

Location **Greengate Stables Mays Lane Barnet EN5 2AQ**

Reference: **22/2121/FUL** Received: 20th April 2022
Accepted: 20th April 2022

Ward: Underhill Expiry 15th June 2022

Case Officer: **Mansoor Cohen**

Applicant: .

Proposal: Temporary erection of four portacabin for three years

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed development, by virtue of its individual and cumulative size, scale, mass, bulk, siting and visual appearance would fail to preserve the openness of the Green Belt or to safeguard the countryside from encroachment and consequently constitute as inappropriate development. No case for very special circumstances has been demonstrated to outweigh the harm caused to the Green Belt by reason of inappropriateness or any other harm identified. As such the proposal would be contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM01 and DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy G2 of the London Plan (2021) and Section 13 of the National Planning Policy Framework (2021)

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Dwg. no. P20
Dwg. no. P21
Design & Access Statement
Planning Statement
Supporting Statement
Very Special Circumstances
Reptile report
Site Photos

OFFICER'S ASSESSMENT

The application has been called in by Councillor Roberts for the following reason(s):

This application is for temporary, not permanent, structures to enable this charity to carry out its work. The site is currently occupied by a range of dilapidated buildings (over 12 altogether). The site is not overlooked by any other residential property and the nearest dwelling, Vale Farm, is over 100 metres away and is not overlooked. The use of the site by a charity running much valued services for a wide range of 13 Barnet schools helps some

400-500 local children with mental health and communication issues. The proposed portacabins are for temporary use but provide essential space for the running of such a charity. These temporary portacabins will not be as high as some of the existing delapidated buildings. There will be no highway impact. The use of the site by a local charity to provide the much needed therapeutic services in an open environment is an ideal use of such Green Belt site. There are no plans to cause any damage to any local trees.

1. Site Description

The site, known as Greengate Stables, is located on the southern side of Mays Lane and has an established use certificate for an equestrian use. The wider site consists of 11 acres of open paddock land including a dilapidated stable yard and associated buildings, an access road and existing hardstanding fronting Mays Lane.

The site is bound by agricultural/open land to the north on the adjacent side of Mays Lane, to the east by Vale Farm, to the south by open land and Dollis Brook and to the west also by open land and further beyond the site known as The Thrift.

The natural topography of the land is higher to the roadside frontage, falling away to the south towards the river.

The site lies wholly within the Green Belt and is rural in character with vast areas of open land interspersed with small scale buildings and facilities. The site also falls within Article 4 (6) land, which removes agricultural permitted development rights.

2. Relevant Site History

Reference: N00898B

Address: Greengate Stables, Mays Lane, Barnet, EN5 2AQ

Decision: Established use certificate (Lawful)

Decision Date: 11.03.1981

Description: Use of the land and buildings edged red on submitted plans (but excluding the booking office) at Mays Lane, Barnet for a Riding school, stables, tack room and stores and the use of land for the stationing of a cavern, together with such ancillary uses including haymaking, grazing, general farming and some dealing.

Reference: 22/1747/FUL

Address: Greengate Stables, Mays Lane, Barnet, EN5 2AQ

Decision: Approved subject to conditions

Decision Date: 21 September 2022

Description: Installation of an all-weather manage and associated fencing

3. Proposal

The proposal seeks planning permission for the 'Temporary erection of four portacabins for three years'.

Three of the portacabins would measure approximately 10m in length, 3m in width and 2.6m in height, whilst the fourth portacabin would measure 5m in length, 2.7m in width and 2.6m in height.

The portacabins would be standard pre-fabricated buildings steel clad in royal blue.

The prescribed use of the three larger portacabins are as follows:

1. Storage and fitting room where paraphernalia such as riding hats, boots and other equipment will be stored.
2. An office and mess space for yard staff
3. A secure tack and rug room

The prescribed use of the fourth smaller portacabin is as a toilet and washroom block (welfare facilities).

A concurrent application was recently approved (22/1747/FUL) for the installation of an all-weather manège and associated fencing and was the subject of its own assessment.

4. Consultation

Neighbour Consultation

A site notice was erected on 28.04.2022.

Consultation letters were sent to 3 neighbouring properties. 2 letters of support were received; one from Cllr Roberts and one from the Barnet Society respectively stating as follows:

Cllr Roberts:

"I wish to call in planning application 22/2121/FUL Greengate Stables, Mays Lane, Barnet EN5 2AQ which is due to be heard at Planning B Committee on 15th November. This application is situated within my Underhill Ward.

My reasons for calling this in are all planning related and are in response to the officer's recommendation to refuse this application. My points will cover the issues relating to this application for temporary, not permanent, structures to enable this charity to carry out its work. As the officer's Site Description mentions the site is currently occupied by a range of delapidated buildings (over 12 altogether). The site is not overlooked by any other residential property and the nearest dwelling, Vale Farm, is over 100 metres away and is not overlooked. The use of the site by a charity running much valued services for a wide range of 13 Barnet schools helps some 400-500 local children with mental health and communication issues. The proposed portacabins are for temporary use but provide essential space for the running of such a charity. These temporary portacabins will not be as high as some of the existing delapidated buildings. There will be no highway impact. The use of the site by a local charity to provide the much needed therapeutic services in an open environment is an ideal use of such Green Belt site. There are no plans to cause any damage to any local trees."

The Barnet Society:

"The Barnet Society supports this application subject to conditions. We welcome greater use of the Green Belt for educational, health & leisure purposes.

The site is a key link in a chain of green spaces, the rural character of which sharply & attractively defines the W boundary of urban Chipping Barnet. It is also a vital natural corridor for wildlife. Many of the birds nesting in or passing through Arkley's fields are Red or Amber-Listed by the IUCN.

The manège (22/1747/FUL) may have little environmental impact, but the portacabins essential to its operation (22/2121/FUL) could certainly do so. Approval of one must not be granted without approval of the other.

These conditions should be attached:

- Confirmation that portacabin services & drainage will have no environmental impact.
- Protection of all trees, bushes & hedgerows along, & immediately outside, the site boundary, & of any trees within the site subject to Tree Preservation Orders.
- Safe management of vehicle access to & from the site.
- Use of appropriate natural colours & finishes to new fences.
- As little external lighting (in terms of extent, light intensity & duration) as necessary for safety & welfare of human & animal users.

The manège will not be sustainable without the future Phases 2 & 3 (paras 2.13.2 & 3 of the Design & Access Statement). It is regrettable that no masterplan has been submitted to demonstrate the long-term vision for the site & identify key issues to be addressed in subsequent applications. Information we particularly wish to see includes:

- Submission of a satisfactory ecological report & environmental impact assessment, with appropriate measures to mitigate any detrimental impacts on existing wildlife.
- Submission of a detailed & appropriate landscape plan, specification & management strategy that fosters the biodiversity of the site (including the blue-lined area) & its surrounding environment in line with Council draft Policies CDH07, ECC05, ECC06 & GSS01."

Internal Consultees

Highways - No objection, subject to method statement setting out how the porta cabins will be delivered and manoeuvred into place.

Trees - No objection: It looks like the oak tree is dead and therefore would not need the usual tree protection measures. As the usage of the site, if this scheme is approved, will increase significantly the landowner/applicant may wish to take risk reduction measures to prevent harm to property or people. This dead tree have very high ecological values and as much of the standing tree should be retained on the site as possible.

There are no other trees of merit in close proximity to the development. I think we need details of where spoil will be taken to level and install the ridding facility.

Ecology -

Reptiles:

I have reviewed the reptile survey report (Jones and Son Environmental Science Ltd. August 2022) and given that did not find any reptiles I am content to include an advisory on maintaining unsuitable ground conditions to discourage reptiles within the area of the proposed manège (as per Section E of the report).

Nesting birds:

Any works that requiring the removal of vegetation will need to be timed outside of the nesting bird season as to avoid disturbing nesting and ground nesting birds and thus committing an offence under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

Bats:

None of the buildings were recorded as having suitability for bats and so no further surveys will be required. Due to the presence of a number of trees along the Upper Dollis Brook with high suitability for roosting bats a detailed Construction and Environment Management Plan would be required with details of Ecological Exclusion Fencing will be required to ensure sufficient protection of the boundary hedges, trees and neighbouring SINC.

As recommended in section H4 (protection of bats) any future lighting scheme for the site (both construction and post construction) will require the design and approval of bat sensitive lighting strategy to ensure the prevention of light spill onto the high-quality commuting and foraging bat habitats on the boundary of the site.

Wild mammals:

Due to the presence of mammal trails recorded onsite (no signs of badgers) the precautionary measures outlined in section H5 (Protection of wildlife crossing the site) will need to be adhered to during any future works. This would include supervision of any log/brush pile removal by an ecologist and the covering over or providing a ramp to an excavation on site to ensure that wild mammals can escape.

Biodiversity Net Gain:

A Biodiversity Net Gain assessment is recommended within the PEA report and will need to be submitted using an approved net gain calculation by a suitably qualified ecologist. According to the PEA report a further site visit will be required by an ecologist to conduct a condition assessment of the habitats present on site to inform the biodiversity net gain calculation using an approved Defra Biodiversity Metric. The findings of the condition assessment (include habitat distinctiveness, quality and strategic importance) will be used to calculate the pre-invention biodiversity units for the individual habitat and site as a whole and then calculate the final Biodiversity Net Gain score the site, calculating the existing habitats that will be retained and enhanced combination with those habitats that will be loss, created or offset under the proposed landscaping plan. The final score will determine whether the proposed scheme will result in a the required 10% "Net Gain", or it the proposed scheme results in a "No Net Loss" or "Net Loss" in biodiversity on the site.

The habitat enhancement measures outlined in section I1 (Improving the hedgerow network) and I2 (Habitat enhancements) can be incorporated into the biodiversity net gain assessment for the site. Such improvement measure includes infilling gaps in the hedge with species rich hedge plantings and planting of addition hedgerows and trees within the site, the creation of wildlife ponds and a small orchard, and species provisions such as purpose-built bat roost and bird nest boxes.

Totteridge Fields and Highwood Hill, and Upper Dollis Brook SINC:

Due to the location of the proposed works within 10m from the Totteridge Fields and Highwood Hill SINC, and 100m from the upper Dollis Brook SINC there is a risk that without appropriate mitigation the SINC are likely to be damaged by pollution run, construction activity including the movement of vehicles, deposition of materials for development, litter and increase in nutrients entering the brook. To mitigate the risk of these risk a detailed CEMP outlining the ecological Working Methods in section H1 (Protection of the SINC sites and other sensitive habitat) will required as part of the propose works to avoid unnecessary damage, mitigate and remediate any damage cause to sensitive habitats on site. This would include the provision of temporary fencing or "ecological exclusion fencing" to safeguard those boundary habitats and adjacent SINC.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was updated on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS11.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM15, DM16, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Draft Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of the development;
- Whether the proposal would have an acceptable impact on the Green Belt;
- Whether harm would be caused to the character and appearance of the street scene, locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway Impact;
- Trees, Ecology and Landscape matters;

5.3 Assessment

Principle of the Development and Green Belt Impact

As stipulated earlier, the application site lies wholly within the Green Belt. The policy background for development within the Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF, 2021) and establishes that the government attaches great importance to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence and the NPPF identifies five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban

land.

Paragraph 145 states 'local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Paragraph 147 of the NPPF states: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 continues and states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF recognises exceptions to new development in Green Belts as being, inter alia, '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;' (Para.149).

The London Plan (2021) in Policy G2 reiterates that Green Belt should be protected from inappropriate development. It also notes 'the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.'

Policy DM15 of the Local Plan offers the same level of protection to Green Belt land as the NPPF. It goes on to state in part ii) Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.

Thus, the first policy test to meet is whether the proposal constitutes inappropriate development in the Green Belt.

It is highlighted, that as cited above in the planning history, the site benefits from an established equestrian use. Moreover, a recent approval for the installation of a manège re-affirms its established equine use.

Following further supporting information and clarification, the use of the proposed four portacabins would be as follows:

1. Storage and fitting room where paraphernalia such as riding hats, boots and other equipment will be stored.
2. An office and mess space for yard staff
3. A secure tack and rug room
4. A toilet and washroom block (welfare facilities).

The applicant asserts that the four portacabins would be for a use ancillary to the now approved manège - that is - for a use which would support the functionality and operation of the manège.

In respect of the manège, the officer delegated report states as follows:

"The manège for an equestrian use would therefore be defined as appropriate facilities for outdoor sport/recreation. The supporting documents details that the use would be provided for vulnerable and disadvantaged groups who primarily reside within the borough of Barnet, providing much needed recreational facilities for these users and the wider community as a whole. Furthermore, the documents state that it is not possible to regularly and safely ride and train with the horses without a safe and suitably surfaced facility and therefore the manège is essential for the provision of this recreational activity.

It is therefore considered that the proposal would constitute as appropriate facilities for outdoor sports/recreation, therefore falling within part b) of the exceptions test (NPPF Para.149)...".

It is evident from the nature of the proposed uses for portacabins 1, 3 and 4 that these would be deemed as ancillary facilities in support of the approved manège. In respect of portacabin 2, for the office and mess space, this is considered a reasonable requirement to manage the operation of this outdoor recreational facility. As such, officers consider the portacabins would constitute as appropriate facilities for outdoor recreation, however, as per Para. 149 of the NPPF this is on the proviso that the facilities would 'preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

The existing site consists of some low level stable buildings recessed within the site which are presently in a state of disrepair. With the exception of these buildings, the site is devoid of built form and thus exhibits a strong rural open and verdant character which positively contributes to the character of the site and the Green Belt.

The proposed portacabins would be sited ahead of the existing stable buildings and therefore closer to the streetscene of this extensive subject site. The size of each portacabin is extensive with the larger ones occupying a footprint of 10m by 3m and the single smaller portacabin measuring 5m by 2.7m, each rising to a height of 2.6m. The portacabins would thus occupy a considerable footprint both individually and collectively. Internal layout plans of the portacabins have not been provided and therefore on face value it would appear that the use in relation to their size appears excessive. In any event, it is considered that the grouping of these portacabins are considered to be excessive in number and size and add considerable built form to the subject site.

Furthermore, and despite their some 27m setback from the front curtilage of the site, given their siting these would have undue visibility from the streetscene at various vantage points which would adversely impact the established openness of the site. Moreover, its relative forward siting in conjunction with its wholly uncharacteristic visual appearance and proposed royal blue finish would fail to blend in with the verdant character of the site.

It is understood that due to operational requirements and funding constraints, the exploration of utilising/refurbishing/rebuilding the existing derelict buildings has not been possible which may have resolved some of the above concerns raised.

It is acknowledged that the proposal is for a temporary permission of three years, however, it is not considered that this would alleviate the harm outlined above over this prolonged period of time. Furthermore, it is important to note the context of the temporary use which has been clear from the outset, that the charity has ambitions to further develop the site when possible and therefore the temporary nature of the proposal is not an isolated development to serve a particular function in the short term but rather a means to an end for further potential phasing.

In summary whilst the proposed portacabins would meet the criteria of ancillary facilities for outdoor recreation, they are not deemed to preserve the openness of the Green Belt and the purposes of including land within it. As such, the proposal would constitute as inappropriate development within the Green Belt and very special circumstances would need to be demonstrated.

In this context, Para. 148 of the NPPF states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has set out a case for very special circumstances (VSC). These consist of operational needs and security, improved mental health and wellbeing, functionality of the site, and economic improvement.

It is highlighted that the operation of the manège as approved was demonstrated to being capable of operating in isolation without the inherent need for the portacabins. It is acknowledged that the provision of the portacabins would improve operational efficiency however, it is highlighted as not being essential. Furthermore, the submitted VSC report acknowledges that the tack room can be transported on an 'as needed' basis. Limited weight is therefore attached to the operational and security needs of the site.

The applicant has confirmed that educational facilities off site will be provided to compliment the outdoor recreation which will improve mental health and the equine use independently provides a source of wellbeing to its users. Limited weight is therefore attached to any improved wellbeing as a consequence of the provision of these portacabins.

In terms of functional use, whilst the portacabins would advance the equine use on site, this would equally be accomplished by the approved menage.

In the context of the proposed use and staffing levels, any economic benefit would be relatively minor.

In conclusion, it is not considered that the benefits of the scheme, both individually and cumulatively would outweigh the harm identified above to the Green Belt and as such, it is not considered that very special circumstances exist.

Whether harm would be caused to the living conditions of neighbouring residents

Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The subject site is expansive and somewhat remote, the only neighbouring site which could be impacted by the proposed development is Vale Farms located to the immediate east. Vale farm consists of an established horse riding school/equestrian centre, as such it is unlikely that any impact would be sustained by levels of activity on the subject site particularly given the siting of the portacabins considerably away from the common boundary.

Highway Impact

The submission has been reviewed by the councils highways team who have raised no objection to the proposal subject to method statement setting out how the portacabins will be delivered and manoeuvred into place. These details can be secured through a suitable condition.

Trees and Ecology

Trees/Landscaping:

In terms of existing trees the Councils Tree officer has stated there are no trees of merit in close proximity to the development. One noted oak tree appears to be dead and therefore would not require the usual tree protection measures.

Flooding

The placement of the portacabins lie within flood zone 1, which means it has a low probability of flooding from rivers and the sea, however, the rear of the site which is in proximity to Dollis Brook, is a flood zone 3 area which means it has a high probability of flooding. The plans depict a new manhole sited in the area of the portacabins with a connecting new foul drain which will adjoin the existing main foul sewer at the rear of the site and therefore would acceptably discharge any drainage from the proposed portacabins. Details of services and the foul drain can be secured via a condition.

Ecology

The nature and scale of the scheme would not result in an adverse impact to protected species. As per the approved application for the manège (22/1747/FUL), if required suitable conditions could be imposed, to ensure biodiversity is preserved/enhanced.

5.4 Response to Public Consultation

-The site is a key link in a chain of green spaces, the rural character of which sharply & attractively defines the W boundary of urban Chipping Barnet. It is also a vital natural corridor for wildlife. Many of the birds nesting in or passing through Arkley's fields are Red or Amber-Listed by the IUCN.

As per the appraisal above, necessary conditions and informatives can be imposed to ensure wildlife is protected in the event of an approval.

-The manège (22/1747/FUL) may have little environmental impact, but the portacabins essential to its operation (22/2121/FUL) could certainly do so. Approval of one must not be granted without approval of the other.

Each application needs to be assessed on its own merits.

- Protection of all trees, bushes & hedgerows along, & immediately outside, the site boundary, & of any trees within the site subject to Tree Preservation Orders.

No trees of merit in close proximity to the development. A hard and soft landscaping condition has been imposed to ensure any existing and/or replacement trees are retained/provided.

- Safe management of vehicle access to & from the site.

No alterations to the existing access is proposed. Highways have raised no objections. A construction management plan condition can be imposed to any approval.

- As little external lighting (in terms of extent, light intensity & duration) as necessary for safety & welfare of human & animal users.

No external lighting is proposed.

-The manège will not be sustainable without the future Phases 2 & 3 (paras 2.13.2 & 3 of the Design & Access Statement). It is regrettable that no masterplan has been submitted to demonstrate the long-term vision for the site & identify key issues to be addressed in subsequent applications. Information we particularly wish to see includes:

- a. Submission of a satisfactory ecological report & environmental impact assessment, with appropriate measures to mitigate any detrimental impacts on existing wildlife.
- b. Submission of a detailed & appropriate landscape plan, specification & management strategy that fosters the biodiversity of the site (including the blue-lined area) & its surrounding environment in line with Council draft Policies CDH07, ECC05, ECC06 & GSS01.

This is not relevant to the current proposal.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic includes:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section. It is recognised that the charity supports vulnerable and

disadvantaged young people who may fall within one or more of the protected characteristics, whilst the proposed portacabins may further benefit these users by providing ancillary facilities, the menage as approved, could operate independently of these portacabins and therefore the benefits of the scheme could in any event be realised. Officers therefore conclude that the recommendation to refuse this scheme would comply with the Council's statutory duty under this legislation.

7. Conclusion

Having taken all material considerations into account, it is considered the proposed development would constitute as inappropriate development by virtue of its adverse impact to the openness of the Green Belt and the purposes of including land within it. Whilst benefits of the scheme have been advanced in the form of very special circumstances, officers consider these to be limited given the menage could operate independantly of the proposal and in any event, such benefits (which could have been realised through more sensitive means) would not outweigh the harm identified to the Green Belt. The application is therefore recommended for REFUSAL.