

APPEAL STATEMENT

PROJECT: RETROSPECTIVE PLANNING

LOCATION: SMITH FOLD FARM, TAYLORS LANE, RADCLIFFE, BOLTON

CLIENT: PHIL JOHNSTON

OUTLINE BRIEF: RETROSPECTIVE PLANNING FOR A REBUILT STABLES



APPEAL STATEMENT:

The proposal put forward for the stables, Smith Fold Farm, Taylors Lane, Radcliffe, is for a retrospective planning application for the brick built, tiles stable that replaced an existing timber clad and metal roof construction.

The farm site historically has been for the upkeep and welfare of animals including horses, with the more recent owners (and applicants) continuing the tradition of keeping horses, and other small animals across the property. The original timber and metal clad stable had reached a level of decay that meant it was unfit for purpose and became a hazard to health for both animals and humans.

The applicant therefore looked to replace this with a more suitable structure. Having researched the best type of stables for animal welfare (refer to some of the articles included in the supporting journals document) the applicant sort to construct a brick and slate tile replacement on the footprint of the existing stables. The constructed stables does not increase the overall footprint of the original stables but does increase in height as the previous stable was seen as too low to meet current standards for equestrian welfare. The materials chosen for the construction were selected to be in-keeping with the adjacent brick built stables in both style, appearance and massing. A reconstruction of the existing timber stables in timber cladding to the same size would not be in-keeping with the surrounding buildings, welfare of the animals, or to fire safety recommendations.

Whilst located in Greenbelt, the main issue for this application is the visual impact on the amenity of the Greenbelt. The use of this area of greenbelt has been historically farm land, used for the up-keep and welfare of animals including horses. Adjacent to the constructed stable are existing brick stables to the North / North West. To the South West the farmers compound with additional brick and clad buildings, brick boundary wall and storage areas. To the East is the horses Paddock and grazing / exercise field. Further to the South and overlooked from the stables is a row of brick and slate terraced houses and of particular note the old blacksmiths stable / forge also of a brick and slate construction.

Refer to Design statement for site photos.



Original Stables prior to newly constructed.

Aerial view of the site and surroundings
(Site marked in Red)

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GROUND FOR REFUSAL:

1. The proposed development is by virtue of the height, design, appearance and the materials, introducing a discordant, intrusive and permanent development which has a detrimental and long term harmful impact on the character and openness of the Green Belt and Special Landscape Area. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/1 – Visual Amenity, EN1/2 - Townscape and Built Design, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and OL4/7 - Development Involving Horses, SPD10 and the principles of the NPPF.
2. The applicant has failed to demonstrate very special circumstances which would outweigh the harm caused to the openness of the Green Belt. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, EN9/1 – Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and OL4/7 -Development Involving Horses, SPD10 and the principles of the NPPF.
3. The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of waste management and surface water run-off and drainage management. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN7/3, EN7/4 and EN7/5 and the principles of the NPPF.

SCALE & APPEARANCE:

The scale of development is such that it is 'in-keeping' with the surrounding permanent structures to the North and North West of the building. These buildings are all dual pitch slate roofs with pitch angles suitable for slate roofing circa 30-45°. The main walls are all brickwork with cills, lintels and brickwork detailing.

The constructed stable has been constructed to replicate these styles and details.

The height of the stable has been dictated by the minimum head clearance needed for equestrian use with a 2400mm high doorway, 2650mm eaves above floor slab level. The walls then increase to the South with the landscape naturally falling away however it is proposed that some landscaping is carried out to the as constructed to reduce the Southern elevation. The roof is then formed at a 27° pitch which is seen as a typical pitch for a slate roof. The height of the building is therefore dictated by the height requirements for the welfare for the horses and the use of materials that are present in all the adjacent buildings.



As BHS recommendations the Minimum recommended clear space for a stables is 60-90cm plus the height of the horse to the underside of eaves. Which with the average horse between 1.6 and 1.8m this has set the eaves as approximately correct for the proposed.

<https://www.bhs.org.uk/horse-care-and-welfare/health-care-management/stable-safety/>

The roof structure above this is then treated separately and should be angled to suit the material proposed. In this case slate. For the size of stable and minimum pitch recommendations for slate the roof is at it absolute lowest. Which should be noted is still smaller than the adjacent buildings.

PARKING:

Not applicable

NEIGHBOURHOOD RESPONSE:

There were no objections to the proposal, with the council receiving one neighbour comment in favour of the proposal.

"I am 100% in favour. The stables are extremely well built .The farm is well looked after and these new stables are a definite improvement."

STATUTORY / NON STATUTORY RESPONSES:

Contaminated Land – No Comments to make

Environmental Health – No comments to make

Traffic Section – No comment to make

Public Rights of Way Officer – No Objection, ensure surface water strategy protects PRow.

GM Ecology Unit – Would have requested further information in relation to nesting animals in the to be demolished building.

CASE OFFICER RESPONSE:

Refer to the case officers full report as submitted but in summary.

Principle - As a matter of principle, para 149 b) of the NPPF considers stables to be an appropriate facility for outdoor recreation in the Green Belt providing the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it together. Exception d) for replacement buildings in the same use and not materially larger is also considered relevant to the consideration of the principle of the proposed development.

As a replacement stable building, sited on the same footprint as previously, the proposed development as a principle could be acceptable.

However, acceptability of the development must also be assessed and considered on the criteria below.

Siting, design and appearance - The proposed stable building has been sited on the same footprint as the previous stables, covering a floor area of circa 44 sqm. The building is located in the northwest corner of the site, adjacent to the boundary and in close proximity to stable/agricultural buildings which screen the build from views to the west and north west. As a general principle, this would be acceptable.

Whilst sited in the same position, the proposed stables would be constructed of brick work with a pitched slate roof up to 5.1m high and as such, 2m higher than the previous build. The extent of brickwork and increased height results in a far more prominent and intrusive feature on the landscape which is compounded by its position at the higher field level and therefore more visible from the south, east and west.

The brick elevations and slate roof adds to the permanence of the building and the pitched roof is domestic in appearance, more akin to the height and design of a bungalow dwellinghouse for example, rather than a stable block for a private/domestic or small scale equestrian use. Three windows of a regular square form with stone cills have been inserted in the side and south elevations and which reinforce the domestic appearance of the build.

It is therefore considered the size, scale and domestic appearance and permanence of the structure and its position within the field would result in a building which would be intrusive and incongruous and therefore harmful to the character and openness of the Green Belt.

CLIENT /AGENT RESPONSE:

On review of the applicants requirements to replace the existing stables, there proposed materials, style and massing and the case officers response in relation to materials, style and massing along with drainage. I would look to consider the following.

In the case of;

1. The proposed development is by virtue of the height, design, appearance and the materials.

The proposal is located on an existing stable development and does not extend beyond the original footprint of the building. The building required replacement as it was not fit for purpose, including poor ventilation due to its low height and lack of windows, degradation of building envelop with timber cladding rotting and broken putting animals welfare at risk. On this basis replacing the stable with 'like for like' formed in steel and timber that would require constant maintenance as a short-term solution.

At the time of construction it was seen that to simply re-provide a low quality construction would again put animal and human welfare at risk. The applicants proposed a brick and slate constructed stable, of suitable height for the welfare of the animals, with openings to allow natural ventilation in a style, height and appearance in-keeping with the adjacent stables was the more appropriate option.

In line with Bury Councils Development Control Policy Guidance Note 8 (SPD8) –

“5.11 Where possible roof pitches should be matched to those of existing buildings...” And also “Materials and Colour”.

5.13 Materials should be sympathetic with the location, minimising visual impact. Applicants should take into consideration any local vernacular when selecting materials and colours for their building.

5.14 The use of dark colours for window and door frames, guttering and other such elements is often preferable to lighter colours but this will often also depend on the materials used within the building fabric. The use of overly bright colours should generally be avoided.

5.15 In relation to agricultural buildings, with a wide range of cladding materials and colours available, applicants should consider using materials and colours that have been used on similar buildings, if located within a farm complex. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area.

With regards to Equestrian guidance documents on;

- A) Ventilation – Please find included separately extracts from Veterinary Journals regarding increased horse welfare from Stables with increased ceiling height.
- B) Construction material & Fire safety – Also included separately BHS & Fire department guidance recommending Brick/slate construction.

When referring to the example appeal document it is noted that this application was acceptable when using brick and tile on the grounds it was present on adjacent buildings, and therefore was deemed as not inappropriate. As evidenced in the photos above and included in the design statement document all buildings in close proximity of the stable are of a brick, render and slate tile construction. With only one storage unit built to the South in a block and timber clad panel again in a state of repair.



2. The applicant has failed to demonstrate very special circumstances which would outweigh the harm caused to the openness of the Green Belt.

A) Special Circumstances

As identified to the case officer the proposal is for the replacement of an existing stable building that was not safe or fit for purpose and needed to be constructed for the welfare of the existing animals living on the property. As the site is used and continues to be used for the exercise and welfare of horses the constructed stables built on the site of previous stables, located adjacent to other stable buildings in a built-up corner of land should be seen as appropriate and necessary for the protection, shelter and wellbeing of the horses.

Keeping horses, on the adjacent land is a use which should be seen to preserve the openness of the Green Belt and should not conflict with the purposes set out in PPG2 & NPPF 149 (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"

Prior to the construction of the new stable there were existing stables in use and the original stable deemed unsafe but still in use at the time with the new constructed to allow the continuation of the shelter and protection of the horses.

The attached Appeal example which references PPG2 (which uses the same wording as the NPPF 149 quoted above) gives small stables for outdoor sport and recreation as an example of essential facilities for uses of land which preserve the openness of the Green Belt. This construction provides two stable areas and a tack / food store space, which would be

seen as modest to small when comparing to the attached previously appealed stables. Refer to the Appeal example document.

B) Openness of the Greenbelt

There can be no dispute that the site constitutes previously developed land and that this proposal, is for the rebuilding of a dilapidated Stable for the welfare of horses. However, in order to meet exception (b) as a whole, the impact of the proposal on the openness of the Green Belt, when compared to the previous development, needs to be assessed.

5.6 - There is no definition of openness within the Framework however 'lack of built development' is one commonly cited meaning. Dove J observed however in *Lea Valley Regional Park Authority v Epping Forest DC* however 'that if openness is taken simply to mean the absence of development, then all development will "in truth" have an impact on openness.

5.7 - Within the judgement of *Turner v Secretary of State for Communities and Local Government* (May 2016) it was ruled that: 'The word "openness" is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.

5.8 - In *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* (2018) Lindblom LJ asserted that 'The concept of "openness of the Green Belt" is not defined in paragraph 90. Nor is it defined elsewhere in the NPPF. But I agree with Sales LJ's observations in *Turner* to the effect that the concept of "openness" as it is used in both paragraph 89 and paragraph 90 must take its meaning from the specific context in which it falls to be applied under the policies in those two paragraphs. Different factors are capable of being relevant to the concept when it is applied to the facts of the case. Visual impact as well as spatial impact, is, as Sales LJ said "implicitly part" of it'. Paragraph 39 of this judgement continues by stating that 'The first part of the question posed by the preamble in paragraph 90 – whether the development would "preserve" the openness of the Green Belt – cannot mean that a proposal can only be regarded as "not inappropriate in the Green Belt" if the openness of the Green Belt would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful – understanding the verb "preserve" in the sense of "keep...safe from harm" – rather than "maintain (a state of things)"'.

5.9 - In *Euro Garages Limited v The Secretary of State for Communities and Local Government* (May 2018) it states 'that it is the openness of the Green Belt that must be considered not the site as such'. This judgement goes on to state that 'for there to be a greater impact on the openness of the Green Belt there must be something more than just change to the environment'.

5.10 - In accordance with the judgements detailed above this visual context is equally as important as the spatial context and should therefore be given due consideration. Furthermore the development should be considered in the context of the Green Belt as a whole (60% of the Borough) and not just the site. When the proposal is considered against the Green Belt as a whole it is evident that the impact will be negligible. The proposal will not result in encroachment into the open countryside and nor will it result in the unrestricted sprawl of the built up area. Whilst it is acknowledged that the proposal will have an impact in volumetric terms and the current openness of the Green Belt won't be left entirely unchanged it is considered that the visual impact on the openness of the Green Belt will be minimal given the surrounding development and overall the openness of the Green Belt will not be harmed.

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3. The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of waste management and surface water run-off and drainage management.

In terms of waste and surface water management the proposals would not create any additional impact on the site, with the stables replacing the scale, and use of the building 'like for like'. Therefore, surface water as before is to be recycled in water butts and containers for maintaining the grounds and animals, in the rare occurrence that these overflow surplus would be distributed across the land for watering plants in the farmers gardens and allowed to soakaway naturally.

Waste management has also not changed with two horses utilising the original stables and two again using the new stables. Waste will be managed internally and distributed as part of day-to-day requirements for a farm site or within the farming community removed from site in storage containers brought to site as and when needed to service all of the stables; new and existing.

Regards to foul water run-off there will not be any because as a kept stable the horses are bedded with wood shavings. This bedding will soak up and liquids generated by the horses. As the bedding needs to be dry for the comfort, health and well being of the horses it will be maintained and changed as and when required.

Removal of foul waste and liquid soaked bedding will be part of a continuous maintenance strategy.

4. Further comments

Visual impact, whilst it is recognised that the stables are higher and more dominant than that of the decaying timber mono-pitched stable, it is seen that the new brick built stable once established will sit within its surroundings of similarly built stables in an existing built-up area of the farm site. The building is not isolated; and does not impact the openness of the property sitting neatly in front of existing buildings and noticeably lower in height and stature to them. It is worth noting that as referenced by the case officer that the stables when viewed from the South and East impact the openness of the Green Belt that by removing the stables you would not re-establish the openness of the greenbelt as the building sits in front of existing higher brick and slate stables with the view remaining as a brick built scene.