

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 18/03/2025	Ref: 71561/FUL
Registration: 24/01/2025	LDfC: 28/02/2025	Expiry Date: 21/03/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition no. 4 following approval of planning permission 60021 - Opening hours to be extended from 10.00 - 20.00 on Tuesdays, Wednesdays, Thursdays, Saturdays and Sundays (as approved) to be 10.00 - 20.00 on Tuesdays, Wednesdays, Thursdays, Saturdays and Sundays and 10.00 - 16.00 on Fridays (extended)

Location: Dry Gap Farm, Bury Old Road, Shuttleworth, Ramsbottom, Bury, BL0 0RX

Description

The application site is located in the Green Belt and within a Landscape Character Area.

The site is accessed from Bury Old Road by a single track and there is a 1 metre high dry stone wall on either side.

Planning permission (ref 60021) was granted in 2016 for the change of use of stables and riding arena for domestic use to an equestrian centre for able bodied people and individuals with a disability on a commercial basis.

It was stated that the use would generate between 2 and 10 visitors per day and lessons would last between 30 minutes to an hour. The proposed opening hours would be from 10am until 8pm on Tuesdays, Wednesdays, Thursdays, Saturdays and Sundays.

Vehicular and pedestrian access to the site would remain as existing and 6 parking spaces would be created.

The planning permission has been implemented and the business is in operation.

This application is a Variation of Condition and seeks to vary the hours condition (condition 4) to extend the use to include Fridays from 10am to 4pm.

Relevant Planning History

50365 - Hay barn, 5 no. loose boxes, tack room, feed store and repositioning of manege with change of use of 2 no. stables to store at Dry Gap Farm, Bury Old Road, Ramsbottom. Approved with conditions - 2 October 2008

60021 - Change of use of existing domestic stables to use as equestrian centre for able bodied people and individuals with autism and similar disabilities and creation of 3 no. new parking spaces - Approve with Conditions 27/07/2016

Adjacent site

47921 – Conversion of an A-frame barn to a dwelling at Dry Gap Farm, Bury Old Road, Edenfield. Approved with conditions – 5 June 2007

47922 – Listed Building Consent for conversion of existing barn to dwelling at Dry Gap

Farm, Bury Old Road, Edenfield. Approved with conditions – 5 June 2007

50818 - Conversion of a-framed barn to dwelling (revised scheme) at Dry Gap Farm, Bury Old Road, Edenfield. Approved with conditions – 10 March 2009.

50819 – Listed building consent for conversion of a-framed barn to dwelling (revised scheme) at Dry Gap Farm, Bury Old Road, Edenfield. Approved with conditions – 10 March 2009.

68477 - Two storey extension at side - Approve with Conditions 22/09/2022

Publicity

Letters sent on 7/2/25 to 12 properties.

No objection received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Development Plan and Policies

EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
H3/1	Assessing Non-Conforming Uses
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL4/7	Development Involving Horses
RT3/2	Additional Provision for Recreation in the Countryside
RT3/3	Access to the Countryside
CF1/1	Location of New Community Facilities
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD10	Planning for Equestrian Development
NPPF	National Planning Policy Framework
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-P2	Heritage
JP-P7	Sport and Recreation
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PpE Policies 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.

Impacts of proposed hours

The site currently operates 5 days a week between the hours of 10am and 8pm and generates between 2 and 10 visitors per day with lessons lasting between 30 mins and an hour.

The site has been operating as a commercial riding school with no recorded complaints received by the LPA.

The use is also subject of a personal permission linked to the applicant only.

The applicant states that they have recently started working with SEND schools in the area, and have found that Fridays are the main day for enrichment for the pupils and would like to be able to offer their equine learning to more schools in the area and hence the desire to vary the hours to include opening on a Friday between 10am and 4pm.

The applicant states that they would only take a maximum of 4 students at a time per session, allowing 30 minutes changeover if there is more than one group in attendance.

It is considered that the extended hours to include a Friday in the daytime only would not cause detrimental harm to neighbouring properties in terms of activity, noise or disturbance and given the numbers attending at staggered and allotted time, there would not be a significant increase in traffic or pressures on parking.

The proposed development is therefore considered to be acceptable.

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 This decision relates to drawings numbered 536/1A, 536/2A 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 and Places for Everyone Joint Development Plan listed.
- 2 The use of the stables and riding arena for commercial use hereby permitted shall be operated and managed and shall be personal to Miss Anne-Margaret and Gabrielle Holt and shall be for a limited period, being the period during which the premises are occupied by Miss Anne-Margaret and Gabrielle Holt.
Reason. To limit the commercial character of the proposed use in the interests of residential amenity and permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan listed below:
Policy OL4/7 - Development Involving Horses
Policy EN7/2 - Noise Pollution.
- 3 The use hereby permitted shall not be open to customers outside the following times:
10.00 - 20.00 on Tuesdays, Wednesdays, Thursdays, Saturdays and Sundays and
10.00 - 16.00 on Fridays
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies OL4/7 - Development Involving Horses and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 4 The car parking indicated on the approved plans shall be available for use and maintained for the duration of the use hereby approved.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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JT 18/3/25

HL - 19/03/2025