

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/03/2024	Ref: 70265/FUL
Registration: 28/11/2023	LDfC: 22/12/2023	Expiry Date: 23/01/2024
Site Visit: 15/12/2023	Site Notice: 15/12/2023	Press Date: 07/12/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of field from agricultural land to domestic keeping of horses (Sui Generis); Erection of a new stable block, fenced exercise area and associated access track

Location: Birch Hey Farm, Turton Road, Tottington, Bury, BL8 3QG

Description

The application relates to 0.48 hectares of land in association with Birch Heys Farm, a residential dwelling. The site is set within a rural hillside location which is in the Green Belt, Special Landscape Area and West Pennine Moors.

The nearest neighbour is Greystones which is immediately adjacent to the west with other farmsteads and dwellings dispersed around the area in different directions.

The site is accessed via a single wide private lane which also serves the neighbour Greystones and which widens at the bottom where the lane meets the junction with Turton Road.

Birch Heys Farm comprises the dwellinghouse and two single storey outbuildings to the south, one a small stable block and the other a garage/store. Beyond the buildings to the east is a field which is the same land holding.

The application seeks the erection of a stable block for 12 stables, an outdoor arena and new access track.

The proposed stables would be located to the south of the dwelling and directly behind and between the two existing outbuildings. The stable block would have a footprint of 24m x 11m with a ridge height of 5.4m and eaves height of 3.5m. The stables would be constructed of timber cladding with a corrugated metal roof.

The proposed arena would be located in a field behind the stables and would be 40m x 20m with a sand and fibre surface enclosed by a 1.35m high post and rail fence. A gabion retaining structure is proposed to the eastern side of the arena.

It is also proposed to form a new 3m wide access at the top of the existing lane in the field to the east of the dwellinghouse which would lead to the side of the new stables and 2 parking spaces. The track would be formed in a grasscrete surface and the applicant states is required to facilitate the movement of horseboxes and deliveries for feed/hay and visits by vets for larger vehicles and tractors.

It is stated that the stables and arena would be used for domestic purposes only for housing the applicant's retired horses and ponies.

Relevant Planning History

n/a

Publicity

Letters sent to 6 properties on 30/11/23.

Site notice posted 15/12/23.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Contaminated Land - No objection and no conditions required

Conservation Officer - No objection

The Coal Authority - No objection

Public Rights of Way Officer - No issues. Ensure surface water does not impact the PRoW.

Greater Manchester Ecology Unit - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Pre-start Conditions - Applicant/Agent agreed with pre-start 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

EN7/4 Groundwater Protection

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

GMMWP Greater Manchester Minerals and Waste Plan

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

SPD10 Planning for Equestrian Development

EN7 Pollution Control

PFE Places for Everyone

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 152 and 153 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 154 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, outdoor recreation and for 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.

UDP Policy EN1/1 - Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on public views of prominent or important buildings, especially those in areas of architectural or historic interest, or the visual amenity both within, or viewed from, areas of environmental interest such as the Green belt, Special Landscape Areas or the river valleys.

UDP Policy EN9/1 - Special Landscape Area states that any development which is permitted 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.

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 states that the principle of keeping horses for recreational or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse impact on the appearance of the rural areas. In particular, high standards of design, construction and maintenance will be expected

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 154 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.

The test is whether the development would have a greater impact on openness, consideration of the design and appearance of the development, highway related issues and impacts on residential amenity which are considered below.

Siting, scale and layout

The proposed stables would be located directly adjacent to and behind the two existing outbuildings and as such would form a cluster of buildings within this part of the site. There would be a slight encroachment into the field to the south but this would be minimal and the rear elevation of the block would be broadly in line with the field boundary and as such would not encroach significantly into the Green Belt than existing development.

Whilst the site is set within a hillside and visible from the lower level of Turton Road and views beyond, the proposed stable block would be on the same ground level as the exiting outbuildings and positioned to the rear would not be significantly higher and as such views of the build would be limited.

SPD 10 states at para 4.1 that where stables are proposed they must be essential and genuinely required by the applicant and at para 4.2, 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. Applications exceeding this should include a support statement outlining the need for additional stables and in some instances it may be necessary to have sight of horse passports to prove a genuine requirement for the stables.

The applicant states that the number of stables proposed are required for horses which are retiring from a riding school and that the keeping of the horses would be for personal purposes only. The applicant has provided horse passports as proof of a genuine requirement for the number of stables proposed. The associated tack, feed and storage requirements would be located in the existing outbuilding with the smaller stable block accommodating the applicant's own ponies.

Given the stables would be sited close to existing buildings on a level platform and well screened from views and given the evidence for need provided by the applicant and that it would be for personal use, it is considered the scale of development would be acceptable in this location.

The proposed arena or menage would be located in the field behind the stables which slopes gradually upwards towards the southern field boundary and would have a footprint of 20m x 40m which is the maximum advised in SPD10 for equestrian development. This element of the development would involve a change to the ground surface from grass to a

sand and fibre mix which is considered to be an appropriate solution for an outdoor arena and with the addition of the fibre would be less visible within a grassed field than other alternative surfaces. The menage would be close to the stable block and other outbuildings and would not be viewed in isolation and as such its siting would result in less visual intrusion.

The arena would be enclosed by a 1.35m high timber post and rail fence which is considered an appropriate type of enclosure and is commonly used for fencing within countryside and rural settings.

The proposed access track would be approx 100m in length and 3m wide and finished in a grasscrete surface which would blend with the field as opposed to a gravel or stoned surface which would be more visible from views. The track would be formed close to and follow the western boundary of the dwelling leading to two grasscrete parking spaces which would be located close to the stable block and considered to be commensurate with the scale of development to provide an area for parking to facilitate trips by horseboxes and deliveries for feed and hay.

In consideration of the above, and given the siting and scale of development, it is therefore considered the proposed development would not cause significant harm to the openness and special character of the Green Belt and therefore would be appropriate development and comply with the principles of para 154 (b) of the NPPF.

Design and appearance

Policy guidance states that stables should be constructed of materials which would not have a long term harm or impact on the character of the Green Belt.

The proposed stables would be 5.4m high to the ridge and would have an eaves level of 3.5m and would be a timber clad structure with a corrugated metal roof which is considered an appropriate solution for stable development in the Green Belt given the materials are a less permanent type.

In terms of the menage, this would be a size and comprise a surface which would be within the guidelines advised in SPD10 and are often found in association with an equestrian development in the Green Belt.

A gabion retaining structure is proposed to the eastern side of the arena which is required to avoid impacts on the root area of a tree which is located nearby. Additional hedge and tree planting is proposed to the western perimeter of the field which would largely screen the structure and as such it is considered the proposal would have limited visual impact.

The new access track formed from the top of the private road would be surfaced in grasscrete which would be a less obvious addition within the hillside setting.

Boundary treatments proposed as low level post and rail/wire fences are considered unobtrusive and discreet additions and as such acceptable solutions for a rural and Green Belt setting.

It is proposed to provide two spaces for the parking of the horse boxes, delivery vehicles and the odd trip by vets. The spaces would be located next to the stable block and close to the garden boundary and would largely be screened by an existing mature tree to the north. Surfaced in grasscrete it is considered the proposed

It is therefore considered that the proposed development would not have a significantly harmful impact on the special character and openness of the Green Belt. The proposed development would therefore comply with the principles of the NPPF, UDP Policies EN1/1, EN9/1 - Special Landscape Areas, OL1/2 and SPD10.

Access and parking

The existing access to the site is off Turton Road via a private lane which is shared with the neighbouring property Greystones. The majority of the traffic using the lane would be domestic vehicles, although it could also be used on occasions by larger vehicles such as delivery vans/lorries and also trailers and horseboxes in association with the existing stables at Birch Hey Farm.

Given the development for 12 stables, it is likely that the lane would be used more frequently for deliveries of foodstuffs and also transporting of the horses but this would be infrequent as the horses are for personal use and are retired from commercial activities and transport would only be needed for the occasional movement of the horses on their arrival, for veterinary treatment and transport at end of life.

The lane is single width for the most part but widens where it meets the junction with Turton Road and as such larger vehicles, trailers and horseboxes could manoeuvre in and out of the lane. As the access lane only serves two properties, it is also unlikely there would be times when conflicts would arise between users of the lane.

In terms of the new access to the stables, this would be formed at the top of the private lane and would follow the side boundary of the dwelling and garden of this property. The proposed access would be 3m wide and just under 100m in length.

The applicant states that the access is required as the existing route through Birch Hey Farm to the rear of the site is not wide enough to facilitate safe horse box or tractor manoeuvres.

As the new track would only serve the development and that trips to and from the site would be relatively infrequent, it is considered that the proposed development would not conflict with residents or visitors to Greystones or cause highway safety conflicts at the junction with Turton rad.

It is therefore considered the proposed development would be acceptable and comply with OL4/7, HT2/4 and HT6/2.

Residential amenity

SPD10 suggests that where needed, a 30m buffer from residential properties be incorporated where considered necessary to avoid impacts on amenity.

The proposed stable block would be approx 22m from the rear elevation of Birch Hey Farm but would be separated and partly screened by the two existing outbuildings and as such it is considered there would be a satisfactory degree of separation when also considering the applicant would be residing at the property.

Other than the application site, the nearest property would be the neighbour at Greystones. this property would be more than 55m away from the stables and menage and would be partly screened by existing buildings and boundary fences. Given the separation distances it is considered that impact on this neighbour would not be significant.

The other properties in the area are 120m away or more and considered not to be unduly affected by the proposed development.

It is therefore considered that the proposed development would not have a detrimental impact on residential amenity and would comply with OL4/7, EN1/2 and SPD10.

PRoW

Public Footpath Number 61, Tottington runs to the outside of the red edge site but is close to the south west corner of the proposed outdoor exercise area. The PRoW Officer has commented that the drainage from the exercise area should not be run towards the public footpath at this point.

Coal Authority

The Coal Authority records indicate that within those parts of the application site and surrounding area there maybe coal mining features and hazards which should be

considered as part of development proposals.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; on the basis that the area where the built development would be falls outside the defined Development High Risk Area the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Ecology

Summary

The only ecological issues are the low risk of disturbance to nesting birds and mitigation for the loss of around what is likely low value grassland to building and bare ground.

Protected Species

GMEU are satisfied that it is very unlikely that the development will adversely effect any protected species. No further information or measures are required

Nesting Birds

There appears to be no direct loss of trees or shrubs but the proposed development is immediately adjacent to the existing hedge along the southern boundary, with a theoretical risk of disturbance during construction. GMEU therefore recommend to remind the applicant that under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of just over 0.1132ha of grassland, likely heavily modified and therefore a low ecological value habitat. No mitigation appears to be provided. Now Places for Everyone (PfE) has been through Inquiry, thematic policies in the plan can now be given weight in planning decisions. This includes the BNG Policy.

Given the simple nature of the development and because BNG is not yet mandatory, GMEU would regard it as unreasonable to require a full BNG assessment and would be happy to assume a loss of 0.226 biodiversity units. (0.1132×2 (low value habitat) $\times 1$ (poor ecological condition)). To achieve 10% BNG would therefore require 0.25 BU. This could be achieved through the planting of native trees around the boundary of the site. 21 such trees achieving 0.25 BU. Alternatively, given BNG is not as yet mandatory, GMEU would accept a new boundary hawthorn hedge along the new field boundaries. They may also own other grassland that they could enhance. Finally, they may prefer to provide a financial contribution via section 106.

The applicant has submitted a proposal to implement a landscaping scheme to provide mitigation in by hedge and tree planting to the east, west and southern field boundaries which surround the site.

GMEU have confirmed that a condition to secure details of the landscaping would be acceptable for the purposes of ecological enhancement of the site.

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 numbered -
Location plan BHF_TR/B-ERC-LP01 rev A
Proposed floor plan and elevations - BHF_TR/B-ERC-PFE01 rev B
Existing site plan - BHF_TR/B-ERC-ESP01
Existing outbuildings - Floor plans and elevations
Revised proposed site plan - BHF_TR/B-ERC-PSP01 Rev E,
Proposed site sections 0000-PLI-ZZ-ZZ-DR-L-0140
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 The development hereby permitted shall be used for domestic purposes only and only in association with resident/s of Birch Hey Farm.
Reason. To ensure the scale of development and associated activities would be commensurate for the location of the site in relation to maintaining the character of the Green Belt and providing acceptable and suitable access to and from the site area in the interests of highway safety pursuant to Bury Unitary Development Plan Policies OL4/7 - Development Involving Horses and HT6/2 - Pedestrian/Vehicular Access and SPD10.
- 4 The development hereby approved shall be carried out in accordance with the materials for the stable block, menage, boundary treatment and access track as detailed on submitted on the proposed site plan BHF-TR/B-ERC-PSP01 rev E.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity and OL4/7 - Development Involving Horses and SPD10.
- 5 Notwithstanding any details contained within the application, a scheme for the installation of any external lighting for the arena shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.
Reason. In the interests of residential and visual amenity and to protect the countryside from light pollution in accordance with UDP Policies EN1/2 - Townscape and Built Design, EN9/1 - Special Landscape Area, OL4/7 - Development Involving Horses and EN7 - Pollution Control.
- 6 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:

- Photographic dilapidation survey of the adopted abutting the site access in the event that subsequent remedial works are required following construction of the development;
- Access route for all construction vehicles to the site from the Key Route Network;
- Access point/arrangements for construction traffic from Turton Road and all temporary pedestrian facilities/protection measures that may be required to retain safe access to Public Footpath No. 61, Tottington, and any temporary works clear of the Right of Way to facilitate safe access for construction vehicles, including the provision/retention of adequate levels of visibility at the junction with Turton Road, prior to commencement of construction;
- If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of on the adopted highway;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Turton Road;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways 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. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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.

- 7 The car parking and associated turning facilities indicated on approved plan reference BHF_TR/B-ERC-PSP01 Revision E shall be surfaced and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision and to minimise the standing and turning movements of vehicles on the site access, in the interests of road safety pursuant to policies HT2/4 - Car Parking and New Development, OL4/7 - Development Involving Horses of the Bury Unitary Development Plan and SPD10.

- 8 Notwithstanding the landscaping shown on approved site plan BHF_TR/B-ERC-PSP01 Rev E a landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include hedgerow trees and bat/bird box within the new development. The approved scheme shall thereafter be implemented not later than 12 months from the date the building is first brought into use or first occupied or within the first available tree planting season,; and any trees

or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/3/24	DM	20/03/2024