

Report of the Head of Planning, Transportation and Regeneration

Address RIDING STABLES GOULDS GREEN HILLINGDON

Development: Demolition of stables and erection of cattery pens (Use Class Sui Generis) and rebuilding of the office/store (part retrospective)

LBH Ref Nos: 26738/APP/2019/2207

Drawing Nos: 267CGGH/1 January 2020 Green Belt Statement
Agent's Email 23.10.19 - Justification of Use
Agent's Email 24.10.19 - Justification of Use
09/311/43 Rev. C
Design and Access Statement Received 1 August 2019
09/311/41 Rev. E
09/311/44
Demolished Stable Photos
Agent's Email 10.10.19 - Materials
09/311/31 Rev. G
09/311/44 Rev. A

Date Plans Received:	01/07/2019	Date(s) of Amendment(s):	24/10/2019
Date Application Valid:	05/08/2019		01/07/2019
			09/07/2019
			11/10/2019
			08/01/2020

DEFERRED ON 6th November 2019 FOR FURTHER INFORMATION .

This application was deferred at the committee of 6th November 2019 for additional information. Further information was received from the agent and a Green Belt Statement was submitted to address the issue relating to the principle of development in the Green Belt.

It should be noted that the previous application (Ref: 26738/APP/2018/1279) was dismissed at appeal is based on a scheme that proposed 3 cattery pens (4.3m x 13.17m in size) and an office/prep room (4.5m x 8.306m in size). The total footprint of the application was 207.27sqm. The proposal included 1 cattery building and an office/prep room to be located on mostly previously developed land while the remaining 2 cattery buildings would be located on land on which there were no buildings previously. The Inspector assessed the application based on Paragraph 145 (d) which states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with the exception that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. As the scheme was for both replacement and new buildings, this exception and Paragraph (e) could not be complied with. The Inspector's report highlighted that the "combination of new and replacement buildings, all of which would be in a materially different use, would amount to inappropriate development" and therefore concluded that the proposed development would be "inappropriate development which would give rise to a small loss of openness to the Green Belt".

However, the current application is for the erection of 1 cattery pen (4.15m x 13.17m in size) and an office (4m x 6m in size). The total footprint is 78.66sqm and the buildings are to be located on land where the demolished stable once stood. As such, when compared to the

previous scheme, this application is considered to comply with Paragraph 145 (g) and Paragraph (e) of the NPPF (2019). There would be no loss to the openness of the Green Belt but instead there would be an increase in the openness, due to the demolition of buildings which were larger.

The existing use of the application site is as a riding stable and livery business, which falls within Use Class D2 (assembly and leisure) and the proposed use for cattery pens is identified as a Sui Generis use.

The applicant has submitted supporting information which is summarised below:

Change of Use in the Green Belt

The applicant acknowledges that while the existing and proposed uses are different in terms of Use Class Order, the National Planning Practice Guidance (NPPG) has stated that "A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use, however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case." As examined in the body of this report and by the Inspector's Report, it is concluded that the impact of boarding cats is no greater than boarding horses. The Inspector's Report stated "I considered that the noise generated by cats would not be greater than that generated by horses. Furthermore, given the comings and goings associated with the existing use as riding stables and tack shop, any disturbance arising from additional activity associated with the proposed development would have a negligible effect. There was no substantive evidence to suggest that the proposed use would result in unacceptable odours." In regards to highways safety, for the previously larger scheme, the Inspector's Report noted that the proposed "would not have a materially harmful effect on highway safety or conflict with the highway safety protection aims of policy AM7 of the UDP." Therefore with the currently reduced scheme, the impact would be much less. Based on the proposed central location of the replacement buildings, it is unlikely that visual impact would be detrimental, as the site is bordered by heavy landscaping and therefore would not be visible from the street or the area in general. As such, the overall impact on the use of land and buildings would be considered negligible with less activity on site.

NPPF Green Belt Exception

Further clarification and comments were received from the Policy Team:

"1. As per our previous comments it is the view of the Policy team that the proposed development could fall under the exception set out in NPPF para 145 (g) provided it would not have a greater impact on the openness of the Green Belt than the existing development. Given the site was occupied by a stable block it is considered to be previously developed land for the purposes of this exception.

2. It is my view that this exception should have been used with reference to the dismissed appeal scheme and I am unclear why this was not considered by the Planning Inspector. It may be that the previous scheme was not all on previously developed land having been larger than the scheme currently under consideration (it would be useful to confirm this and demonstrate to members using the proposed layout plans for the two schemes). Considering this scheme is smaller in footprint than the revised scheme, and sits on the site of the former stable, it is considered to be on previously developed land.

3. If you reach the conclusion that the impact on the openness of the Green Belt would not be greater than the stable block, then the development would not be inappropriate development and very special circumstances would not be required."

Following the changes to the previous refused application, the current application complies with Paragraph 145 (g) of the NPPF (2019) which states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with the exceptions of limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. As highlighted in previous paragraphs, the proposed new cattery building and office is to be built where the original stables once stood with a reduced footprint, hence, there would be an increase to the openness of the Green Belt.

Paragraph 146 (e) of the NPPF (2019) states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, these include the material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), if the site preserves its openness and does not conflict with the purposes then the development is considered not inappropriate in the Green Belt. Referring to previous paragraphs of this report, the proposed scheme will not impact on the openness and the overall operations of the existing site. In respect to the second proviso of NPPF Paragraph 146, the proposal does not conflict with the purposes outlined in Paragraph 134, which includes, to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns or to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Based on the points above, it is considered that the proposal is not inappropriate development therefore very special circumstances would not be required.

Notwithstanding the previous views, should "Very Special Circumstances" be required, the applicant has provided the following considerations that would outweigh any potential harm to the Green Belt by reason of inappropriateness:

Support for a local business and appropriate rural diversification

"The livery business at the site cannot be sustained due to the loss of the lease for grazing land and a new income stream is needed. The proposed cattery would provide a complementary diversification of the facility, appropriate to its location. Paragraph 80 of the NPPF makes clear that significant weight should be placed on the need to support economic growth. As part of this objective the Government is also keen to support a prosperous rural economy, and to this end the NPPF advises at paragraph 83 that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas including through conversion of existing buildings and well designed new buildings, and the development and diversification of land-based rural businesses. I consider that the need to foster the continued success of the applicant's business should therefore be given substantial weight."

Effective use and enhancement of a previously developed site

"The application site is previously developed and the NPPF promotes making the effective use of land. NPPF paragraph 118 says that substantial weight should be given to the value of using suitable brownfield land; that appropriate opportunities to remediate despoiled, degraded or derelict land should be supported; and that the development of under-utilised land and

buildings should be promoted and supported. As the Central & South Planning Committee report of 6 November 2019 identifies, the existing site is significantly under-utilised and the development would replace old dilapidated buildings, enhancing its use. In my view therefore significant weight should be given to this outcome in determination of the application, particularly also because it directly supports one of the purposes of the Green Belt, which is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

Reduced activity associated with the site

"The level of activity associated with the proposed cattery would be much reduced when compared with the previous DIY livery use (for stabling 26 horses), which has involved owners visiting their horses at least once, if not twice a day. The development would therefore have less impact on the area than the existing use - though it needs to be said that the stables use has never presented any traffic problems or nuisance to neighbours. I consider that this effect of the proposal is an important additional factor to take into account."

Maintenance of the site in uses appropriate to its location

"The proposal would also secure a continued appropriate use of the land that would help to resist other forms of less appropriate development that may be prejudicial to the great importance that is to be attached to Green Belts. As the Central & South Planning Committee report of 6 November 2019 identifies the proposed cattery would provide a new service to the local community and would function within the Green Belt site. In my view this is a pertinent consideration to weigh in the planning balance."

Lack of any harm to the openness or purposes of the Green Belt

"As case law has confirmed, Green Belt openness has a visual as well as spatial aspect. Given that the proposed building are smaller in size (both in extent and height) than those they would replace there is no detrimental impact on openness in terms of a spatial aspect; there would in fact be an improvement. In addition there would be no visual harm. The Central & South Planning Committee report of 6 November 2019 makes clear that the site is well screened from the surrounding area on all external boundaries, and that the proposed cattery would be well within the centre and contained nature of the site. I consider that the lack of any visual harm (as well as spatial effect) makes a valuable contribution to the degree of very special circumstances that support this proposal."

In conclusion it is considered that the proposed scheme complies with the exemptions of Paragraphs 145 (g) and 146 (e) of the NPPF (2019). As stated in other parts of the report, the existing riding stable and livery is not dissimilar to the proposed cattery. Thus, application is recommended for Approval.

1. SUMMARY

This application seeks planning permission for the demolition of stables and office/store, the erection of cattery pens (Use Class Sui Generis) and rebuilding of the office. The application is part retrospective as the stables and original office/store have been demolished and the office has already been constructed on site.

A previous application of a similar nature was refused and dismissed at appeal. The Inspector's Report concluded that the "scheme would be inappropriate development which would give rise to a small loss of openness to the Green Belt". There has been a considerable reduction in the number of buildings proposed in comparison to the previous submission. This application proposes one cattery building and office to replace the original demolished stable and office/store. The new buildings will have a smaller footprint than the original buildings which is considered to have addressed the Inspector's

concerns of the small loss of openness to the Green Belt. The introduction of a new additional use to the site was considered inappropriate development by the Inspector however, justification has been provided by the applicant.

The proposal is considered to accord with the exceptions set out in the NPPF (2019), Paragraph 145 part (g) and Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Therefore, this application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 09/311/44 Rev. A, 09/311/41 Rev. E, 09/311/43 Rev. C and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions The Local Plan: Part 2 - Development Management Policies (2020) and the London Plan (2016).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 7.16	(2016) Green Belt
NPPF- 2	NPPF-2 2018 - Achieving sustainable development

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

5 170 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

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The Council is aware of the presence, within 250 metres of the site, of land with the potential to emit gas. However, the risk of gas migration is considered minimal due to the age, nature and/or location of the fill. It is, however, recommended that the buildings are designed and constructed to prevent/minimise the possible entry of any migrating landfill gas. Please contact the Building Control Inspector on 01895 250155 if you require any advice.

3. CONSIDERATIONS**3.1 Site and Locality**

The proposed site is located south of Goulds Green. The site is an existing riding stables with an entrance lane directly across from nos. 20 and 22 Goulds Green. There are parking on the east as you enter the site and on the west, is a residential dwelling occupied by the owner of the site. In recent years, a detached barn was converted into a 3-bedroom unit. To the rear of the property, it comprises of a stable yard with associated storage buildings and tack shop building. Adjacent to the large storage building towards the centre of the site is a small open area with soft landscaping.

The application site is well screened from the surrounding area by soft landscaping on all external boundaries. To the south is Stockley Park and to the north are residential properties. The site is rural in character and appearance. The application site is situated within the Green Belt and is part of the Hayes/West Drayton Corridor.

3.2 Proposed Scheme

The proposed scheme of the application is the retrospective demolition of stables and office/store, the erection of cattery pens (Use Class Sui Generis) and office. The cattery stall will be built within the same footprint of the original stable and the office is located adjacent to the cattery on the east.

Existing:

Office/Store - 5.5m (H) x 12.5m (L) x 3.5m (H) = 68.75 sqm

Stables - 3.5m (W) x 21m (L) x 2.9m (H) = 73.5 sqm

Proposed:

Office - 4m (W) x 6m (L) x 2.8 to 2.9m (H) = 24 sqm (slanted roof)

Cattery Stalls - 4.15 (W) x 13.17m (L) x 2.5m (H) = 54.66 sqm

The original stable and office/store would amount to a total of 142.25sqm, however the proposed will have a footprint of 78.66sqm. As such, there is a reduction of 66.59sqm. The proposed external material of the buildings are to match the cladding of the existing remaining stables in brown waney edged timber.

At the time of the case officer's site visit, the office/store had already been constructed and the stables have been demolished. It is also noted that there are several shipping containers located at the premise which do not appear to have planning permission.

3.3 Relevant Planning History

26738/79/0790 Riding Stables Goulds Green Hillingdon

Change of use to Retail use 34sq.m.(P)

Decision: 05-09-1979 ALT

26738/A/85/2033 Riding Stables Goulds Green Hillingdon

Retention of permission (base unknown)(P)

Decision: 10-07-1986 Withdrawn

26738/APP/2009/2596 The Stables Goulds Green Hillingdon

Conversion of outhouses to 1 two-bedroom and 1 one-bedroom flat, to include single storey side

extension, conversion of loftspace to habitable use and alterations to elevations.

Decision: 08-02-2010 Withdrawn

26738/APP/2010/2554 The Stables Goulds Green Hillingdon

Conversion of detached barn to rear to a three-bedroom residential unit, including 2 parking spaces and associated amenity space.

Decision: 06-09-2011 Approved

26738/APP/2014/4443 Riding Stables Goulds Green Hillingdon

Single storey detached outbuilding to rear for use for a swimming pool and associated plant rooms (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 02-02-2015 Refused

26738/APP/2015/499 Riding Stables Goulds Green Hillingdon

Single storey detached outbuilding for use as a swimming pool and plant room

Decision: 13-04-2015 Approved

26738/APP/2018/1279 Riding Stables Goulds Green Hillingdon

Erection of cattery buildings and associated office

Decision: 18-06-2018 Refused **Appeal:** 13-11-2018 Dismissed

26738/B/86/0797 Riding Stables Goulds Green Hillingdon

Leisure development - 3320sq.m. (Full)(P)

Decision: 19-06-1986 Approved

26738/C/86/0798 Riding Stables Goulds Green Hillingdon

Leisure development - 2630sq.m. (Full)(P)

Decision: 19-06-1986 Approved

26738/D/87/2036 Riding Stables Goulds Green Hillingdon

Erec. of a two-storey side extn. for granny annexe and conservatory to rear elevation.

Decision: 07-04-1988 Approved

26738/F/88/2818 The Farmhouse Goulds Green Hillingdon

Continued use of open menage and car park

Decision: 25-05-1989 ALT

26738/G/91/1045 The Farmhouse Goulds Green Hillingdon

Continued use of open menage and car park; Renewal of planning permission ref. 26738F/88/2 dated 25.5.89

Decision: 01-08-1991 ALT

26738/H/91/1950 The Farmhouse Goulds Green Hillingdon

Erection of a manure store enclosure and permanent use of land as car park

Decision: 15-06-1992 Approved

26738/J/94/0186 The Farmhouse Goulds Green Hillingdon

Erection of a two-storey rear extension

Decision: 30-03-1994 Approved

26738/L/94/1463 The Farmhouse Goulds Green Hillingdon

Erection of two outbuildings for the manufacture and storage of fireworks

Decision: 23-11-1994 Refused **Appeal:** 27-10-1995 Dismissed

26738/M/97/0100 Riding Stables Goulds Green Hillingdon

Installation of pitched roof over tack shop

Decision: 27-03-1997 Approved

26738/PRC/2019/69 Riding Stables Goulds Green Hillingdon

Demolition of stables and reconstruct for cattery (Use Class Sui Generis)

Decision: 05-06-2019 OBJ

Comment on Relevant Planning History

A pre-application under planning reference 26738/PRC/2019/69 dated 05-06-19 was recommended for objection for the demolition of stables and reconstruct for cattery (Use Class Sui Generis).

A planning application under reference 26738/APP/2018/1279 was refused on 18-06-18 and was dismissed at appeal on 13-11-18 for the erection of cattery buildings and associated office. The inspector concluded that the scheme would be inappropriate development which would give rise to a small loss of openness to the Green Belt.

A planning application under reference 26738/APP/2015/499 was granted on 13-04-15 for a

single storey detached outbuilding for use as a swimming pool and plant room.

A Certificate of Lawful Development under reference 26738/APP/2014/4443 was refused on 02-02-15 for a single storey detached outbuilding to rear for use for a swimming pool and associated plant rooms.

A planning application under reference 26738/APP/2010/2554 was granted on 09-09-11 for the conversion of detached barn to rear to a three-bedroom residential unit, including 2 parking spaces and associated amenity space.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

DMEI 4 Development on the Green Belt or Metropolitan Open Land

DMHB 11 Design of New Development

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 7.16 (2016) Green Belt

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 13 NPPF-13 2018 - Protecting Green Belt land

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **5th September 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed and expired on 5-09-19. A total of 16 neighbouring owners/occupiers were consulted. Two comments were received. The summary of the comments are as follows:

- No objection to the proposed as long as there are no noise pollution, no construction vehicle and customer vehicle parked in front of residential houses, no abusive customer, no HGV before 8am, respect resident's privacy and the applicant is liable to clean the road/windows
- No objection if there are no disturbances and parking/blocking driveways. Previously experienced abusive customers from the stable parking in residents driveways.

Internal Consultees

EPU Officer:

I have read through the submitted documents and there is no impact in regards to pollution or noise nuisance.

Contaminated Land Officer:

Please include the following:

Gas Informative

Building Techniques - It is recommended that the buildings are designed and constructed to prevent/minimise the possible entry of any migrating landfill gas. Please contact the Building Control Inspector on 01895 250155 if you require any advice.

REASON:

The Council is aware of the presence, within 250 metres of the site, of land with the potential to emit gas. However, the risk of gas migration is considered minimal due to the age, nature and/or location of the fill.

Conservation and Urban Design Officer:

Summary of Comments

There is no conservation objection in principle to these proposals, however, the vague information supplied so far implies that the proposed buildings may be clad in none traditional materials, which would be unacceptable. Should this proposal be approved, the exterior construction would need to be in timber, including the windows and doors.

Observations

The proposals in this application are considered to be within the setting of the Locally Listed property known as "The Stables", a late 19th C stable block to Goulds Green Farm. Two storey hayloft and dovecot, with single storey stable wings to each side; in stock bricks, slate roof with terracotta ridge tiles. Brick dogtooth eaves detail and string course, decorative arches to doors and windows. Converted to dwellings c2010.

This is a proposal to create a cattery on this site.

These proposals make use of the existing building plan for the courtyard and involve the erection of a similar type/class of building. There is no conservation objection in principle to these proposals, however, the Design and Access Statement refers to the use of 'proprietary manufactured cleanable materials', in their section on appearance. This is rather vague and implies the use of plastic cladding and windows which would be unacceptable in the setting of the locally listed old stables. Traditional timber cladding and window frames would be required, in suitable brown timber colour.

As always we are seeking to preserve or enhance the historic environment.

Recommendations

Recommend clarification/changes to proposed materials, otherwise no conservation objection.

Case Officer's Comment:

Following the receipt of further information, the proposed external material will be brown waney edged timber to match the cladding on the remaining stables.

Highways Officer:

Original Comments: No information has been provided regarding site access, trip generation and the quantum and layout of any off-road car parking. This information is needed before highway, traffic and transportation comments can be provided.

Revised Comments: There are no highway objections to this development.

Trees/Landscape Officer:

This site is occupied by a riding stable with livery and a number of outbuildings, yards and a car park. Accessed from the south side of Goulds Green, the southern boundary is defined by the edge of Stockley Park. There is a large ash tree on the northern edge of the proposed development site, which is not shown on plan. While the tree is an attractive feature, it is not protected by TPO or Conservation Area designation. The site lies within the Green Belt.

COMMENT The site was the subject of a previous application ref. 2018/1279 which was refused at Appeal. No trees or existing landscape will be affected by the proposal. The current proposals appear to have addressed the Inspector's reasons for refusal by reducing the footprint of the cattery to that of the existing stables. As noted in the Inspector's comments on openness (item 9), the proposed buildings will be screened from wider public view by the existing buildings and mature landscaping (around the boundaries).

RECOMMENDATION No objection and no need for landscape conditions.

Planning Policy Team:

Development Plan

1. Development Plan

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Saved UDP Policies (2012)

The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

1.4 Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Consolidated with Changes July 2019)

1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with

amendments was published in July 2019. This Consolidated version remains under examination with a report by the appointed panel of Inspectors due in Autumn 2019.

1.6 The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. The Council's general approach at this stage is to give limited weight to the draft London Plan as a material consideration when deciding planning applications given at this stage of preparation it remains subject to a large number of objections, and could still be subject to significant further change prior to publication.

Proposed Submission Local Plan Part 2 with Main Modifications (March 2019)

1.7 The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

1.8 The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

1.9 The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and were published for public consultation from 27 March to 8 May 2019.

1.10 Taking para 48 of the NPPF into account, the Council's general approach to the weight which should be afforded to the draft LPP2 will be as follows:

1.11 With regard to (a) of para 48, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

1.12 With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

1.13 With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

1.14 Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

2.0 Designations

- Metropolitan Green Belt

3.0 Principle of Development

3.1 The proposed development is for the replacement of a stable block and supporting office and store with a smaller office and cattery block. Based on a high level assessment of the proposals (i.e.

that the overall footprint will reduce and there is no increase in bulk), it would appear they may qualify for one of the exceptions set out in the National Planning Policy Framework and therefore would not be inappropriate development.

3.2 Paragraph 145 part g) sets out an exception for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified

3.3 Taking this exception into account, draft policy DMEI 4 Development in the Green Belt or Metropolitan Open Land of the emerging LPP2 provides detailed assessment criteria stating that proposals for redevelopment on sites in the Green Belt will only be permitted where the proposal would not have a greater impact on the openness of the Green Belt, and setting out criteria which cover factors such as height, bulk, distribution and visual amenity. A detailed assessment against these criteria will be required by the case officer to determine if the proposed development meets the requirements of policy DMEI 4. Saved Policy OL4 which also sets similar criteria for assessing redevelopments in the Green Belt should also be taken into.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

This property is currently used for residential purposes for the owner and is a livery and riding school with a tack shop and stables. As part of this application, a new use is introduced with the establishment of a cattery. The issues relating to this are covered in the 'Impact on the Green Belt' section of this report.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Paragraph 145 of the National Planning Policy Framework (2019) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy 7.16 of The London Plan (2016) states that inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very exceptional circumstances, B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to: i) the height and bulk of the existing building on the site; ii) the proportion of the site that is already developed; iii) the footprint, distribution and character of the existing buildings on the site; iv) the relationship of the proposal with any development on the site that is to be retained; and v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

The proposed development is for the replacement of a stable and supporting office and store with a smaller office and cattery block. As the proposed buildings will have a reduced overall footprint, no increase in bulk and size, and is to be located on the same footprint of original stable, the proposed is in line with exemption (g) within Paragraph 145 of the NPPF (2019).

The applicant has provided justification for the additional use as a cattery within the Green Belt. The site was initially established as a riding school and livery, however due to the loss of the grazing land which was leased from the Council, the application site has reduced from 40 horses to 8 horses. As such, the site is currently significantly under utilised for its original purposes.

The proposed cattery will provide a new service to the community and function within this Green Belt site. The chosen position of the cattery is well within the centre of the site and away from residential dwellings, replacing the old dilapidated stables that was demolished due to health and safety issues. The location of the site is considered appropriate due to the contained nature of the site and would unlikely cause harm to the site or the surrounding area but rather enhance its uses.

The Framework indicates that any harm to the Green Belt should be given substantial weight, however given the site is significantly under utilised for its original purposes and justification has been provided to support the proposed additional uses, the proposal is considered acceptable and would not have greater impact on the Green Belt than the existing use. As such, weight should be given to the very special circumstances to justify the proposed.

7.07 Impact on the character & appearance of the area

Policy DMHB 11 Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that A) All development, including extensions, alterations and new buildings will be required to be designed to the highest quality standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass

and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs. D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The proposed cattery stall and office is located on hard landscape where the original building once was. The building is sited in the centre of the site with the surrounding stables, shop and soft landscaping screening the development from the street scene. Furthermore, the proposed external material used is brown waney edged timber which will match the existing cladding of the adjacent stables and is considered to be sympathetic to the rural look and feel of the immediate site. As such, the development is considered acceptable and is in accord with DMHB 11 Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019).

7.08 Impact on neighbours

Given its location and that the new cattery and the office has a smaller footprint and height than the original buildings, the proposed is considered unlikely to impact on neighbours result in a significant loss of residential amenity.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that development proposals must ensure that: i) safe and efficient vehicular access to the highway network is provided to the Council's standards; ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents; iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes; iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable

development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations. B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

The site has on-site parking immediately to the east of the site as you enter the driveway. There are a total of 9 car parking spaces including a disable bay. In reference to the previous appeal, the Inspector's reported stated that "the scheme would not have a materially harmful effect on highway safety or conflict with the highway safety protection aims of policy AM7 of the UDP". Furthermore, the Council's Highways Officer has assessed the application and no objections were raised. As such, the development is considered to be acceptable and is in accord with Policies DMT2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019).

7.11 Urban design, access and security

Refer to "Impact on the character & appearance of the area".

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

No trees or landscaping would be affected by the proposed. The replacement buildings will be located on existing hard surface ground where the original stable was located. The Council's Trees and Landscape officer was consulted and no objections was raised.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

As stated by the Inspector's Report, the "noise generated by cats would not be greater than that generated by horses" and that "there are no substantive evidence to suggest that the proposed use would result in unacceptable odours". On this basis in addition to the site's location to the rear of the property and surrounding landscape, it is considered that the proposal is unlikely to be detrimental to the character or amenities of the surrounding properties and area in general.

7.19 Comments on Public Consultations

The issues raised are covered in the main body of the report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

This application seeks planning permission for the retrospective demolition of stables and office/store, and proposes a cattery stall and office. The site is located within the Green Belt however, the proposed cattery and office have a smaller footprint, height and scale than the demolished buildings, thus the development is considered acceptable and in line with Paragraph 145 part (g) of the NPPF.

Although the proposed departs from DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), some justification has been provided and the proposal is not considered to have a greater impact on the Green Belt than the existing use. The site is currently under utilised due to the loss of grazing land. The proposed will provide the Green Belt site a new offer and function to the area in general and would enhance its use. As such this application should be considered as an exemption to special circumstances.

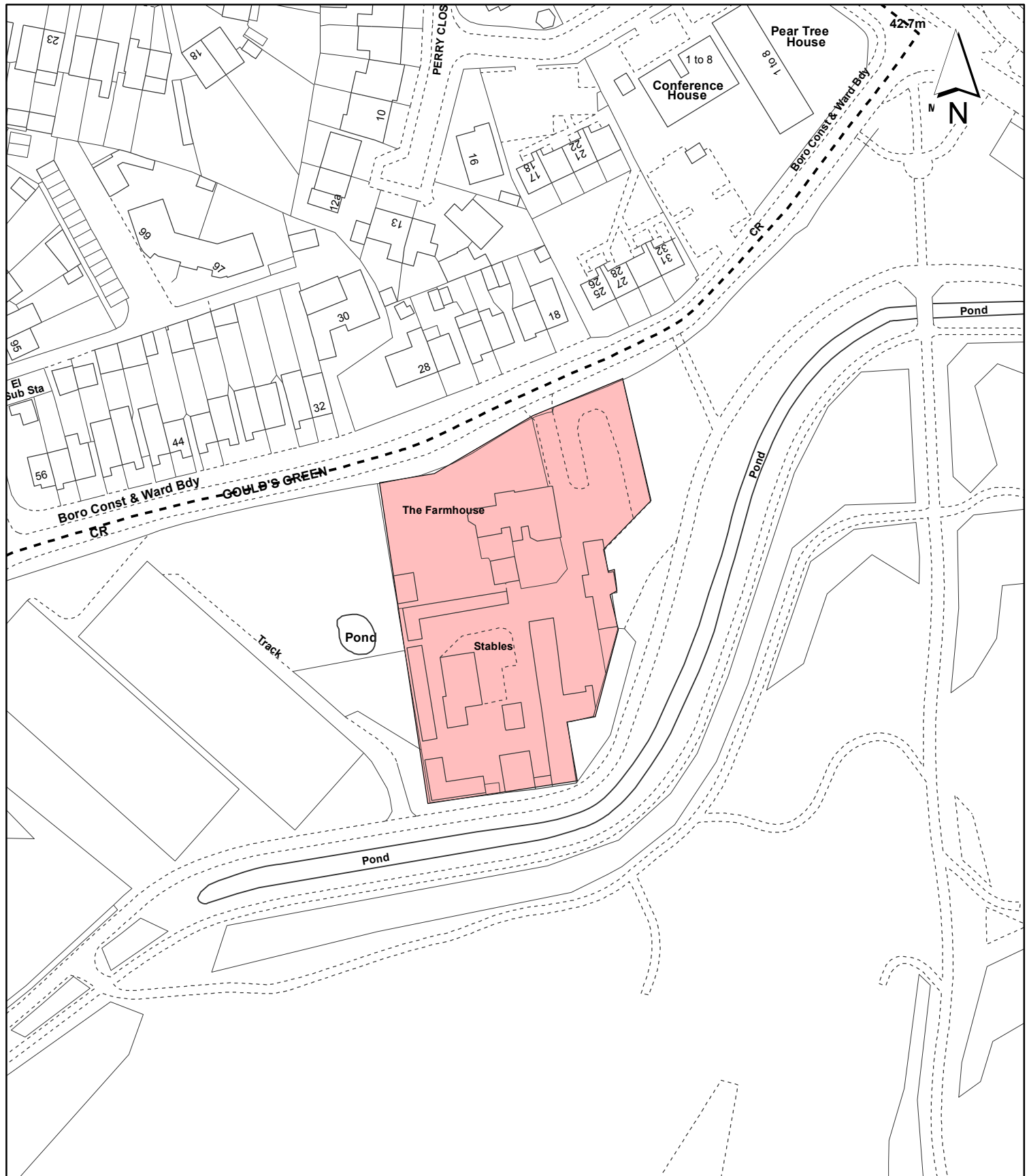
This application is recommended for Approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (2020)
The London Plan (2016)
National Planning Policy Framework (2019)

Contact Officer: Rebecca Lo

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Notes:

 Site boundary

For identification purposes only.

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Site Address:

Riding Stables Goulds Green

Planning Application Ref:

26738/APP/2019/2207

Scale:

1:1,250

Planning Committee:

Central and South

Date:

February 2020

LONDON BOROUGH OF HILLINGDON Residents Services Planning Section

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