



Mrs. K. Wilson
3 Hollins Lane
Shuttleworth
Ramsbottom
Bury
BL0 0EQ

Our Ref: RG/G267L001

Date: 3 October 2020

Dear Kath

APPLICATION REF: 65859

PROPOSED EQUESTRIAN MENAGE

3 HOLLINS LANE, SHUTTLEWORTH, RAMSBOTTOM, BURY, BL0 0EQ

Thank you for providing me with the application paperwork and showing me the application site on Friday.

I have noted the LPA's invalid letter and the following request :

'Please submit a planning statement as the site is located in the green belt and this should be addressed. This statement should also give details of when and how the riding area will be used eg. for domestic use only.'

The purpose of this letter is to respond to that request.

The Proposal

The proposal is very simple. You intend to create a menage on land that is currently used for the grazing and exercise of your three horses, immediately adjacent to the existing stabling facilities.

The use of the menage will be for your own domestic (not commercial) use, and it is clearly incidental to the enjoyment of your home.

It will be utilised on a daily basis for the health and welfare of your horses.

The land rapidly becomes boggy and arguably dangerous during wet weather. The new menage will enable the safer and more efficient exercise of your horses, in the interests of their well being.

The site is currently relatively flat, but – to deliver the smooth and very flat surface required for any menage - a modest amount of 'cut and fill' will be required. In essence, earth will be stripped off the higher part of the land, and relocated onto the lower part, to create a flat surface. The surface will then be covered in sand to provide an ideal and safe surface for your animals. Aside from the sand 'top coat', there will be no importation or exportation of any materials to / from the site.



The menage will be marked by simple timber triple-rail stock fencing with gates as appropriate. None of the means of enclosure will exceed 2.0 metres height, and as such this does not in itself require planning permission.

It is worth adding that, due to land relief, the proposed location of the menage is the only location within your land that could sensibly accommodate a menage without major engineering operations.

POLICY CONSIDERATIONS

The Development Plan

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan, unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

For the purposes of this application, the Development Plan is the Bury UDP (adopted August 1997).

An extract from the online UDP Policies Map is reproduced below, with the approximate position of the proposed menage marked in red.





The site is located within both the *Green Belt* and a *Special Landscape Area*. It is not located in or close to any Conservation Area and there are no listed structures close by.

UDP Policy OL1 (Green Belt) seeks to maintain the Green Belt, ensuring that it fulfils the following strategic purposes:

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

The proposed menage will not result in harm to any of these purposes, and as such we maintain that there is no conflict with Policy OL1 :

- No '*unrestricted sprawl*' will arise;
- There will be no merging of towns;
- There will be no encroachment into the countryside. Horse riding menages are of course a common feature of the countryside. Indeed, they are only found in the countryside.
- There will be no harm to the setting of any town.
- There will be no implications for urban regeneration elsewhere.

The proposed works will be barely visible from the wider public domain. While the relief of the land will be adjusted modestly (to create a smooth, flat surface), it will remain flat and open.

UDP Policy OL1/2 (New Buildings in the Green Belt) does not apply to this application, in that it relates to new 'buildings'. No building is proposed in this case. Nevertheless, it is worth highlighting that this policy sets out a permissive stance in respect of :

'essential facilities for outdoor sport and outdoor recreation ... which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it.'

In this case, the training, exercise and care of the Applicant's horses is '*essential*' for reasons of animal welfare, and it relates to outdoor recreation. I would add that the NPPF uses the term '*appropriate facilities*' (not '*essential facilities*'). It is self evident that the care and exercise of horses in the countryside is entirely '*appropriate*'.

Policy OL1/5 'Mineral Extraction and Other Development in the Green Belt' applies to this proposal. The creation of a menage falls to be classed as '*other development*'. The policy confirms that '*other development, not including buildings*' will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. As explained above, the proposal will result in no harm to openness and will not conflict with any purposes. As such, the application complies with Policy OL1/5.

Policy OL4/7 'Development Involving Horses' confirms that the keeping of horses for recreational purposes will be considered acceptable where it would not have an adverse effect on the appearance



of the rural areas. It states that high standards of design, construction and maintenance will be expected as part of any development proposals. In this case, the proposed menage will be good quality and entirely in keeping with the rural context. As noted earlier, such menages are commonplace in the countryside, and indeed can *only* be found in the countryside (where horses are kept and exercised). There is therefore no conflict with policy OL4/7.

Policy EN9/1 (Special Landscape Areas) states that any development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected, and 'unduly obtrusive' development will not be permitted in such areas.

The proposal is consistent with this policy. The proposed menage will be barely perceptible from the wider public realm. It will not impact on openness and will constitute a typical rural horse-related facility. No discernible harm will arise to landscape character. It will have nothing more than a neutral impact on the *Special Landscape Area*, and is in turn in accordance with Policy EN9/1.

For the same reasons, the proposal is consistent with *Policy EN1/1 (Visual Amenity)*, which states that development will not be permitted which would have a detrimental effect on the visual amenity (both within, or viewed from) of areas of environmental interest, including the Green Belt and Special Landscape Areas.

In view of the above assessment, the proposal is in accordance with the development plan when considered in overall terms, and – furthermore – there are no material considerations that suggest that Section 38(6) ought not to be applied.

NPPF Considerations

Whilst it is more recent than the UDP, the NPPF largely reflects what is set out in the Bury UDP (in respect of Green Belt policy).

§145 mirrors Policy OL1/2 in stating that the construction of most types of new 'buildings' is inappropriate in the Green Belt, one exception being :

'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

Setting aside the fact that no 'building' is proposed in this case, there is clearly no conflict with that aspect of NPPF.

Furthermore, §146 confirms that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include :

- engineering operations; and
- material changes in the use of land (such as changes of use for outdoor sport or recreation)



In the case of this application, a moderate extent of engineering operation is required to create a flat, smooth surface for the menage, but there will be no harm to openness nor any conflict with the Green Belt purposes.

It is debatable whether or not a '*material change*' in the use of the land will arise. The land is currently used for the exercise of the Applicant's horses, and that use will barely change as a result of the menage. However, in the event that the LPA deems there to be a '*material change*', then §146 allows for that to occur.

Having regard to the above, it is the Applicant's case that the proposal represents appropriate development in the Green Belt. There will be no harm to openness and no conflict with any of the purposes of the Green Belt. The application complies with the relevant provisions of the Development Plan, and those of the NPPF as an important material consideration. It should be approved accordingly.

I trust that this letter assists the process, and good luck with the application. If you require anything else, please do not hesitate to contact me.

Yours sincerely
for Roman Summer Associates Ltd

Richard Gee
Director