU22 0RG

**PROPOSAL:** Change of use of land from agriculture and commercial (Class B8/ancillary Class B1) to mixed-use comprising the keeping of horses and commercial (Class B8/ancillary Class B1) use, the erection of a building comprising 6 stables, tack room, a store, office, removal of existing menage and construction of new menage and associated facilities additional hard surfacing, car parking and access drive, access drive to existing stables and removal of condition to of planning permission PLAN/1998/0316 to enable the existing stable building (to the rear of 229 Saunders Lane) to be used for commercial stabling uses including livery or for Class B8/Ancillary B1. Use of Saunders Lane access into the site for emergency vehicles only (Amended description and amended plans received)

**TYPE:** Full

**APPLICANT:** Mr R. Annan

**OFFICER:** Joanne Hollingdale

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### **REASON FOR REFERRAL TO COMMITTEE**

The application is for the construction of new non-residential buildings and as such the application falls outside the Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The application seeks planning permission for:

- the change of use of land from agriculture and commercial (Class B8/ancillary Class B1) to mixed-use comprising the keeping of horses and commercial (Class B8/ancillary Class B1) use;
- the erection of a building comprising 6 stables, tack room, a store, office,
- removal of existing menage and construction of new menage;
- associated facilities additional hard surfacing, car parking and access drive, access drive to existing stables; and
- removal of condition to of planning permission PLAN/1998/0316 to enable the existing stable building (to the rear of 229 Saunders Lane) to be used for commercial stabling uses including livery or for Class B8/Ancillary B1. Use of Saunders Lane access into the site for emergency vehicles only

### **PLANNING STATUS**

- Green Belt
- Thames Basin Heaths SPA Zone B (400m-5km)
- Surface Water Flooding (part of site medium and high risk)
- Common Land (access only)

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- Smarts & Prey Heath SSSI (opposite the site)

### **RECOMMENDATION**

**GRANT** planning permission subject to recommended conditions.

### **SITE DESCRIPTION**

This application relates to a site located to the north of Smarts Heath Road. The application site extends to some 4.22 hectares. There is vehicular access into the southern part of the site accessed off Smarts Heath Road and a long access drive up to the existing building on the site. There is also a vehicular access to the northern part of the site from Saunders Lane via the adjacent public right of way. The site is separated from Smarts Heath Road by a verge which is designated as Common Land.

There is one building within the southern part of the site which is a steel portal framed building faced in corrugated metal. The building is currently used for B8 (storage and distribution)/ancillary B1 (office) purposes and it is currently occupied by a business known as 3Js (grounds/garden maintenance). The land outside the building/hard surfacing is laid to grass. In the northern part of the site is a single storey stable block comprising 4no. stables and a covered area to its rear, a further block and timber barn and a sand school.

The nearest residential properties adjoin the northern part of the land, fronting Saunders Lane.

### **RELEVANT PLANNING HISTORY**

#### **Southern part of the site**

PLAN/2016/1162	Change of use of existing building from Class B1 (office)/B8 (storage and distribution) to Class D2 (Assembly and Leisure) to use the building as an open plan gym area and a Yoga studio. Refused 17.01.17
PLAN/2016/0181	Extension of existing commercial building. Granted 29.04.16
PLAN/2013/1205	Removal of Conditions 1, 3 and 4 of PLAN/2013/0174 dated 12.02.2013 for the relocation of existing office/toilet/kitchenette container from within onsite barn to the outside (east of barn). Retention of existing shed (to east of barn). Application Withdrawn
PLAN/2013/0739	Conversion of existing barn to storage (B8 use) and office (B1 use) under Class M. The office use will be in the mezzanine floor and the storage use will be carried out in the main barn. Refused 05.09.13 Appeal Granted 10.03.15
PLAN/2013/0174	Relocation of existing office/toilet/kitchenette container from within on-site barn to the outside (east of barn). Retention of existing shed (to east of barn). Granted 12.11.13
PLAN/2012/1102	Lawful Development Certificate to use the existing agricultural land for allotments and poultry business, erection of new internal gate and retrospective internal works to existing barn including mezzanine floor and secure storage. Granted 26.06.13

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PLAN/2012/1057	Retrospective planning application for the installation of two windows to mezzanine level and planning permission for an external fire door. Granted 06.02.13
PLAN/2008/0191	Erection of solar panels to roof and wind turbine. Granted 03.07.08
PLAN/2008/0083	Certificate of Lawfulness for renovation and reuse of existing barn for agricultural purposes. Granted 24.04.08
PLAN/1993/0275	Notification of agricultural/forestry development under Sch. 2 Part 6 of the General Development Order 1988 for the erection of a barn for the storage of hay and food. Details Not Required 13.05.93

### **Northern part of the site**

PLAN/2011/1034	Application for a Certificate of Lawful Existing Use for the storage of cars in the barn/garage. Refused 26.01.12
PLAN/2010/0856	Application for a Certificate of Lawful Existing Development for a sand school to exercise horses. Granted 16.12.10
PLAN/2010/0222	Retrospective application for the change of use of land and associated existing buildings from the keeping of horses to livery business. Refused 18.06.10
PLAN/2006/0739	Demolition of existing substandard and erection of replacement barn. Granted 01.09.06
PLAN/2006/0241	Demolition of existing substandard and erection of replacement barn. Refused 12.05.06
PLAN/1998/0316	To build 4 no stables adjacent to existing stables. Granted

### **PROPOSED DEVELOPMENT**

The application seeks planning permission for:

- the change of use of land from agriculture and commercial (Class B8/ancillary Class B1) to mixed-use comprising the keeping of horses and commercial (Class B8/ancillary Class B1) use;
- the erection of a building comprising 6 stables, tack room, a store, office,
- removal of existing menage and construction of new menage;
- associated facilities additional hard surfacing, car parking and access drive, access drive to existing stables; and
- removal of condition to of planning permission PLAN/1998/0316 to enable the existing stable building (to the rear of 229 Saunders Lane) to be used for commercial stabling uses including livery or for Class B8/Ancillary B1. Use of Saunders Lane access into the site for emergency vehicles only

The proposed 6no. stable building in the southern part of the site would be located adjacent to the existing building on the site. The building would have a U-shape and overall would measure 18.6 metres in length with each side of the courtyard measuring 4.3 metres in width. The stables would have an eaves and ridge height of 2.5 metres and 3.3 metres

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respectively with the higher part of the building having an eaves and ridge height of 3.7 metres and 4.6 metres respectively.

The replacement sand school would be located to the front of the existing building and proposed stable block and would measure 27.5 metres by 25 metres. 20no. car parking spaces would be formally laid out within the site adjacent to the sand school and in front of the existing barn. The existing sand school in the northern part of the site would be removed and the land returned to grass.

A new 2.5 metre wide access track would be provided to link to the northern part of the site and would measure approximately 160 metres in length to link to the northern stables (although in the northern part of the site there is evidence of hard surfacing under the grass covering).

The application also seeks permission to remove condition 2 of PLAN/1998/0316 which states:

*The stables hereby approved shall only be used for domestic purposes in connection with 229 Saunders Lane and shall not be used for commercial purposes including livery.*

*Reason: to ensure the intensity of the use is acceptable in the Green Belt.*

In support of the application a Planning Statement, Flood Risk Assessment and Drainage Strategy and Arboricultural Information has been submitted.

During the course of the application the proposals have been amended as follows:

- Reduction in the number of stables in the proposed new stable block from 10no. to 6no.
- Relocation of the sand school from northern part of the site to southern part of site;
- Reduction in the number of car parking spaces from 27 to 20;
- Reduction in the width of the access road to the northern part of the site from 5 metres to 2.5 metres.

### **CONSULTATIONS**

**County Highway Authority:** Requested additional information regarding traffic generation. Following the receipt of additional information, advised that the applicant undertake an assessment of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway and thus has no highway requirements.

**SCC LLFA:** Subject to your Flood Risk Engineer being satisfied with the proposal we have no further comments to make.

**County Archaeologist:** Despite the size of the application site, I have reviewed available information and the proposals themselves are unlikely to result in extensive ground disturbance and on this basis I have no further archaeological concerns.

**SCC Rights of Way:** No comments received

**Natural England:** With regard to the impact on the SSSI there is no objection subject to conditions requiring a Construction Environmental Method Statement and a Pollution Prevention Plan (conditions 4 and 5).

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**Surrey Wildlife Trust:** No ecological survey information has been submitted, it appears one tree is to be felled [*Officer note: this is incorrect no trees are to be felled*], external lighting should be controlled to limit impacts on bats, any vegetation removal should be outside the bird nesting season, the majority of the site comprises short grassland which is unlikely to support protected or important species and biodiversity enhancements should be sought (conditions 9, 10 and 11).

**WBC Drainage and Flood Risk Officer:** Additional information is required to be submitted. Following the submission of additional drainage information, no objection is raised subject to conditions (20, 21 and 22).

**WBC Environmental Health Officer:** The site is largely rural and quite remote. However there are properties on one side of the boundary who may be exposed to noise and potentially smoke nuisance from the site e.g. if burning is to be used as a disposal method. Therefore recommend conditions relating to construction noise and hours of use. It would be impractical to restrict livery but riding lessons could be restricted. Could consider insulation of stable block and external lighting to minimise noise and light pollution (conditions 5, 6, 7, 8, 9, 10 and 16). Informatives are also recommended (informatives 3 and 4).

**WBC Arboricultural Officer:** The Arboricultural Information provided is considered acceptable and should be complied with in full and a pre-commencement meeting should also take place (condition 18).

### REPRESENTATIONS

8 letters of objection have been received in respect of the application as originally submitted. A summary of the main comments made is given below:

- no objection to fields being used as pasture for horses or to the 10no. stables being built in the bottom field and used for livery;
- object to the B1/B8 use of the middle and top fields of the site as there is already commercial use in the large barn on site and would be detrimental to the Green Belt;
- see no reason why a 5 metre wide access road is required as it will be visible from the footpath and impact on openness of the Green Belt;
- Car park for 27 vehicles is excessive, would be visible from the adjacent footpath, result in encroachment and should be reduced. A previous application for the site which may have resulted in additional hard surfacing was considered to reduce openness and result in encroachment of the Green Belt;
- The existing stables at the top of the field should be used for private use only with the stables in the lower field being used for livery;
- The existing barn should be used for storage of hay/tack and it already has an office and w.c. facilities;
- With reference to emergency vehicles, emergency services will always use any access they need to get to an accident this should not be considered;
- The use of the access in the northern part of the site was determined in a County Court ruling at Guildford on 29.01.15 (claim number 3GU00178) when the Judge determined the specific right of the owner of the field.
- Mayford has adequate stabling will Cliffe Hatch [*Officer note: this is a matter of commercial competition within the rural economy and is not a planning matter*];
- The lower field/building is being advertised for rent;
- Do not object in principle but the sand school backs onto houses and previous private use was limited, the use of the sand school would become more intense

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and intrusive but if usage results in significant noise then it would be better to relocate it further away from houses;

- Concerned if stables and barn in the northern part of the site were used for other purposes;
- The stables are located in the middle of the field and would be better close to the tree line/behind the barn, the stable design and materials should be unobtrusive;
- British Horse Society recommends 1 horse per 1-1.5 acres of pasture;
- The existing buildings in the northern part of the site should only be used for stabling/livery and equestrian storage and the sand school should not affect residential amenity;
- Some screening would be welcome to the centre of the site to improve visual amenity;
- Use of the site for equestrian teaching or other categories is not supported;
- As the existing building is being advertised for rent it is not needed for the applicant's existing business and should be used for the stables so there is no need to duplicate these facilities, reducing the impact on the Green Belt;
- The applicant has recently cut down trees;
- If the northern stables are wanted for livery then the number of stables in the lower field should be increased so the stables to the north can be retained in private use;
- Smarts Heath Road is very fast which is not conducive to having horses and increasing vehicles;
- Strongly object to the use of the northern barns for commercial B8/B1 use; and
- Suggestions are made with regard to the layout of the proposal on the site.

1 letter of support subject to minor amendment has been received from Cllr Davis.

Following the receipt of amended plans further consultation has been undertaken and 6 letters of objection have been received. A summary of the main comments made is given below:

- Comments already submitted and as summarised above have been re-submitted;
- The cottages adjacent to the footpath from Saunders lane are not shown on the plan giving a distorted view of the area;
- The footpath adjacent is enjoyed by riders and walkers;
- Changing the use of the stables (to the north) from private to commercial would generate unacceptable activity resulting in a loss of amenity;
- Recognise that some of our objections have been addressed e.g. relocation of sand school and reduction in size of car park but principal objections remain and strongly object to application;
- Amended application still encroaches into the Green Belt;

### **RELEVANT PLANNING POLICIES**

#### Woking Core Strategy 2012

CS1 - A Spatial strategy for Woking Borough

CS6 – Green Belt

CS7 – Biodiversity and nature conservation

CS9 – Flooding and Water Management

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

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### Development Management (DM) Policies DPD 2016

DM2 – Trees and Landscaping

DM3 – Facilities for Outdoor sport and recreation

DM7 – Noise and light pollution

DM13 - Buildings in and adjacent to Green Belt

### Supplementary Planning Documents

Parking Standards 2006

Outlook, Amenity, Privacy and Daylight 2008

Design 2015

### Other Material Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance (NPPG)

## **PLANNING ISSUES**

1. The main issues to be considered in the determination of this application are the Green Belt, the visual impact of the development, impact on neighbouring amenity, highway safety, ecological impact and impact on drainage.

### Green Belt

2. The site is located in the Green Belt. The NPPF makes clear that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 81 also advises that local planning authorities should plan positively to enhance the beneficial use of the Green Belt such as to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity. Policies CS6 of the Core Strategy and Policy DM3 of the DM Policies DPD reflect the approach to the Green Belt at local level.
3. Paragraph 89 of the NPPF states that the provision of appropriate facilities for outdoor sport and outdoor recreation is appropriate development within the Green Belt as long as it preserves openness and does not conflict with the purposes. However the planning application also includes the change of use of land from agriculture and commercial (Class B8/ancillary Class B1) to a mixed-use comprising the keeping of horses and commercial (Class B8/ancillary Class B1) use and as such as a material change of use does not fall within one of the exceptions listed in Paragraph 90 of the NPPF, this part of the proposal comprises inappropriate development. Case law has established that even if an application contains elements that on their own would be appropriate development, the whole of the development is required to be regarded as inappropriate development in the Green Belt. Inappropriate development in the Green Belt is by definition harmful but it is also necessary to establish whether any other harm would result from the proposed development.
4. The site is currently in mixed use comprising agriculture and also the commercial use comprising the existing large building on the site and the associated access and parking facilities which can be used for both uses of land. The northern part of the site also has stables, a barn and a sand school. The use of any agricultural land for the grazing of horses does not require a change of use unless the horses are kept primarily for leisure/recreational purposes which is the intention for this proposal. In this case there would be no difference in the appearance of the land from horses

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grazing in the field irrespective of whether the land was still in agricultural use or if the horses are being used for leisure/recreational purposes.

5. The application also proposes to use the existing 4no. stables and the proposed 6no. stable block for commercial equestrian use, essentially livery. Under PLAN/2010/0222 the use of the existing 4no. stable block for livery purposes was not considered to be harmful in the Green Belt. Whilst this aspect of the proposal would result in additional activity at the site including comings and goings, given the limited number of stables proposed overall (10no.), it is not considered that the additional activity associated with this part of the proposal would result in a reduction in the openness of the site.
6. The application also seeks to relocate the existing sand school to the southern part of the site and this is not considered to impact on the openness of the Green Belt. The application also proposes to erect a new stable block comprising 6no stables, tack room, hay barn and office facilities. This building would be located immediately adjacent to the existing large barn on the site and would be appreciated as an integral part of this mixed use site. The stables would be small in size, be faced in timber and would form a commonplace feature in the rural landscape. The application also proposes an access track of 2.5 metres in width to access the facilities in the northern part of the site, to provide additional hard surfacing for the stable yard and to increase the parking provision at the site. The proposed hard surfacing would be surface level and given the limited number of stables proposed it is likely to have a low level usage. Having regard to the above factors it is considered that the proposed development would not result in a loss of openness or conflict with the purposes of the Green Belt.
7. Nonetheless due to the proposed change of use the proposal comprises inappropriate development in the Green Belt and in accordance with the NPPF substantial weight is required to be given to this harm. It is therefore necessary to consider whether any very special circumstances exist in this case which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. In this particular case no 'other harm' to the Green Belt has been identified. As will be noted in the paragraphs below, subject to conditions, no other harm is considered to result from the proposed development.
8. Very special circumstances to justify the granting of planning permission will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Very special circumstances can constitute one consideration or the combination of a number of considerations. In this particular case, horse related development and commercial equine enterprises can only reasonably occur in the Green Belt in Woking. Paragraph 81 of the NPPF requires local planning authorities to plan "positively to enhance the beneficial use of the Green Belt" including to "provide opportunities for outdoor sport and recreation". Whilst this requirement does not enable the provision of the outdoor recreation facilities to be treated as appropriate development it does clearly add weight in favour of their provision in the Green Belt. In addition had the change of use of the land and the proposed stables, menage and hardsurfacing been submitted as separate applications, it is likely that the application proposing the built developments would have been considered as appropriate facilities in the Green Belt, preserving openness and not conflicting with the purposes of the Green Belt.
9. In addition Policy DM3 of the DM Policies DPD relates to equestrian facilities and sets out a number of criteria which equestrian facilities are required to meet. The supporting text for the policy also notes that "the policy provides for appropriately scaled outdoor sport and recreation development whilst respecting the purposes of



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the Green Belt” (para 3.24). The application proposes 10no. stables in total and the application site measures around 10 acres in area. Whilst the grazing land would be slightly below 10 acres once the buildings and facilities have been discounted, a menage is proposed for exercising and it is normal for horses for leisure/recreational use to be stabled for part of the time and/or to have their food supplemented which should ensure the land is not overgrazed. It is therefore considered that adequate land is available within the site for the proposed number of stables and condition 8 would control the maximum number of horses on the site. Given the limited number of horses the proposal is not considered to result in any highway safety issues and as noted below the County Highway Authority has not raised any objection to the application.

10. The applicant has also advised that if the proposal was considered to be inappropriate development in the Green Belt then they would advise that the very special circumstances should include the contribution the proposal would make to the rural economy, and also the fall-back position of the 92 allotments and a commercial poultry business which could operate from the site.
11. Having regard to all of the matters noted above it is considered that cumulatively very special circumstances exist in this case which would outweigh the harm resulting from the inappropriateness of the development by reason of the change of use of the land. The proposed development is also considered to comply with Policies DM3 and DM13 of the DM Policies DPD.

### Visual impact on the area

12. One of the core principles of planning as identified in the NPPF is securing high quality design. Policy CS21 of the Core Strategy states that “proposals for new development should...respect and make a positive contribution to the street scene and character of the area in which they are situated.” Policy CS24 also seeks to maintain the landscape character of the area. Policy DM2 of the DM Policies DPD relates to trees and landscaping and Policy DM3 relating to outdoor recreation facilities requires them to be appropriate scaled, not to result in an adverse visual impact and to be satisfactorily integrated with existing buildings where present.
13. The proposed stable building has been amended during the course of the application to reduce its size and to re-orientate the building so that it would be located adjacent to the existing large building on the site. In all views of the site the proposed stable block would be viewed against the backdrop or in the context of the existing large building. The existing building would also restrict views of stable building from the west. As the stables would be arranged around a courtyard this would also limit views of some of the activity associated with stables. The letters of representation have raised concern regarding views from the public right of way to the west but footpaths adjacent or near to rural establishments are routinely encountered in the countryside and in this case it is not considered that any views of the site from the adjacent public right of way would be harmful. The sand school would be relocated from the northern part of the site to the southern part of the site and this position would be better related to the proposed stable block and would form a small complex of facilities on the western part of the site. Condition 3 will require the approval of external materials for the stable block and the proposed menage surface.
14. Additional hard surfacing would be provided to the front of the stables, to access the stables in the northern part of the site including around the existing barn (although some hard surfacing already exists in this area) and to create additional parking

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spaces. However the additional hard surfacing would be limited to the western boundary of the site and would be viewed in association with the activities on the site. The long access driveway already exists from Smarts Heath Road to the existing barn and this has limited views from outside the site. The proposed hard surfacing would be created using a permeable material. Arboricultural Information has been submitted with the application which states that no trees are to be felled to accommodate the proposed development and the proposed parking and access track only have limited potential to cause root disturbance to trees (mostly outside the site). The Arboricultural Information advises that the proposed parking bays would be formed with a permeable stone construction and thus potential impacts on trees would be very limited. The access track to the northern part of the site would be formed using a no-dig surface and would have a road stone surface finish. Subject to a condition requiring an appropriate surface material and requiring the development to be implemented in accordance with the submitted Arboricultural Information (condition 18) it is not considered that the proposed hard surfacing would adversely affect the appearance of the site or the trees on or adjacent to the site.

15. Overall it is considered that the proposed stable block and associated facilities would be well located within the site to create a small complex of facilities, leaving the remainder of the site for pasture/grazing for horses and would not adversely affect the trees on or adjacent to the site. The proposal is therefore considered to comply with Policies CS21 and CS24 of the Core Strategy, Policies DM2 and DM3 of the DM Policies DPD and the NPPF.

### Impact upon neighbouring amenity

16. Policy CS21 of the Core Strategy advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts. Policy DM3 of the DM Policies DPD requires facilities for outdoor recreation to no generate unacceptable activity or give rise to a loss of amenity.
17. With regard to the 4no. stables to the northern part of the site, the application also proposes to utilise these stables for livery. In 2010 under PLAN/2010/0222 an application was made to change the use of the land and existing buildings on the site to a livery business. The buildings on the site at that time were the existing 4no. stables and the barn located on land to the rear of 229 Saunders Lane. Whilst that application was refused planning permission, this was only on the basis of the impact on highway safety and the use of the access and public right of way footpath no.33 to access the site from Saunders Lane. In respect of impact on neighbouring amenity the case officer report noted:

*“whilst third party concerns have been received on the grounds of an increased noise and disturbance from the proposed livery use, mainly in connection with the increased traffic movements, it is not considered that the noise generated by vehicular movements will be that substantial as to unacceptably detract from the peaceful enjoyment of neighbouring residential properties.”*

18. On this basis no objection was raised to the use of the 4no. stables and existing barn for livery use under PLAN/2010/0222. The only difference between that application and this application is that the 4no. stables would now be accessed from within the application site, utilising the access track from the southern part of the site. Having regard to the considerations under PLAN/2010/0222 and the small number of stables proposed for livery use in the northern part of the site it is not considered that the use of these stables for livery would adversely affect the amenities of nearby neighbouring

occupiers by reason of noise/disturbance.

19. With regard to the proposed new stable block in the southern part of the site this would be located in excess of 200 metres from the closest dwellings which front Saunders Lane. It is noted that some of the rear garden boundaries of the dwelling would be closer at around 130 metres. Given these separation distances the proposed stables would not be overbearing to nearby neighbouring dwellings and as the proposed stable block would comprise of 6no. stables only it is considered that the level of activity which would be associated with the use of 6no. stables for livery would not result in a level of disturbance to nearby neighbouring occupiers which would be considered detrimental to the amenities of these neighbouring occupiers.
20. The Council's Environmental Health Officer has suggested that the proposed stables should be insulated to prevent noise, but given the position of the southern stables in relation to the nearby neighbouring occupiers this is not considered reasonable. In addition the 4no. stables which exist in the northern part of the site can already accommodate horses irrespective of who owns the horses and therefore it is not considered reasonable to require these stables to be insulated.
21. The relocated menage (condition 6) would be a surface level feature and thus its construction would not be overbearing to nearby neighbouring occupiers. With regard to its use this would be controlled by conditions relating to its use, hours of use and preventing the use of any PA systems (conditions 8, 9 and 16). No external lighting is proposed as part of this application and conditions 9 and 10 further restrict this. Given these recommended conditions it is not considered that the use of the menage would adversely affect the amenities of the nearby residential occupiers.
22. The application also proposes to use to the barn in the northern part of the site for commercial storage use to store items used for maintaining the site and also items in connection with the applicant's business known as 3Js Nursery (i.e. garden and grounds maintenance). Some of the items may have dual use i.e. maintain the site and are also used for the applicant's business. The barn is small in scale and its size will limit the potential storage uses of the barn. In addition the barn would be accessed via the access track proposed as part of this application from the south rather than from Saunders Lane. It is not therefore considered that the use of the barn for storage uses, ancillary to the maintenance of the wider application site and in connection with the applicant's business of garden and grounds maintenance, would result in a level of activity/disturbance to the nearby neighbouring occupiers subject to a condition restricting the storage use to items used in connection with the maintenance of the land and garden and ground maintenance equipment only (condition 12).
23. Subject to the recommended conditions the proposal is not therefore considered to have a detrimental impact on the amenities of nearby neighbouring occupiers and the proposal is therefore considered to comply with Policy CS21 of the Core Strategy, Policy DM3 of the DM Policies DPD and the policies in the NPPF.

Impact upon highway safety

24. The existing large building on the site has a lawful commercial B8/ancillary B1 use. It is also noted that the planning history for the southern part of the site shows that a Certificate of Lawfulness was granted for the use of part of the site for the creation of 92 allotments under PLAN/2012/1102 which would have the potential to generate additional traffic movements to and from the site.

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25. Whilst the proposed livery use would generate increased traffic utilising the access to the site e.g. owner visits, deliveries, farriers, vet visits, given the number of stables proposed the County Highway Authority has advised that they have assessed the application and they have no highway requirements in respect of the application.
26. The application also proposes that the existing vehicular access into the northern part of the site is only used by emergency vehicles to access the site. Planning permission was also refused under PLAN/2010/0222 on the basis of the impact of the use of this vehicular access by traffic in connection with (at that time) the proposed livery use of the 4no. stables in the northern part of the site. In this regard and in order to prevent the use of the vehicular access into the site from Sounders Lane in connection with the use of the site (except for emergency vehicles) a condition is included in the recommendation (condition 14).
27. In respect of parking for the existing building on the site the Council's SPD Parking Standards states that for storage uses the requirement is 1 car park space per 100sqm plus a lorry parking space. The existing large barn on the site would have a floor area of 600sqm of B8 use and 60sqm of ancillary B1 use when extended (PLAN/2016/0181). This would equate to a parking provision of 9 spaces. There is no standard for commercial equestrian uses but on the basis of 10 stables being provided, 10 parking spaces would not appear to be unreasonable although it is unlikely that all spaces would be utilised at the same time. The application proposes to provide 20 spaces in total which although is one space more than the required provision, as all parking and turning movements in connection with the use of the site should occur within the site, it is considered that this level of parking provision is acceptable (condition 17). Sufficient hard surfacing is also considered to be provided within the site to enable any larger vehicles to enter and turn within the site and leave in a forward gear.
28. Mindful of the above matters the proposal is considered to comply with Policy CS18 of the Woking Core Strategy, Policy DM3 of the DM Policies DPD, the SPD Parking Standards and the policies in the NPPF.

### Impact on ecology

29. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy. Policy DM3 of the DM Policies DPD also requires proposals not to cause harm to a site of nature conservation and Policy DM7 seeks to minimise light pollution.
30. Opposite the site is the Smarts and Prey Heath SSSI. In this regard Natural England has been consulted on the application and has raised no objection to the application subject to conditions relating to a construction method statement (condition 4) and a pollution prevention plan (condition 5). Subject to these conditions the proposal is not considered to adversely affect the SSSI.
31. The proposal is not considered to result in any on-site ecological harm and condition 11 will secure biodiversity enhancements on the site. In addition conditions 9 and 10 will control the use of external lighting on the site to minimise visual impact and impact on ecology e.g. bats which may utilise the wider local area.

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32. Subject to conditions the proposal is considered to comply with Policy CS7 of the Woking Core Strategy, Policies DM3 and DM7 of the DM Policies DPD the guidance in Circular 06/05 – Biodiversity and Geological Conservation and the policies in the NPPF.

### Other matters

33. The site is located within Flood Zone 1 (low risk) and no issues relating to flood risk are raised. As the proposal is for major development, surface water drainage is a material planning consideration. In respect of surface water drainage, the applicant has submitted a Flood Risk Assessment and Drainage Strategy and additional information which have been reviewed by the Council's Drainage and Flood Risk Engineer. The Council's Drainage and Flood Risk Engineer has raised no objection to the application subject to the imposition of conditions 20, 21 and 22. The proposal is considered to accord with Policy CS9 of the Core Strategy and the policies in the NPPF and would not increase flood risk to the site or surrounding area.

### LOCAL FINANCE CONSIDERATIONS

34. The Council implemented the Community Infrastructure Levy (CIL) on 1<sup>st</sup> April 2015. As the proposal relates to a change of use of the land and construction of stables the proposal is not CIL payable development.

### CONCLUSION

35. Whilst the proposal represents inappropriate development within the Green Belt, by virtue of the change of use of land, the proposed development is considered to maintain the openness of the Green Belt and would not conflict with its purposes. Subject to conditions, the proposal is not considered to result in any harm to other planning matters. Having regard to the matters detailed in the report above it is considered in this case that there are very special circumstances which exist which would outweigh the harm resulting from the inappropriateness of the development and on this basis a recommendation to grant planning permission is considered justified. The proposals are otherwise considered to comply with Policies CS7, CS9, CS18, CS21 and CS24 of the Woking Core Strategy, Policies DM2, DM3 and DM7 of the DM Policies DPD and also the policies in the NPPF. It is therefore recommended that planning permission is granted subject to the conditions as set out below.

### BACKGROUND PAPERS

Planning file PLAN/2017/0831

### RECOMMENDATION

It is recommended that planning permission be **GRANTED** subject to the following conditions:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Site Location Plan rec 08.11.16

Proposed Stable Complex (1581/SH/1 Rev A) rec 08.08.17

Existing floor plans and elevations of the northern stable block and barn (1581/SH/1) rec 08.11.16

Site Plan (showing southern part of the site) (1581/SH/2 Rev A) rec 08.08.17

Site Plan (showing northern part of the site) (1581/SH/3 Rev A) rec 08.08.17

Arboricultural Implications Assessment (Broad Oak Tree Consultants Ltd ref J53.82 dated 04.05.17) rec 05.05.17

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

3. Prior to the commencement of development full details of the external materials to be used in the construction of the stables hereby approved, the surface treatment of the proposed menage and the surface treatment of all hard surfaced areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the visual amenities of the area and to comply with Policies CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

4. Prior to the commencement of any development on site a Construction Method Statement demonstrating how best practice will be used to minimise dust etc shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England). The development shall be implemented only in accordance with the approved details unless any variation is first approved in writing by the Local Planning Authority.

Reason: To mitigate the impact of development on the nearby Smarts and Prey Heath SSSI and to comply with Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

5. Prior to the commencement of any development on site a Pollution Prevention Plan demonstrating how the development will not result in increased contaminants/nutrients reaching the Smarts and Prey Heath SSSI through the ditch and pond shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England). Details to be submitted for approval shall address surface water and run off as well as the storage and disposal of the waste associated with the stables hereby approved. The development shall be implemented only in accordance with the approved details unless any variation is first approved in writing by the Local Planning Authority.

Reason: To mitigate the impact of development on the nearby Smarts and Prey Heath SSSI, to safeguard neighbouring amenities and to comply with Policies CS7 and CS21 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

6. Prior to the first use of the stables hereby approved for livery or any other equestrian use the existing menage shall be relocated to its new position on the site as hereby approved. In the first planting season following the relocation of the menage the area

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of the existing menage shall be removed and the land seeded and maintained to enable the land to be covered with a natural grass surface.

Reason: In the interest of visual amenity, to safeguard the amenities of nearby neighbouring dwellings and in the interests of highway safety and to comply with Policies CS6, CS18 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

7. At no time shall the number of horses on the application site exceed 10.

Reason: In order to secure a satisfactory form of development in the Green Belt given the size of land holding in accordance with Policy CS6 Woking Core Strategy 2012 and Policy DM3 of the DM Policies DPD 2016.

8. The menage hereby approved shall only be used in connection with horses stabled/grazed on the application site and no part of the application site including the menage shall be used for or in connection with any competitive equestrian event or demonstration, including shows or gymkhanas. Within the menage no more than two riders shall be trained at any one time and the menage shall only be used for the exercise/tuition of horses stabled/grazed on the application site. The menage hereby approved shall only be used between the hours of 07:00 and 20:00.

Reason: In the interest of visual amenity, to safeguard the amenities of nearby neighbouring dwellings and in the interests of highway safety and to comply with Policies CS6, CS18 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

9. No floodlighting or other forms of external artificial lighting shall be installed over or around the menage hereby permitted.

Reason: In the interests of visual amenity, neighbouring amenity and ecology and to comply with Policies CS7 and CS21 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

10. ++Any external lighting to be installed on the site (except for that to be used in connection with the bin stores) shall be installed fully in accordance with details (demonstrating compliance with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light' and the recommendations of the Bat Conservations Trusts document entitled "Bats and Lighting in the UK – Bats and the Built Environment Series") which shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter retained and maintained fully in accordance with the approved details.

Reason: In the interests of visual amenity, neighbouring amenity and ecology and to comply with Policies CS7 and CS21 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

11. Prior to the first use of the building hereby approved details of the measures for the enhancement of biodiversity on the site and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in full in accordance with the agreed details and permanently retained, unless otherwise agreed in writing by the Local Planning Authority.

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Reason: In order to enhance the biodiversity on the site in accordance with Policy CS7 of the Woking Core Strategy 2012 and the NPPF 2012

12. The barn in the northern part of the site as annotated on approved plan 1593/SH/1 shall only be used for the storage of items in connection with the maintenance of the wider application site and items used in connection with garden and grounds maintenance and shall not be used for any other purposes within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) whatsoever.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policy CS21 of the Woking Core Strategy 2012.

13. No goods, materials, plant or equipment shall be stored outside of the buildings on the site without the prior written permission of the Local Planning Authority.

Reason: To protect the visual amenities of the site in accordance with Policies CS6 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

14. The vehicular access into the site from Saunders Lane as identified on approved plan S1581/SH/3 shall not be used by any vehicular traffic to access any part of the application site except for access by emergency vehicles only as so may be required to access the site in an emergency.

Reason: In the interests of highway safety and to comply with Policy CS18 of the Woking Core Strategy 2012 and the policies in the NPPF.

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development falling within this Class of development shall take place anywhere on the site without the prior written permission of the Local Planning Authority of any application made for that purpose.

Reason: In order to control the development on the site in the interests of the visual amenity of the site and the surrounding area, neighbour impact and highway safety and to comply with Policies CS6, CS18, CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

16. No public address or other system for the amplification of sound shall be used anywhere on the application site including the menage herby approved.

Reason: To protect the environment and amenities of the occupants of neighbouring properties in accordance with Policies CS6 and CS21 of the Woking Core Strategy 2012 and the policies in the NPPF.

17. The development hereby approved shall not be brought into use until the parking and turning spaces have been laid out within the site in accordance with the approved plans for vehicles so park and turn so that they may enter and leave the site in forward gear. The parking/turning areas shall be used and permanently retained exclusively for their designated purposes.



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Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to provide adequate parking in accordance with Policy CS18 of the Woking Core Strategy 2012 and the policies in the NPPF.

18. The development hereby approved shall be undertaken in accordance with the information provided in the submitted Arboricultural Implications Assessment provided by Broad Oak Tree Consultants Ltd (ref J53.82) dated 4<sup>th</sup> May 2017 and received with the application which shall include the convening of a pre-commencement meeting (with the applicant, project Arboriculturalist and Local Authority Arboricultural Officer), tree protective fencing as indicated and details relating to the construction of the proposed parking area (except for the number of spaces stated which has been reduced in accordance with the other approved plans) and access tracks as indicated (which for its northern section shall be located alongside the existing soil bund). No works or demolition shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with Policy CS21 of the Woking Core Strategy 2012.

19. The Class B8/B1 uses hereby permitted shall be restricted to within the existing buildings on the site as annotated as the existing 'barn' as annotated on approved site plan 1581/SH/2 rev A and the existing 'hay barn' as annotated on approved site plan 1581/SH/3 Rev A only.

Reason: In order to control the development on the site in the interests of the visual amenity of the site and the surrounding area, neighbour impact and highway safety and to comply with Policies CS6, CS18, CS21 and CS24 of the Woking Core Strategy 2012 and the policies in the NPPF.

20. No development shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

21. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation,

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- ii. Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- iii. A table to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; and
- iv. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability, continues to be maintained as agreed for the lifetime of the development and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and policies in the NPPF.

22. Prior to first use a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF.

### **Informatives**

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant's attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and the associated British Standard Code of Practice BS5228:1984 "Noise Control on Construction and Open Sites" (with respect to the statutory provision relating to the control of noise on construction and demolition sites). If works is to be carried out outside normal working hours (i.e. 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and not at all on Sundays and Bank/Public Holidays) prior consent should be obtained from the Environmental Health Team prior to the commencement of works.
4. New Business – Advise Environmental Health – Before the new business opens the applicant is advised to contact the Environmental Health Department at Woking Borough Council (tele: 01483 755855) regarding the provisions of the Health and Safety at work etc Act 1974.