

## **Application for Determination**

**Parish:** Stalham

**Reference:** BA/2013/0250/FUL & BA/2013/0251/LBC      **Target Date:** 2 October 2013

**Location:** Horning Hall, Hall Lane, Horning

**Proposal:** Erection of a new ménage

**Applicant:** Mr Edward Brewster

**Reason for referral:** Objections received

**Recommendation:** Approve with conditions

### **1 Description of Site and Proposals**

- 1.1 The application site lies in the grounds of Horning Hall, a large residential property situated approximately half a mile due south of Ludham Bridge and accessed off the A1062 Horning to Ludham road. The landholding includes frontage onto the River Bure (to the south of the application site) and the River Ant (to the east of the application site).
- 1.2 Horning Hall sits in substantial grounds extending to approximately 27ha and, in addition to the large dwelling house, includes buildings, grazing and exercise areas associated with a former use of the site as an Arabian stud, a recently restored 14<sup>th</sup> Century Hospice (St James' Hospice) and the remains of a historic causeway which connected the Hospice to St Benet's Abbey, which lies approximately 900m east of the Hall.
- 1.3 The hospice is a Grade II Listed Building and both the hospice and the causeway are Scheduled Ancient Monuments. Substantial repairs have been carried out to the fabric of the building over the course of the last year including structural repairs to the walls and foundations, re-thatching and provision of new doors and timber work.
- 1.4 The two stables blocks and associated hardstanding, paddocks and exercise areas are used to provide private livery for horses owned by residents of the Hall and, additionally, as a small scale commercial stabling business.
- 1.5 This application seeks consent for the creation of a ménage on land immediately adjacent to St James' Hospice. A ménage is an open area

enclosed by fencing for the formal exercise of horses. The proposal is for a 42m x 21m arena to be sited in a paddock situated to the north east of the Hall and immediately east of the Hospice. At its closest point the fencing surrounding the ménage would be within 2m of the wall of the Hospice.

- 1.6 The rectangular paddock would be created by running a new line of fencing parallel to an existing fence and installing a further two lines of fence to connect these parallel lines together. This rectangular area would then be covered with a membrane, topped with 150mm of clean stone and finished with 150mm of silicone sand. Gravel boards set to a height of 300mm above existing ground level would contain the stone and sand. All fencing and boards would be pressure treated timber, identical to that used in the existing fencing at the Horning Hall site.
- 1.7 It is proposed to drain the ménage area with 5 French drains – 175mm trenches dug into the ground with a 100mm perforated drainage pipe surrounding by stone chips – which would run east-west across the site and discharge into an existing dyke. These drains are identical in specification to two existing drains which run across the site of the proposed ménage and were recently installed as part of the restoration works to St James' Hospice.
- 1.8 The final element of the proposal is to dig one of these 5 proposed drains to a depth of 800mm to accommodate ducting. This ducting would be used to run overhead power lines through should a funding bid for the undergrounding of power lines which currently run along the causeway between the Hospice and the River Ant be successful.

## **2 Relevant Site History**

None.

## **3 Consultation**

Horning Parish Council – No response received.

District Councillor – No response received.

Broad Society – We would normally have no objection to the erection of a ménage of this type in this location. However, on this occasion we wish to lodge an objection on the grounds that the site is in close proximity to a historic building and the fencing will have a detrimental impact. For this reason it is our view that the proposal is inappropriate.

English Heritage – No response received – comments to be reported verbally to Committee.

Norfolk Landscape Archaeology – comments to be reported orally.

## 4 Representations

None.

## 5 Policy

[DMP DPD - Adoption version.pdf](#)

The following policies have been assessed for consistency with the [NPPF](#) and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is considered within this report:

DP5 – Historic Environment

## 6 Assessment

- 6.1 The development proposed in this application is considered to be modest in scale, of relatively low landscape impact given the existing equine related uses at the site and to propose materials and a design which are considered to be acceptable. The principle issue is the degree to which the proposed ménage would impact on the Grade II Listed, Scheduled Ancient Monument of St James' Hospice which is a designated heritage asset. This matter will be considered first, with other material considerations assessed subsequently.

### Impact on designated Heritage Asset

- 6.2 When considering the potential impacts regard must be given to any impact on the fabric of the building, the impact on the setting of the building when viewed from publicly accessible view points and the impact on the immediate setting of the designated heritage asset.
- 6.3 Policy DP5 of the Broads DM DPD requires that new development which would affect a designated Heritage Asset (such as St James' Hospice) must protect, preserve or enhance the fabric and setting of the asset and further states that development which would affect a Heritage Asset will be considered in the context of national planning policy.
- 6.4 Paragraph 132 of the NPPF states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*' the guidance further states that '*Significance can be harmed or lost through the alteration or destruction of the asset or development within its setting*'.
- 6.5 In this instance the Heritage Asset in question is considered to be of considerable importance, being both a Listed Building and a Scheduled Ancient Monument. In addition, as a medieval hospital chapel it is also recognised as being a very rare building type.
- 6.6 It is the case that the development proposed would not materially harm the fabric of the designated heritage asset because the boundary of the Scheduled Ancient Monument is drawn tightly to the building itself and the

application site lies outside of this boundary.

- 6.7 However, it is recognised that significance of an asset can be harmed through development which impacts on its setting, and the NPPF sets out a two stage test against which applications which affect significance should be assessed: Para 133 states that if the development would lead to substantial harm to the asset or the significance of the asset then development should be refused unless a tightly defined set of criteria are satisfied. Para 134 sets out the second part of the test which requires that where the development would result in less than substantial harm *'this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.
- 6.8 In this instance it is not considered that the installation of a ménage – consisting of post and rail fencing and a loose silica surface – could be considered to cause substantial harm to setting of the asset. The built form proposed is minimal and it is noted that the works are almost entirely above ground (with the most substantial below-ground element relating to an essentially unrelated scheme to underground electricity wires) and, as such, reversible in a way which would leave little or no trace on the asset.
- 6.9 It is considered, however, that the introduction of a ménage would lead to less than substantial harm to the setting of the historic hospice. The ménage would be very close to the building and, whilst not intruding on the actual fabric of the building or the designated Ancient Monument site, this proximity means that there will inevitably some impact on the setting of the building and, having regards to the scale, reversibility and modest landscape impacts, it is considered that this impact can be classified as less than substantial harm, having regards to the test set out in the NPPF.
- 6.10 When considering whether this less than substantial harm results in an application which should be refused, the NPPF advises that *'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.
- 6.11 In terms of quantifying the scale of harm there are a number of factors to consider. In this case it is of particular relevant to note that the application site is at present used as an equine paddock and this field, and neighbouring fields, accommodate equine-related paraphernalia such as jumps, poles etc. These do not constitute development in this location and do not require planning permission. The site is situated within 30m of two substantial stable blocks and sits in a cluster of small grassed paddock the boundaries of which are defined by post and rail fencing identical to that proposed in this application.
- 6.12 Long distance views into the site from the River Bure (to the south) are largely screened by the substantial trees at the southern end of the application site and, where views are available from the water they are from a long distance (at a minimum around 250m) and show the hospice in the context of the surrounding post and rail edged fields. Similarly, views from the Ant (to the east) are long distance (circa 300m) and fractured by the intervening sporadic

tree planting.

- 6.13 In this context it is not considered that the harm to the setting of the building viewed from nearest available public vantage point can be considered significant.
- 6.14 This notwithstanding, it is noted that the colour of the proposed surface to the ménage will be critical in minimising any visual impacts and, as such, it is proposed that sample of the proposed topping material be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works.
- 6.15 With regards to the impact on the immediate setting of the chapel, it is again relevant to note the existing equine character of the immediate environs of the chapel. In addition, the application uses a run of existing post and rail fencing for one of the longer sides of the rectangle and proposes the removal of other lengths of existing post and rail which would be rendered superfluous by the proposed ménage. This rationalisation of the fencing is welcomed and helps to minimise any harm caused to the setting of the chapel.
- 6.16 Having regards to the above, and considering the tests set out in the NPPF, it is concluded that the harm caused to the setting of the heritage asset would be slight and reversible. This small scale of harm combined with the fact that any detrimental impact would be reversible, results in a proposal which is, on balance, acceptable in terms of impact on the historic environment.
- 6.17 Whilst no formal response has been received from English Heritage, informal officer-level discussions have indicated that they are satisfied with the above conclusion, however the formal response has yet to be received.
- 6.18 Finally, it is also useful to note that the installation of the ducting as a result of this proposal would give substantial landscape benefits to the site by facilitating the undergrounding of the overhead electricity wires should such a wide proposal come forward.

#### Other considerations

- 6.19 The application site contains a number of mature trees which are considered to play a significant role both in screening the site and in contributing to the landscape character of this part of the Broads.
- 6.20 To support the application an arboricultural impact assessment has been submitted and it is considered that, provided the recommendations of the report are followed during construction (a requirement which can be conditioned) the works would have no detrimental impact on these trees.
- 6.21 Finally, it is recognised that the landownership of the applicant is significant and, in response to consultation informal comments from a consultee raise the question of whether or not the applicant could locate the ménage

elsewhere within the landholding, so as to place it further away from the heritage asset.

- 6.22 In responding to this point it should first be noted that neither NPPF nor the Authority's own policies policy apply a sequential approach to the siting of this type of development and, as such, we must determine the application which is before us. However, it is also material to note that whilst the proposal does result in a development situated very close to a Heritage Asset is also the case that it follows the generally sound planning principle of clustering development in one area of the site, and it is the case that a ménage set out in a more remote part of the landholding would be less readily associated with the existing equine character of the part of the holding which accommodates the built form, and the extension of this equine use into the open grazing marshes for example would not be welcomed in landscape terms.

## **7 Conclusion**

- 7.1 This application seeks consent for the erection of a ménage at Horning Hall. The proposed ménage would be located very close to a Scheduled Ancient Monument and Grade II Listed Building and, as such, this is a very sensitive site.
- 7.2 In drawing up the scheme the applicant has responded to this sensitive setting and has specified a 'no dig' solution to minimise disturbance to the ground (and therefore any archaeology beneath the ground) and proposes to use existing fence lines where possible in creating the ménage, and remove existing fencing which would be rendered superfluous by the proposed ménage.
- 7.3 Having regards to the limited amount of built form proposed, the fact that the proposal would be entirely reversible and noting the existing landscape context of the site it is considered that any harm to the setting of the Heritage Asset would be slight and reversible.
- 7.4 Accordingly, it concluded that the development proposed would protect the setting of the Heritage Asset and accords with the policy guidance set out in both Broads Authority Policy DP5 and the NPPF.

## **8 Recommendation**

- 8.1 Approve subject to the following conditions:
1. Time limit
  2. In accordance with approved plans
  3. Materials conditions
  4. In accordance with submitted tree protection details
  5. Archaeological conditions
  6. No outside lighting
  7. Use of ménage restricted to those horses stabled at the site in association with the private livery service offered at the stables and the personal use

of the residents and guests of Horning Hall. No independent commercial use of the ménage is permitted.

Background Papers: Application File BA/2013/0250/FUL and BA/2013/0251/LBC

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Date of Report: 30 August 2013

Appendices: APPENDIX 1 – Location Plan

## APPENDIX 1

