

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 22/05/2023	Ref: 69415/FUL
Registration: 30/03/2023	LDFC: 21/04/2023	Expiry Date: 25/05/2023
Site Visit: 13/04/2023	Site Notice: 13/04/2023	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of existing stables with erection of new stable block (retrospective).

Location: Smith Fold Farm, Taylors Lane, Radcliffe, Bolton, BL2 6QS

Description

The application relates to a replacement stable building which has already been built and is located within a field which is associated with a dwellinghouse, Smithy Fold Farm. The site is in the Green Belt and a Special Landscape Area.

The stables are located adjacent to the western boundary of the field with a menage to the north west set at a slightly higher level to the site. Beyond the western boundary of the field directly next to the development is a brick built stable block, 2 storey brick built agricultural building and other associated agricultural/storage buildings. These buildings and the field are also in the ownership of the applicant.

The field slopes down southwards by approx 33m to the boundary beyond which is the rear of a row of terraced houses.

The access to the site is via Taylors Lane which is an unadopted and unmade lane which carries a PRoW.

The stable building sits on the same footprint of 44 sqm as the stable block which previously accommodated the site. It has been constructed of brick with a pitched slate roof. There are two square windows with stone cills on the south elevation, one on the west elevation and a large access opening on the north elevation.

The application does not state if the stables are for a personal use or a commercial use.

The application is retrospective.

Relevant Planning History

57225 - Creation of manege - Approve with Conditions 16/04/2014

60642 - Retaining / Boundary wall. External height varying from 2.0 to 2.5 m. Internal height varying from 1.75 to 2.0m. - Approve with Conditions 20/12/2016

23/0050 - Erection of building - 31/03/2023

Publicity

Letters sent to 7 properties on Bury new Road on 30/3/23.

One letter of support received:

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 Consultations

Environmental Health - Contaminated Land - No comments to make

Greater Manchester Ecology Unit - Would have requested further information.

Traffic Section - No objection

Public Rights of Way Officer - No objection. Would advise the applicant of the need to safeguard users of the PRoW, ensure they are not affected in anyway by obstruction, damage or surface water run-off.

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
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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 - In 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 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate unless it fulfills one of the exceptions listed. This includes exception b) for provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation and exception d) for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

UDP Policy OL1/2 - New Buildings in the Green Belt states that new buildings would only be appropriate for the purposes of agriculture and forestry, essential facilities for outdoor sport and recreation, limited extension, alteration or replacement of existing dwellings, providing they are not disproportionate additions or materially larger and limited infilling in existing named villages.

UDP Policy OL4/7 - Development Involving Horses - 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 rural areas.

UDP Policy EN1/1 - Visual Amenity - Development should not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Area or the river valleys. The wider consideration of the effect on visual amenity is necessary in sensitive areas to ensure that developments are not inappropriate by reason of their siting, materials or design.

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

SPD 8 - New Buildings and Associated Development in the Green Belt and SPD10 - Planning for Equestrian Development supports Policies OL1/2 and OL4/7 and provides guidance on new buildings and equestrian related facilities to do with scale, siting, design and materials in the Green Belt.

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 - Planning policies and policy guidance states that stable constructions should ideally either be sited in the corner of fields, close to boundaries, landscaping or within the setting of other buildings. Stables should not be sited on exposed skylines and be positioned on well-drained and level areas.

Policy guidance states that stables should be constructed of less permanent type materials and which would not have a long term harm or impact on the character of the Green Belt or Areas of Special Landscape. SPD10 advises that stable blocks should be designed with a mono pitched roof or shallow sloping roof and large enough for a horse to stand up with some clearance room above head. Equestrian organisations guidance suggests that stables are on average up to 3.5m high which gives adequate headroom clearance.

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 north west 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.

However, for the most part, the field is open to views from the south and east, particularly due to the gradient of the field which rises from south to north. The site is also visible from the PRoW to the west. The stable building originally located on the site was a dark timber boarding construction with a shallow sloping roof and a maximum height of 3.1m - in appearance, the build was typically characteristic of a stable structure and semi-permanent in character. When viewed from the south, east and west, the building was unobtrusive within the context and the character of the Green Belt.

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.

For the reasons above, it is considered the proposed development would be contrary to exemption b) and exemption d) of para 149 of the NPPF, in that the stables for outdoor recreation would not preserve the openness of the Green Belt and would be materially larger than the one it replaced. The proposed development would therefore be inappropriate development and contrary to the principles of the NPPF.

Impact on residential amenity - Policy guidance advises that a buffer between stables

and residential properties be provided, this is up to 30m but a lesser distance may be accepted depending on the setting of a development.

The stables are circa 36m away from the nearest house which is Smith Fold to the north, the applicant's house. To the south, the nearest dwellings are more than 35m away.

As such it is considered there is an acceptable separation distance to the development.

Access - The applicant has not provided any details of access or parking arrangements to the site. Nor is it clear if the stables are for commercial or private domestic use. However, there is an existing access to the site via Taylor's Lane which also serves to access the adjacent agricultural building with some room for parking.

The Highway Section have not raised an objection to the proposed development and on balance would be acceptable.

Waste arrangements and drainage - No information or plan has been provided to detail the manure storage arrangements for the stables or the treatment of surface water run-off from the stables building. The design statement only states that 'the proposal will not impact or change the current waste management strategies. The stable build is located at the upper part of the field and if no waste water or drainage facilities have been considered or implemented this may result in foul water run-off into the field, polluting water sources. As such, insufficient information has been provided to address this issue.

Ecology

Summary

Potential ecological issues are restricted to bats and nesting birds

Bats

GMEU would likely have requested further information relating to bats if this had not been a retrospective application. Whether GMEU would have required a bat assessment is unclear as the photograph provided indicates a low risk structure, which may have ruled out the need for an assessment through additional photographic evidence.

Other Protected Species

GMEU have no records of any protected species from this locality and given the scale of the development and location, would not have requested any additional information accepting that the development was very unlikely to impact on species such as great crested newts or badger.

Nesting Birds

The building may have been suitable for birds such as swallow and house sparrow and would have recommended either a condition or informative regarding timing of demolition. No further information is however now required.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The main risk would have been loss of bird nesting habitat. GMEU therefore recommend as mitigation/enhancement provision of 1 house sparrow terrace on the west or east elevation of the building. The details can be conditioned.

Recommendation: Refuse

Conditions and Reasons:

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

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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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	22/5/23	DM	22/05/23