

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/01/2022	Ref: 67301/FUL
Registration: 13/10/2021	LDfC: 12/11/2021	Expiry Date: 08/12/2021
Site Visit: 12/11/2021	Site Notice: 12/11/2021	Press Date: 28/10/2021
Objections: 1	Con Area:	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Removal of existing outbuildings; formation of hardstanding; construction of 2 no. blocks of stables with tack room / feed store; waste storage container and erection of fencing, gates and stile

Location: Rear of 104 Bury New Road, Radcliffe, Bolton, BL2 6QB

Description

The site relates to land which is located behind a row of terraced properties, Nos 100-104 which front onto Bury New Road. To the north east is a garage and car sales business and to the south is open land and fields. The site is within the Green Belt.

The applicant states the current use of the land has historically been used as allotments and for the keeping of pigs, chickens and pigeon farming and there are 4 agricultural outbuildings on the site, 3 located in the northern area and one along the eastern boundary of the site.

The site is bounded by timber fencing and there is a Public Right of Way (No 21CC) which runs from the north eastern part of the site in a south westerly direction at the edge of the site boundary. This PRoW is formed from Bury New Road and also forms the access to the site which is between the side gable of No 104 and the garage/car sales business. This is an unadopted single lane which leads to a small area of hardstanding just to the north east of the site which extends along the rear of No 104 for parking.

The application seeks the removal of the existing buildings, formation of a hardstanding and the construction of 2 no. blocks of stables with tackroom/feedstores and waste storage container. The application also proposes the erection of fencing and gates to enclose the site and stables.

In more detail, the proposed development comprises the following:

Proposed stables - There would be 2 separate stable blocks. Each block would accommodate 4 stables 1 tackroom and 2 waste room facilities.

Block A (for the purposes of reference in the report) would be located along the north western boundary in a linear formation and sited on part of the footprint of an existing agricultural building.

Block B (for the purposes of reference in the report) would be located along the eastern boundary, again on part of the footprint of an existing agricultural building.

Each block would be 17.9m long and 4m wide and 3.8m high, constructed of timber. The blocks would have a hardstanding apron to the front, approx 168 sqm in area. This would be bounded by a 1.5m high timber 'hit and miss' fence, as shown on the proposed plans.

Hardstanding - In between the 2 stable blocks, along the northern part of the site would be

a length of hardstanding.

The existing hardstanding to the rear of No 104 would be increased and parking for 4 cars with a turning area are shown. A new access to the parking area would be bounded by a 2.1m high timber gates.

Access - This would continue from Bury New Road, as currently exists.

The applicant states that the remaining area of land to the south which is in the applicant's ownership would be maintained for grazing and the exercise of horses.

Relevant Planning History

N/a

Publicity

Letters sent on 22/10/21 to 100, 102, 104, 106 Bury New Road.

Site notice posted 12/11/21

Press advert - 28/10/21

Two letters of objection received from Nos 100, 102 Bury New Road with the following comments:

- On review of the plans, the development is too close to my property - 30m buffer needed? - from the plans I can not see a buffer? Other Councils say it should be at least 50m.
- Are the stables essential and genuinely required? The landowners have stables 60 m across the road on their own property.
- Good access to roads - On the plans, the proposed access is a public walkway. They have another point of access further down the road on Bury New Road - should this not be where the stables are built given there is access already in place?
- Drainage system- I can not see any further details about the drainage system and it appears that it will be left to soak into the ground ? - the drainage system around my property is very weak at the best of times and having this development adding to it will cause many issues (noise, smells nuisance, contamination)
- It is proposed that the waste management system is to be at end of my garden - the proposal is to be 6 m which will cause a nuisance (horse flies and other airborne pests) and we will be unable to allow the young children to play in the garden;
- There are already issues with rats infestation from the fields and having the stables/tack feed will make this situation worse;
- There are already 'out buildings' erected and we believe did not have planning permission - so should not be there. When they terminated the agreement with the neighbour they said the buildings were only temporary but now it appears they are stating the buildings are permanent - which probably support this application. The proposal appears to be disproportionate to what is already in place.
- There is japanese knotweed on the land and this development could cause further issues leading to issues with the knotweed around my property.
- We have no issue of stables being built on their land but preferably much further away from the three properties. There is numerous places they could build stables which would be far enough away from my property to make it acceptable.
- Access road is not suitable for horseboxes or large vehicles especially with poor visibility from the junction to Bury New Road
- Park at the back of my house where gates are now shown so i will no longer be able to park
- There is another access further down the road which is more suitable
- Have filled in pot holes which will only get worse
- Stables will be too close to my property and garden
- The outbuilding did not get permission and covers up japanese knotweed which is a worry
- Concern it will attract rats

- People will be coming to the stable at all time of the day - early motoring and late at night which will disturb local residents and those with dogs who will bark

Statutory/Non-Statutory Consultations

Traffic Section - Object on the intensification of the use with sub-standard access arrangements

Public Rights of Way Officer - Details required of the PRoW route.

Environmental Health - Contaminated Land - No objections subject to conditions

Greater Manchester Ecology Unit - Insufficient information with regards to the presence of bats

Environment Agency - No objection in principle and recommend informatives to the applicant.

Pre-start Conditions - Not relevant

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
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
OL1	Green Belt
OL4/7	Development Involving Horses
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD10	Planning for Equestrian Development
SPD11	Parking Standards in Bury

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.

Chapter 13 - Protecting Green Belt Land, Paragraphs 147 and 148 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 149 states that the construction of new buildings is inappropriate in the Green Belt. There are exceptions to this, which include b) the provision of appropriate facilities (in connection with the existing land use 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.

Policy OL4/7 - Development Involving Horses states 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. In particular, high standards of design, construction and maintenance will be expected as part of any development proposals.

The scale and size of buildings will be important, only being considered acceptable where design and siting would not have an unduly detrimental effect on the surrounding environment.

SPD10 - Planning for Equestrian Development provides further policy guidance for equestrian facilities with consideration and advice including the siting, design scale, and associated parking and access.

Green Belt principle - The development would involve the erection of stables in the Green belt and therefore para 149 bullet point b) of the NPPF for the provision of facilities for outdoor sport and recreation is relevant.

The test is whether the development would have a greater impact on openness. This is considered below

Siting and scale

SPD 10 advises that stables and associated development should be located close to site boundaries which are well screened.

In terms of scale, SPD 10 also goes on to state at para 4.2 that generally speaking,

applications for 3 to 4 small stables and one storage area for tack/hay/animal feed in one given location may be acceptable, subject to detail and capacity of the land and number of horses involved.

Where stables are proposed, they must be essential and genuinely required by the applicant.

Planning applications for stables exceeding 3 or 4, and in particular those concerned with commercial enterprises should include a planning support statement outlining the need for additional stables. In some instances, it may be necessary to have sight of horse passports in order to prove genuine requirement for stabling.

Block A would be located in the north western part of the site and located on part of the footprint of the existing building. However, the proposed stables would extend a further 13.7m into land to the south which is currently open fields and beyond the existing site boundary, and therefore encroaching further into the green belt than the existing site and its boundary and thereby causing more harm to the openness of the Green Belt.

Block B, again whilst located on part of the footprint of an existing building would encroach the Green Belt by an additional 8.6m and which would also be beyond the current site area.

The development also proposes substantial areas of hardstanding, approx 168 sqm in area in front of both stable blocks. Whilst a certain amount of hardstanding in relation to stabling is generally accepted, the proposed area of hard surfacing in this case is considered excessive, would add urban elements to an open and unspoilt area of Green Belt land would therefore result in further encroachment into the Green Belt and cause harm to the openness of the Green Belt.

SPD10 advises that post and rail fencing is the most commonly used type of enclosure which is a more sensitive solution and less harmful to openness. It is proposed to enclose the stable blocks and hardstandings by 1.5m high hit and miss fencing. The use of such fencing would not only encroach further into Green Belt land but would introduce urban and domestic elements to the site and the development as whole and as such cause harm to the openness of the Green Belt.

As stated above, the test for establishing whether development under para 149 b) of the NPPF is appropriate development in the Green Belt is whether the development *would have a greater impact on openness*.

Given the above assessment, it is considered that the proposed development by virtue of the siting and scale would cause significant harm to the openness and the character of the Green Belt requiring additional land which would be unnecessary to facilitate the development which would be completely avoidable if the stables were both reduced in scale and size and located along the northern boundary of the site.

This would prove far less harmful to the openness and character of the Green Belt, particularly when the land to the west and south are currently open and free from any form of development. Not only would this be a more sensitive solution in terms of siting but would assist in containing the development as a whole within the existing site curtilage.

The Planning Statement makes no reference to the need for the development or the scale of development to provide for a significantly greater number of stables than would generally be accepted. Furthermore, the Planning Statement makes no reference to the reasons for the proposed siting or scale of development and no reference to why the development should be considered appropriate in principle.

Very Special Circumstances have not been demonstrated to outweigh harm which would be caused to the Green Belt and the character of the setting of the site itself.

In view of the size, scale and siting of the proposed stable blocks together with the associated development for the hardstanding and fencing, and the excessive and

unnecessary encroachment into the Green belt, it is considered that the proposed development would cause significant harm to the openness and character of the Green Belt and would therefore have a greater impact on the openness of the green belt.

Very Special Circumstances have not been demonstrated to outweigh harm which would be caused to the green belt and the character of the setting of the site itself.

The development would therefore be contrary to the principles of the NPPF and contrary to Bury Unitary Development Plan Policies EN9/1, OL4/7, and SPD 10.

Highways issues

Access - The access to the site would be via the existing PRow which leads from Bury New Road along a single lane track which runs down the side gable of No 104.

The development proposes 8 stables in total, which suggests the stables would be for a commercial or business use, given advice states 3/4 stables maximum are generally considered an acceptable and maximum number for equestrian developments.

The commercial use of the stables would not only introduce significantly more volumes of traffic than currently exists but also significantly more trips comparative to a personal use by an individual. Whilst there may be times when trips would be staggered, it is likely that cars would be arriving at similar times in a morning and evening, when horses need to be fed and exercised and which could result in up to 8 cars to the site at one time.

As the site is served only by a single lane, with little room to turn around, the proposed development would result in vehicles having to perform manoeuvres out onto the highway which would cause significant highway safety implications, not only for those visiting the site or pedestrians using the PRow, but to cars and pedestrians traversing along Bury New Road. As a commercial use, highway safety would be further compromised by trips made by horseboxes and trailers, where it would be more problematic to manoeuvre along a single lane access should a vehicle be approaching from the opposite direction.

The highway section have raised considerable concerns about the resultant intensification of the use of this tight site and access and as such have recommended refusal on highway safety grounds.

It is also proposed to increase the area of hardstanding and move existing boundary fencing to provide a larger parking area for 4 cars and areas to manoeuvre.

As discussed above, the scale of the proposed development would be such that more than 4 cars at a time may visit the site and therefore more parking would be required.

It is also unclear from the application and the proposed plans how the existing parking and access for residents living at the row of terraced houses would be affected by the proposed development.

As such, it is considered that the access and parking would be inadequate to provide for the scale and use of the proposed development, would cause significant highway safety issues and would therefore be contrary to policies EN1/2, OL4/7, HT2/4 and HT6/2.

Impact on residential amenity - The nearest properties would be the row of terraced houses, Nos 100-104 Bury New Road which are located directly north of the site. Behind the houses, there is currently a narrow area of hardstanding bounded by a fence, and beyond that is the site comprising the existing allotments and agricultural buildings and sheds.

Nos 100 and 102 would be 33m and 38m away from stable Block A and no 104 approx 23m away from Block B. according to SPD10, there should be a buffer of more than 30m and as such No 104 would be most affected by the proximity of the development and use. This property would also be more affected by traffic and comings and goings of vehicles and users of the site.

That said, there would also be a general increase in noise and disturbance to Nos 100 and 102 by virtue of the scale of development for a commercial use comparative to the use of the stables for a personal use, especially when the use could involve visits to the site from trailers and horseboxes.

A significantly reduced scale of development, for at least half the number of stables would in turn reduce levels of noise, activity and general comings and goings at what could be early and late parts of the day and when residents would expect a degree of peace and quiet.

It is therefore considered the proposed development would result in harm to the amenity of the nearby residential properties and would be contrary to policies EN1/2, OL4/7 and SPD10.

Ecology

Summary

Clarification on the state of the structures to be demolished is recommended. Other potential ecological issues including nesting birds and ecological mitigation and enhancement can be dealt with via condition and or informative.

Bats

Bats can roost in a range of structures and natural features including buildings, trees, retaining walls etc. A number of structures are proposed for demolition and GMEU state it is not clear of their nature and potential to provide bat roosting habitat. From aerial photos they do not appear substantial. As a first step GMEU would recommend photographs are provided of any structures proposed for removal external and internal if applicable so that it can be determined whether a formal bat assessment is required.

Nesting Birds

The site appears to include potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict the removal of vegetation.

Invasive Species

Sites such as this are moderate risk for invasive species such as Japanese knotweed and Himalayan balsam. GMEU recommend an informative to remind the applicant of their responsibilities under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site appears to be of low ecological value but will result in a net increase of bare and developed ground. Some form of mitigation is recommended. GMEU note that soft landscaping is proposed and would suggest some form of native boundary planting as mitigation. This could be a shelter belt or native hedge. It is also recommended a couple of bird boxes as mitigation for loss of nesting habitat but are amenable to other options, given the extent of the blue edge.

It is noted that a pre-application was not entered into which would have identified the issues which have been raised above.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in the intensification of the use of a site with sub-standard vehicular and pedestrian access arrangements from/onto A58 Bury New Road, which would be detrimental to highway safety, the safety of users of Public Footpath No. 21, Christ Church, Radcliffe and the free flow of traffic on the adjacent classified road. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict and OL4/7 - Development Involving Horses and .
- 2 The applicant has failed to demonstrate Very Special Circumstances which would outweigh the harm which would be caused to the openness of the Green Belt due to the siting and disproportionate size and scale of the proposed development and as such the proposed development would be seriously detrimental to the character and openness of the Green Belt and contrary to the principles of paragraph 149 of the NPPF, Bury Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt and OL4/7 - Development Involving Horses and SPD10.
- 3 The proposed development by virtue of its size, scale and siting and the associated boundary fencing and extent of the hardstanding areas would have a significantly harmful impact on the openness and character of the Green Belt and would therefore be inappropriate development and as such would be contrary to the principles of paragraph 149 of the NPPF, Bury Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt, OL4/7 - Development Involving Horses and SPD10.
- 4 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of the adjacent dwelling houses on Bury New Road by reason of the size, siting and proximity of the proposed development and associated increase in traffic. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan OL4/7 - Development Involving Horses, EN1/2 - Townscape and Built Design and SPD10.
- 5 The application and submitted plans contain insufficient information to enable them to be properly assessed with relation to bat habitats and impacts on the protected species. The proposed development would therefore be contrary to the principles of chapter 15 - Conserving and enhancing the natural environment and Bury Unitary development Plan Policies EN6/3 - Features of Ecological Value.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	4/1/22	DM	04/01/2022