

**Re: Change of use of land to equestrian and erection of stables and covered manege.  
Three Houses Lane, Codicote, Hertfordshire  
Application Ref: 24/01042/FP**

**Comments of Katharine Gillings CMLI**

**1.0 Summary of objections.**

I am writing to object to the above planning application both in a professional capacity as a Landscape Architect and in a private capacity as an adjacent landowner and resident (since the early 1960's). My objections are set out in sections 2 and 3 below, but in summary they are as follows:

1. The submitted documents:
  - Omit to provide a Topographical Survey and BS: 5837 2012 Tree Survey and therefore fail to meet with the NHDC 'essential' validation requirements.
  - Provide insufficient and/or inaccurate information (as in the Design and Access Statement (DAS), topographical information and drainage) to enable the impact of the proposals to be assessed.
  - The application incorrectly states (on the application form) that there is no reasonable likelihood of important biodiversity on land adjacent to the site being adversely affected.
2. The Equestrian Boundaries Plan GA15 clearly denotes the red boundary and the 'Equestrian Boundaries' are shown by a green motive. The former excludes Church Wood and Crouchgreen Wood but the latter covers the entire site including Church Wood and Crouchgreen Wood. No information is provided as to what use is intended for the land enclosed by the 'Equestrian Boundaries' but it is reasonable to expect that this will adversely affect the ancient woodland (see section 3.4.4 below). In addition, the blue boundary doesn't seem to enclose a single area of land and so its extent and purpose are unclear.
3. The proposals will adversely impact:
  - The openness of the Green Belt due to the proposals scale, height and form and because of the cumulative impact of other existing, unauthorised built form, activities etc (see 2.1 below). NPPF Policies 142, 143, 153 and 198.
  - Church Wood and Crouchgreen Wood. These are ancient woodlands, located within on the site, both are designated Local Wildlife Sites (LWS), Priority Habitats and protected/valued woodland. These woodlands, together with other trees located on the site, are likely to be removed

and/or adversely impacted by excavations and prospective drainage works (details of which have not been provide). The manege/stables activities generate waste material (manure) which produces a liquid runoff which is toxic to trees should not be sited in the proximity of trees and ancient woodland (see section 3.4.3 below). Additional information explaining the designation and value of these woodlands is included in the Appendix (section 5.0). NPPF Policies 187. 188, 192, 193, 195 and 198.

- The Landscape Character Area (Codicote Plateau Area 205) (LCA) as designated by the North Herts Landscape Study (Character, Sensitivity and Capacity) 2011 in which the site is located (see section 3.5 below). This is contrary to North Hertfordshire Local Plan which requires proposals to accord with the LCA guidelines. Nor do the comply with the objectives of the North Herts District Green Infrastructure Plan (NHGIP) (2009)
- The setting of the Grade II listed Peach House in the adjacent Node walled garden due to the scale, height and mass of the proposals and because of the views and associated activities such as noise, vehicles, lights and smell etc. (See section 3.4.5). Historic England 'The Setting of Heritage Assets' Historic Environment Good Practice Advice Planning Note 3. NPPF 213.
- Residential amenity. The Japanese Garden is adjacent to the site. The property is approximately 135m from the manege (not a mile) as stated in the DAS. The noise, disturbance, odour and potential lighting is likely to occur both during the week and at weekends. Ornamental screen tree/hedge planting are inappropriate in an ancient woodland, not in keeping with the openness of the Green Belt, LCA, LWS etc and will do nothing to rectify or ameliorate the impact of the proposed scheme.
- Existing views. Not only the views from the two adjacent properties (the Node and Japanese Garden) but also public views from Three Houses Lane. These will be exacerbated by the previous unauthorised, extensive removal of trees from Church Wood and elsewhere. Views in the autumn and winter months will be more open and the scale, height and mass of the enclosed manege and stables more obvious.
- Poor design. The manege and stables are poorly sited, tight against the red line boundary and ancient woodland with limited space and demonstrate no understanding of the space required to protect the ancient woodland/mature trees, the working area to excavate and construct the features and drainage, the consequences of toxic animal waste or potential

impact of lighting, noise, odour etc. On the current basis the construction/drainage is likely to overflow into Church Wood and the consequences of flooding and pollution will spread outside the site boundaries.

4. It is not clear whether the proposed manege is for private or commercial use of some kind (contradictory references are made in the DAS). The latter would involve increased numbers, requirements for facilities, toileting, access for multiple horse boxes etc which will be even more out of keeping with the location.

The current proposals appear to rely on the unapproved facilities already constructed e.g. additional car parking, access, rest rooms etc. No reference is made to lighting, sound (tannoy) requirements etc.

5. In the context of the existing unauthorised work, the applicant's retrospective application Ref: 24/02343/FP, NHDC refusal and the current appeal it seems incongruous that the applicant can submit another application and expect an approval in the light of the damage that has been caused, and that should itself now be remedied.

An approval now, particularly based on the insufficient/inaccurate information, poor design and the continued threat to the ancient woodland on the site and adjacent properties, would, in my opinion, compound the situation.

In view of the above, the proposals are in my opinion contrary to relevant planning policy as noted in Section 5 and should therefore be **refused**.

## **2.0 Context.**

The current application has been submitted against the background of last year's extensive unauthorised works which eventually resulted in a retrospective application (Ref: 24/02343/FP). This was refused by NHDC and is currently awaiting the outcome of an appeal.

The works severely impacted two ancient woodlands, Crouchgreen Wood and Church Wood, which are contained within the blue site boundary but excluded from the site's red line boundary.

The unauthorised work increased the size of the original built form and the extent of hard surfacing across the site by widening and surfacing the original access track and installing gates, providing new car parking and an access track across the site. Extensive excavations were also carried out within the ancient woodland to create a

deep pond, to install an industrial scale culvert and to lay extensive drainage works within the ancient woodlands.

## **2.1 The proposed works.**

The red line boundary encompasses the access road, most of the open field up to the edge of Crouchgreen Wood (in the west) and Church Wood (in the east) and the site's southern boundary.

The works comprise:

- A large covered manege with a pitch roof and partly enclosed sides and an adjoining covered stable unit. These are shown on the Equestrian Boundaries Plan (GA015) and in a Presentation Drawing 3D view (D0000-DAE-GA-006). The manege and stable block are located immediately adjacent to the south and eastern boundaries of the red line area.
- The dimensions indicated on the A3 Plan and Sections Details Plan (GA010) show the manege to be 52m x 22m and the Stables 20m x 40m. The heights of the buildings are not dimensioned. The bar scale indicates that the ridge height is approximately 7m, the eaves 4m and the railings 1.2/5m. The type of enclosure proposed for the stables is not provided.

## **3.0 The Impact of the proposed scheme:**

### **3.1 Building scale, height and mass.**

The third-party Combi-Ride Advanced Equestrian Surfaces website outlines key considerations for construction of a manege and states that a 20m x 40m manege *'might suit general riding. Whereas a larger 20m x 60m arena is ideal for dressage or showjumping'*.

<https://combi-ride.co.uk/blog/a-guide-to-horse-arena-construction/>

The proposed manege is therefore beyond the domestic scale and suggests that more advanced activities or commercial activities are anticipated to take place.

The 7m ridge height resembles that of a domestic two storey property (average 6.1 – 7.6m height depending on the pitch). The sides of the manege are partly enclosed with a fence.

The Presentation Drawing 3D view (D0000-DAE-GA-006) illustrates the proposed manege and stable block BUT in isolation. No reference is provided to the scale of the neighbouring features.

The Node walled garden wall in the setting of the Grade II listed Peach House is located approximately 20m south of the site's southern red line boundary. The wall is, I believe, approximately 3m in height and according to the DEFRA Magic website may be approximately 80m in length. The proposed covered manage is therefore approximately 8m short of the walled garden wall (in length) and will rise above the height of the wall by 4m. On this basis the proposed buildings cannot be in keeping with the scale, height and mass of the walled garden and Grade II listed Peach House located close by.

### 3.2 **Topographical information and Drainage.**

The application does not contain a Topographical survey. Without this the existing/proposed ground levels and extent of the necessary cut and fill /earthworks are unknown. The proposals will require excavations to create the required gradient, sub-base and drainage works. This will result in removal of sub-soil and top-soil and its storage either within the site (and if so, where?) or off site. Spreading it throughout Church Wood or Crouchgreen Wood (as previously carried out) is not acceptable.

The Combi-Ride Advanced Equestrian Surfaces website states that that you should *'ensure the site has good drainage, as water management is crucial for maintaining a usable equestrian surface. Also, consider site access to facilitate the transport of materials and equipment during the construction process'*.

Another third-party website considering the construction of a manage (Heritage House) states that:

*'You need to ensure that it is high enough to be drainable - and that there is sufficient fall on outlet pipes to be able to carry this water to a nearby main drainage channel - nearby stream, ditch or stormwater drain. Bear in mind that the volume of water that is produced by a well-built manege in even an average rainstorm is quite phenomenal - a 4 inch outlet pipe can frequently be seen to gush water at a flow rate of several thousand gallons an hour. '*

Heritage House states there are several options for a drainage system but *'they all have one thing in common – channelling water away from the surface as quickly as possible.'*

<https://www.heritage-house.org/stuff-about-old-buildings/equestrian/all-about-a-manege-menage.html>

The proposed manege and stables are located immediately adjacent to the southeastern corner of the site's red line boundary, close to the Japanese Garden boundary and the Node. Therefore, space to achieve these requirements is limited.

It is not clear how the buildings will be constructed, or the drainage will be provided in the limited space. It's not clear whether the applicant intends to install additional drainage through Church Wood to discharge into Three Houses Lane or whether a second new pond will be excavated in Church Wood? Alternatively, will the water be left to discharge naturally into Church Wood and the grounds of the Japanese Garden (which also contains Church Wood) thereby flooding and causing damage/death to our mature oaks, hornbeams, cherry trees and pine trees etc?

A sustainable drainage system (referred to in the application documents) is not appropriate in the context of the risk to ancient woodland and mature trees caused by flooding and the runoff from horse manure etc (see section 3.4 below).

Detailed engineering plans are required to show the proposed earthworks/drainage design, proposals for runoff and construction works etc to avoid potential serious flooding of the surrounding area both within the site and the adjacent properties.

### 3.3 **Additional features:**

The limited space between the proposed manege and stables and the site's red line boundary is also of concern. It's not clear how this area will be used on completion. Will it be for use by spectators etc.

The Combi-Ride Advanced Equestrian Surfaces website states that *'Proper lighting is essential for extending riding hours into the evening, especially during the darker winter months.'*

Lighting has not been referred to in the submitted documents. It would impact the Japanese Garden, be visible from Three Houses Lane particularly since so many mature trees have been removed from Church Wood (as a part of the previous unauthorised works) and be visible from within the Node walled garden and impact the setting of the listed building.

Similarly, the activities involved with a manege and stables may include speakers, sound and a tannoy which would impact the residential amenity of the Japanese Garden and other neighbouring residents.

### 3.4 **Woodland and trees.**

- 3.4.1 The proposed manege abuts Church Wood (ancient woodland) on its eastern side. Church Wood also extends south into the Japanese Garden. The wood comprises a mix of mature oak, hornbeam, sycamore plus other mature species which in our property also include pine. According to BS: 5837 2012 mature/multi-stem trees are likely to have a Root Protection Zone (RPZ) of 15m.

The construction of the manege/stables will require excavations, a new sub-base and surface, hard standing/access ways, extensive drainage and the use of heavy machinery. These operations will compact the soil and should (according to the BS: 5837 2012 Trees in Relation to Design, Demolition and Construction Recommendations) not be carried out within the RPZ of trees let alone trees within an ancient woodland. The existing ground levels within a RPZ should also not be raised e.g. spread with spoil.

A BS:5837 Tree Survey has not been submitted, and a professional opinion appears not have been sought and so the ancient woodland is again, potentially under threat.

Experience (from the previous unauthorised works) shows that the intended 'sustainable drainage system' involved extensive excavations within the an ancient woodland and undue, excessive flooding in Church Wood. Unfortunately, the flooding of soil around the roots of trees kills trees.

Without a full BS 5837: 2012 Tree Survey and Topographical Survey it is impossible to assess the impact of the proposed work on the existing ancient woodland and nearby trees.

#### 3.4.2 The proposals are also likely to result in the removal of existing trees:

- The Design and Access Statement contains an aerial photograph of the site which shows an isolated oak tree in the field near the boundary of The Japanese Garden. This oak tree has already been removed since the photograph was taken.
- Another existing oak tree is located within the site, close to the southern boundary. The proposals will impact the RPZ of this tree and its proximity to the manege/stables suggests there is likely to be ongoing pressure to remove the tree.
- Another mature oak tree and other trees in Church Wood (both on the site and in our property) are under threat by these proposals.

#### 3.4.3 The trees are also under threat because of the activities associated with a manege which involve the presence, moving and storage/removal of horse manure.

'The Diagnosis of ill-health in trees' by R G Strouts & T G Winter, Pub DOE and Forestry Commission 2<sup>nd</sup> edition 2000, pp 4, 6 & 177 states:

*'The placement (piling) of manure and soiled stable waste over tree roots (which are shallow) can cause death of trees both young and mature trees. Manure and horse urine is toxic to trees. Trampling of shallow tree roots in the root protection zone is very harmful as is the soil compaction caused by both horses and site vehicles.'*

A manege and stables should not therefore be located in the vicinity of ancient woodland and mature trees.

- 3.4.4 The *'equestrian boundaries'* on the Equestrian Boundaries Plan (GA015) are shown to extend throughout Crouchgreen Wood and Church Wood. No details are provided about what use this may entail but R G Strouts & T G Winter's comments above relating to the *'trampling of shallow tree roots in the RPZ'* and the *'harmful'* soil compaction caused by *'both horses and site vehicles'* is very pertinent.

**3.4.5 The setting of a Grade II listed building.**

The scale, height and mass of the stables and menage will rise above the Node walled garden wall and extend along most of its length and be visible from the walled garden both during the day, at night and particularly in the winter months when trees will be without leaves. Day time activities, noise from people/vehicles, odour and evening lighting will impact the setting of the walled garden. These are likely to occur during the week and at weekends.

The proposed works are contrary to the NPPF policy 213 and the Historic England 'The Setting of Heritage Assets' Historic Environment Good Practice Advice Planning Note 3.

**3.5 Local planning policies**

The North Hertfordshire Local Plan requires proposals to accord with the Herts Landscape Study (Character, Sensitivity and Capacity) 2011.

The Herts Landscape Study (Character, Sensitivity and Capacity) designates the area within which the site is located as Codicote Plateau Area 205.

Excerpts from the LCA are included in section 5.0.

The Landscape Character Area assessment is to IMPROVE and CONSERVE.

The Guidelines for Managing Change within Codicote Plateau Area 205 are stated to include:

- *'Promote the management of ancient woodlands to encourage a diverse flora'*

The proposed works and potential damaging impact that would be caused by the construction of the manege and stables block (the excavations/earthworks, drainage works, risk of flooding and pollution caused by excess water and the presence of horses) together with the associated management and associated activities are not in keeping with the Landscape Character Area assessment to Improve and Conserve.

The proposals therefore do not comply with the objectives of the North Hertfordshire Local Plan.

In addition, they contravene the North Herts District Green Infrastructure Plan (NHGIP) (2009) key strategic objective relating to the *'larger blocks of ancient woodland near Knebworth'* in the Codicote Plateau is to *'include the management of areas of ancient woodland to encourage a diverse woodland flora.'*

#### 4.0 Relevant Planning Policy.

As demonstrated by and referred to in my comments above, the proposals are in my opinion contrary to the following planning policies:

- **The National Planning Policy Framework (December 2024).**

- Chapter 13 Protecting Green Belt Land**

- Paragraphs 142, 143 and 153.

- Chapter 15. Conserving and enhancing the natural environment.**

- Paragraph 187, 188, 192, 193, 195 and 198.

- Chapter 16. Conserving and enhancing the historic environment.**

- Paragraph 213

- **Planning Practice Guidance**

- Government Guidance published 14 January 2022

- Ancient woodland, ancient trees and veteran trees, advice for making planning decisions.

- Historic England 'The Setting of Heritage Assets' Historic Environment Good Practice Advice Planning Note 3.

- **North Hertfordshire Local Plan 2011 – 2031**

- Policy SP12: Green infrastructure, landscape, and biodiversity

- Policy SP13: Historic environment

- Policy NE 1: Strategic Green Infrastructure.

- Policy NE2: Landscape.

- Policy NE4: Biodiversity and geological sites

- **North Hertfordshire Landscape Study (Character, Sensitivity and Capacity) 2011**

- **North Hertfordshire District Green Infrastructure Plan**

- **Other relevant documents include:**

The Natural Environment and Rural Communities Act (2006) S41  
BS 5837: 2012 Trees in Relation to Design, Demolition and Construction  
recommend

## 5.0 **Appendix**

This letter refers to various designations for ecological and planning purposes of Church Wood, Crouchgreen Wood and for the area within which the application site is located. Further details of these designations are set out below.

### 5.1 **The Hertfordshire Environmental Records Centre (HERC).**

Excerpts from the designations of Church Wood and Crouchgreen Wood are as follows:

#### Church Wood (near Knebworth) 29/003

##### ***Designation***

*‘Church Wood (near Knebworth) 29/003 is a Local Wildlife Site, designated as ‘Woodland not recorded on the Inventory of Ancient Woodland, but believed to be ancient because it is shown on old maps’ (LWS criteria H.1.1.3).*

*‘The ground flora supports a good diversity of indicators including Bluebell (Hyacinthoides non-scripta)’.*

##### ***Habitat***

*In the Herts Ecological Networks (HEN) dataset, the woodland is listed as “Broadleaved woodland – semi-natural”, a habitat category listed within S41 of the NERC Act.*

#### Crouchgreen Woods 29/055

##### ***Designation***

*‘Crouchgreen Woods 29/055 is a Local Wildlife Site, designated as ‘Woodland not recorded on the Inventory of Ancient Woodland, but believed to be ancient because it is shown on old maps’ (LWS criteria H.1.1.3).*

##### ***Habitat***

The woodland is listed on the HEN map dataset as “Broadleaved woodland – semi-natural”, a habitat category listed within S41 of the NERC Act.

### 5.2 **Local Wildlife Sites - Hertfordshire Ecological Record Centre (HERC).**

The HERC guidance around Local Wildlife Sites (LWS) and planning. Is as follows:

*‘Local Wildlife Sites are non-statutory sites designated at a county level as being of ecological significance and are recognised in Local Authority development plans. The aim of this identification is to protect such sites from land management changes in connection with planning applications, which may lessen their nature conservation interest, and to encourage sensitive management to maintain and enhance their importance. Although LWS have no statutory protection, their importance is recognised in Local Plans and the National Planning and Policy Framework (NPPF), and they are a material consideration in the planning process. The planning and policy guidance that accompanies the NPPF describes them thus:*

*‘Locally designated ‘Local Wildlife Sites’ and ‘Local Geological Sites’ are areas of substantive nature conservation value and make an important contribution to ecological networks and nature’s recovery....National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.’*

Paragraph 013 Planning Policy Guidance, Natural Environment

<https://www.gov.uk/guidance/natural-environment>

### 5.3 **Priority Habitat Inventory.**

Crouchgreen Wood and Church Wood and the woods on the site’s southeastern boundary are identified on the DEFRA Magic website as listed on the Priority Habitat Inventory – Deciduous Woodland (England) as published by Natural England.

These woods are identified as habitats listed within S41 of the NERC Act and should be avoided by development and protected by the development management system (see 5.1 above). Adjacent or surrounding development should provide for the enhancement of these habitats through ongoing positive conservation management

### 5.4 **North Herts Landscape Study (Character, Sensitivity and Capacity) 2011** designates the area within which the site is located as Codicote Plateau Area 205.

The Codicote Plateau Area is characterised as a:

*‘Gently rolling upland landscape plateau’ which ‘is incised by smaller valleys creating a locally undulating landform. Large sized regular shaped fields mainly used for arable production but with parcels of grazing land and paddocks adjacent to Codicote. Larger blocks of ancient woodland in the north adjacent to Knebworth, smaller copse further south.’*

The vegetation and wildlife are described as:

*'Ancient semi-natural broadleaved woodlands occur within this Character Area. Some, such as Crouch Green Woods are dominated by stands of ancient hornbeam coppice. Others, like Graffridge Wood have a climax community of oak and hornbeam. New Wood is notable for its acidic substrate and plant communities. Ancient woodland features such as pits and ditches are also present in several woodland areas. The area features woodland birds, rare aquatic plants and invertebrates in ponds.'*

*'The Character Area is well covered by a network of old winding and often sunken lanes.'*

The LCA assessment evaluation of the area is **IMPROVE** and **CONSERVE**.

Also, the North Herts District Green Infrastructure Plan (NHGIP) (2009) states that one of the key strategic objectives relating to the *'larger blocks of ancient woodland near Knebworth'* in the Codicote Plateau is to *'include the management of areas of ancient woodland to encourage a diverse woodland flora.'*