

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00522/FP	Change of use of stables buildings, menage and associated facilities to commercial equestrian use (Sui Generis).	Kingswood Lilley Bottom Lilley Luton Hertfordshire LU2 8NH

Submitted Plan Nos

3826 01

1.0 Policies

D1 Sustainable design

D3 Protecting living conditions

ETC2	Employ Dev outside Employ Areas
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

- 2.1 06/01021/1 - Retrospective application for the Change of Use of land from boarding kennel business to part of residential curtilage. Retention of menage and fencing, stable buildings, hay store, and changing/staff room. – Conditional Permission
- 2.2 Various other applications for works to the dwellings and site.

3.0 **Representations**

- 3.1 **Neighbour Consultation** – None received.
- 3.2 **Parish Council** – No representation.
- 3.3 **Highways** – No objection.

4.0 **Planning Considerations**

- 4.1 **Site and Surroundings**

- 4.1.1 The application site comprises equestrian buildings adjacent to Kingswood, a residential dwelling off Lilley Bottom, Lilley. The property is within the Green Belt.

4.2 **Proposal**

- 4.2.1 Planning Permission is sought for a change of use of stables buildings, a ménage and associated facilities to a commercial equestrian use (Sui Generis).
- 4.2.2 The proposal will be operated by the Applicant as a livery yard. There are 16 stables on site providing stabling for 16 horses. The horses will either be on DIY, part or full livery. DIY livery ensures the horses are cared for by their owners, part livery will include an aspect of horse care which will be provided by the stable hands on site and full livery, ensures staff are responsible for all horse care. It is anticipated that a number of stables will be leased as DIY livery with some staff on site to assist with full and part time livery. Owners will be able to use the manège for riding lessons but the manège will not be in use as a riding school.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

Green Belt:

- 4.3.2 The site is designated as being within the Green Belt. In the Green Belt, only certain types of development are acceptable in principle. If development is not acceptable in principle it will be inappropriate and should not be approved except in very special circumstances.
- 4.3.3 Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- 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), including buildings, 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;*
- 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and***
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.4 Assessing the development against the above, it is considered that the proposal would comply with exception v under h) within Paragraph 154 given that the proposal comprises the change of use of the land for outdoor recreation (equestrian uses). No additional structures are required, as the existing manege, access and buildings are present on site, with these previously being used for personal use by residents at Kingswood. Some intensification would occur, owing to the increase in vehicle movements to and from the site, however, I do not consider that this would fail to preserve the openness of the green belt due to the existing nature of the buildings.

Furthermore, I do not consider that the proposal would conflict with the purposes of the Green Belt.

- 4.3.5 The proposed development is considered acceptable in principle in respect of Green Belt policy. The proposal complies with Local Plan Policy SP5 and Section 13 of the NPPF.

Proposed use:

- 4.3.6 The site is not on land designated as being an employment area or allocation, and therefore, the provision of a new employment use outside of these areas triggers Policy ETC2. This policy permits uses in such circumstances, provided that:

a) The proposal is:

- i. within a defined settlement boundary or the built core of a Category B village; or
- ii. for small scale offices or other small employment development; and
- iii. is appropriate to the location in terms of size, scale, function, catchment area and / or historic and architectural character; and

b) There would be no significant adverse impacts on living conditions.

- 4.3.7 The proposed use of the buildings are set out in the submitted Design and Access Statement, which states that the buildings and manege will be operated as a livery yard, whether that be DIY, part or full time, for up to 16 horses. The site will not be operated as a riding school, but owners will be able to use the manege for riding lessons for those horses which are in livery on site. No external changes are proposed to the buildings or manege. Overall, the proposed use of the site for these purposes is considered acceptable and in-keeping with the rural economy. It is considered reasonable to condition that the site not be used as a commercial riding school as set out in the supporting DAS, as this can increase visitor numbers significantly and would require its own formal consideration. In terms of hours of operation, the use of the site for the care and keeping of horses will naturally require access at all hours by the horse owners. Given the isolated location of the site, the nature of this proposed use, and the number of stables on offer relative to the size of the site, it is considered reasonable to leave the site's hours of operation unrestricted.

- 4.3.8 With regards to Policy ETC2 set out above, a) i. would not be of relevance, however, ii. and iii. Are relevant to the proposal. It is considered that the proposal would comply with these criteria given that it would comprise a small employment development, and is appropriate in terms of the scale and function of the existing site. Turning to b), it is noted that the unit is immediately adjacent to the curtilage of the residential dwelling, and can therefore could occasion harm to the amenities of this property. This is acknowledged; however, I do not consider that any harm would be significant or adverse owing to the existing equestrian use of the site, and due to the little noise generation from such a use, save for animal noises and vehicle movements. Therefore, the principle of the proposed use is considered to be acceptable, and in compliance with Policy ETC2.

Sustainability:

- 4.3.9 The site is in a relatively isolated location, whereby access to private vehicles would be necessary for most visitors to the site and for staff. Economic benefits are considered to arise from the provision of a new business to the area, employing people and using contractors for maintenance and the provision of supplies. This is viewed positively.

Design and Appearance:

- 4.3.10 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context.
- 4.3.11 There would no external alterations as all structures are existing on site. The total site comprises a residential dwelling, gardens and the equestrian buildings. Owing to the existing equestrian use of the site, I consider that the nature and character of the proposed use would not be out of place in this location.
- 4.3.12 The proposed development is therefore considered to be in compliance with Policy D1 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.13 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.14 The site is in a relatively isolated location, with no immediate residential neighbours outside of the site. I therefore consider that the proposed change of use would not be adverse for neighbouring occupiers. With regards to the occupants at Kingswood, I do not consider that noise generation would be harmful. No hours of operation are proposed and no neighbour objections were received.
- 4.3.15 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.16 The proposed development would be accessed by an existing gate entrance off Lilley Bottom. There are no proposed changes to the access road. In terms of additional trip generation from the proposed use, the Highway Authority have considered this and have no objections, stating that the scheme is not expected to have relatively any significant traffic impact on the operation or safety of the highway network than the existing use. In terms of parking, the site has ample space to cater for the proposed use including the required parking for horse boxes. Overspill is not anticipated due to the sufficient space and restrictions on Lilley Bottom.
- 4.3.17 This is acceptable and in accordance with Policy T1 and T2 of the Local Plan and the aims of the National Planning Policy Framework.

Environmental Implications:

- 4.3.18 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Biodiversity Net Gain:

- 4.3.19 The proposed development would benefit from the 'de minimis' exemption due to the development not impacting > 25 sqm of on-site habitat. Policy NE4 requires development to deliver measurable gains in BNG, however, given that no new structures are being introduced, and given that there would not be changes to landscaping, I do not consider that this policy would be triggered.

External Lighting

- 4.3.20 The submitted DAS sets out that there are no external alterations proposed to any of the structures on site. However, given that the proposal seeks to change this personal stable/manege to a commercial equestrian enterprise, one would have to consider the possibility of installing additional external lighting for those owners that visit at night. There is some existing external lighting at the site which may be adequate for the additional users but if increased lighting is required, full formal consideration will be necessary given the rural location of the site and the potential impact on protected species, such as bats. Therefore, it is considered reasonable to condition that no external lighting will be installed on site without the formal written approval of the LPA, to ensure due attention is given to the impact on protected species.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The use of the stables, manege and associated facilities hereby permitted shall only be for horse livery purposes and associated activities. The site shall not be used as a commercial riding school without first obtaining planning permission for this use..

Reason: to ensure that the use of the site is sensitive to its isolated location and the rural economy, in accordance with Policy SP3 of the Local Plan.

4. There shall be no additional external lighting at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the locality within the countryside and to ensure due consideration is given to the impact on protected species, in accordance with Policy D1 and NE4 of the Local Plan.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Date: 6 May 2025	
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