

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/01/2021	Ref: 65859/FUL
Registration: 27/10/2020	LDfC: 26/11/2020	Expiry Date: 22/12/2020
Site Visit: 11/11/2020	Site Notice: 11/11/2020	Press Date: 12/11/2020
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Construction of equestrian menage

Location: 3 Hollins Lane, Shuttleworth, Ramsbottom, Bury, BL0 0EQ

Description

The application relates to a field and paddock associated with a residential dwelling which is located in the Green Belt and an Area of Special Landscape.

The site is in a semi-rural area located off a main road. Directly to the north is open land and fields, and to the west is the applicant's dwellinghouse and stables. The site is accessed via a single width lane and public right of way which runs along the south and south eastern perimeter of the site. The lane is flanked either side by mature and well established vegetation and tree planting.

The application seeks the construction of a menage which would be located in the existing paddock/field adjacent to the stables and the applicant's property.

The paddock would be 20m x 35m and enclosed by a 3 panel timber fence. There would be some cut and fill of 0.73m works required to create a level site and the surface of the menage would be sand.

The applicant states that the menage would be for personal use only and the horses which are kept in the stables located adjacent to the field.

Relevant Planning History

53419 - Single storey extension at rear - Approve with Conditions 10/01/2011

37023 - Erection of detached garage and stables - Approved 28-11-2000

Publicity

Properties notified on 4/11/20 at Nos 1 Hollins Lane, 438, 444, 450 and 454 Whalley Road.

Site notice posted 11/11/20

Press advert in the Bury Times 12/11/20.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Public Rights of Way Officer - No objection

Borough Engineer - Drainage Section - No response received.

Pre-start Conditions - The applicant has agreed to pre-commencement conditions.

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN5/1	New Development and Flood Risk
EN9/1	Special Landscape Areas
OL1	Green Belt
OL4/7	Development Involving Horses
HT6/2	Pedestrian/Vehicular Conflict
SPD10	Planning for Equestrian Development

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies and principle

Chapter 13 - Protecting Green Belt Land, Paragraphs 143 and 144 state that inappropriate

development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

Paragraph 146 considers certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of the exceptions to this is bullet point e) for material changes of use of land (such as for outdoor sport or recreation, or for cemeteries and burial grounds), provided they preserve its openness and do not conflict with the purposes of including land within it.

Policy OL4/7 - Development Involving Horses - considers the keeping of horses for recreational purposes or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse effect on the appearance of the rural areas. High standards of design, construction and maintenance will be expected.

EN9/1 - Special Landscape Area - Development should be sympathetic to its surroundings in terms of visual impact and have high standards of design, siting and landscaping. Unduly obtrusive development will not be permitted.

SPD 10 - Planning for Equestrian Development advise emphasises a high standard of design, construction and maintenance of development involving horses. The guidance requires a manège to be:

- Typical size no more than 40 x 20 m;
- Location and siting as inconspicuous as possible, siting close to corners of paddocks and boundaries;
- Proposed surfacing to be as visually inconspicuous as possible, with the use of bark or chippings less likely to have a visual impact, and especially where a site is more exposed;
- Post or rail fencing or similar recommended to minimise visual harm.

The proposed manège would be for the personal use of the applicant in association with the existing domestic stables which are located adjacent to the proposed site and which are close to the applicant's residential dwelling.

The proposed manège would be located within the existing paddock area which is used for the grazing of horses and would cover an area of 35m x 20m. It would be close to an existing field boundary and enclosed by a 3 bar timber fence and would have a sand surfacing. Whilst the site is relatively flat, there would be some cut and fill of 0.73m of the existing ground to form a level surface but this would be relatively minimal, would be screened from the PRow by established vegetation and would not be discernible from close or longer range views outside the site.

It is therefore considered that the proposed development would comply with the requirements of national planning policy, UDP Policies OL4/7, EN9/1 and SPD10.

Impact on the surrounding area - The manège would be sited on land close to the applicant's existing stables and in the corner of a field. There is an access lane which runs along the southern boundary of the field and the site and which is a public right of way. There is a long established and mature vegetation and tree planting which runs along the southern boundary of the site and which substantially screens the site from this public view.

The site is already used as a paddock and whilst the area would be more 'formalised' by the laying of a sand surface, cut and fill of 0.73m of earth and enclosed by a 3 panel timber fence, the works would be relatively minimal and given the manège would be positioned close to a boundary which is substantially screened from the public right of way and views it

is considered there would not be a detrimental impact on the surrounding area.

From the north, public views would be from a distance and as the use of the land would be relatively modest and of a small scale and given it is already used for the grazing of horses, it is considered that there would not be an adverse impact from this area.

As such, the proposed development is considered to be acceptable and would comply with the principles of the NPPF, UDP Policies OL4/7 and SPD10.

Access - The access lane which runs along the southern boundary of the site and which serves the site comprises an unmade and stoned track. Apart from the applicant, it is generally used by walkers rather than vehicular traffic. There is a gate which is located between the applicant's stables and the site and which is already used to access the stables, paddock and the fields.

As the development would be for the applicant's personal use and for the horses which are already kept in the adjacent stables, there would be no additional traffic such as horseboxes or deliveries which would necessitate or warrant any improvements to the lane. The only additional traffic would be from the construction of the manege.

The trees and planting which run down either side of the access lane are mature and have been established along the lane for many years. There is some overhang however into the lane when the vegetation is in full leaf and growth. The lane itself, whilst unmade and stoned and pot-holed in parts, it was originally formed of setts, cobbles and kerbs and considered to be capable of accommodating construction traffic without the need for a dilapidation survey at this particular location.

The Highway Section have raised no objection to the proposed development.

However, to ensure acceptable levels of visibility would be maintained out of the site during the construction phase and to ensure there would be no detrimental impact on the public right of way, the Highway Section have recommended the submission of a CTMP.

A condition would also be included that the menage would only be for the applicant's personal use, and not for any other commercial or public purposes.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings - Site location plan RSL-001 01 Rev C received 13/11/20; proposed site plan KW-03 B; Existing site plan KW-02 A; and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

- 3 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Access point for construction traffic from Hollins Lane/Public Footpath No. 177, Ramsbottom including measures to ensure adequate visibility is provided at the site access by cutting back the existing hedge so that users of the Public Right of Way can see and be seen by emerging construction vehicles;
 - Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the Public Right of Way and number of vehicle movements;
 - Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
 - If proposed, site hoarding/gate positions adjacent to the Public Right of Way;
 - Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 4 The menage hereby permitted shall be used for domestic purposes and for the personal use of the applicant only. It shall not be used in part or whole for any commercial livery, equestrian or other use.
- Reason. To ensure the use of the development is not intensified to a significant or harmful degree which would have an impact on the surrounding area or access to the site pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT6/2 - Pedestrian/Vehicular Conflict and OL4/7 - Development Involving Horses.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/1/21	DM	14/01/2021