

**Town & Country Planning Act 1990
Section 78 Planning Appeal**

Written Statement

**APPEAL REF No. APP/T4210/W/23/3330749
LA REF No: 69415**

**Smith Fold Farm
Taylors Lane
Bury
Radcliffe
Bolton
BL2 6QS**

BURY COUNCIL

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Matters to note

This document is submitted as the Council's Statement of Case in conjunction with the Council's Officer Report. The document is attached as an appendix to the LPA's Statement of Case and to which the Inspector is respectfully directed.

1. The Council's Case and Comments on the Appellant's Grounds of Appeal

The Appellant refers to their choice of materials and states they were selected to be in-keeping with the adjacent buildings. The adjacent buildings are built of a red brick, have been long established and are set around the existing courtyard close to the lane.

Conversely, the replacement stables have been built of a multi brick, lighter in appearance and of a domestic appearance – the type of brick which is more commonly associated with a new build dwelling in an urban area for example, not an open and rural countryside field setting. The appeal site is a new build and stables a different character of development where the approach should be to construct a less permanent and less perceptible type of building by maintaining minimum heights and using appropriate materials such as timber cladding and not a multi brick.

Views of the building are particularly apparent from the south and east due the increased height and materials and this is indeed highlighted in the photographs the Appellant has included with their Design and Access Statement which the LPA contends illustrates the visual intrusion within this particular setting. The incorporation of lintels and stone cills reinforces the domesticity and permanence of the building.

The applicant states that the height of the building is dictated by the requirements for the welfare of the horses. Whilst acknowledged there is a minimum head height required to house horses (the British Horse Society suggest this is circa 3.5m depending on the height of the horse including 1m for ventilation), if the stable building were not constructed of slate (requiring a 27 degree pitch as stated by the Appellant) and was instead constructed with a different roof form and of a corrugated metal type material which is commonly used for stable development, the roof could be at a lower height and similar to that of the stable block which previously accommodated the site.

The Appellant states that the stables have been constructed to replicate the styles and details of other buildings nearby. The buildings in situ have been there for a number of years and are well-established..

There is no justification for the stables to be the height and material as constructed.

The Appellant references the LPA's reasons for refusal.

Refusal No. 1 – The proposed development is by virtue of the height, design, appearance and materials.

- The Appellant quotes the Council's SPD8 Guidance Document. This relates to new buildings in the Green Belt. Points 5.11 and 5.13 do not refer specifically to stables and where the Appellant references 5.15 of SPD8 in relation to agricultural buildings, the Guidance states that materials and colours should have the least visual impact. The LPA contend that the appeal site does have a visual impact.
- The Appellant should have referred to SPD10 (the policy against which the LPA assessed the application which specifically relates to equestrian development and which was cited in the Council's reasons for refusal).
- SPD10 states at 4.5 that that in considering stables, they should be designed with a mono pitch or shallow sloping roof and use dark materials. Stables clad with traditional materials such as timber are more likely to blend into the landscape. Stables constructed from blockwork are more likely to remain and hence continue to have an impact on the landscape after the use has ceased.
- The Appellant refers to an example appeal document (which noted the use of brick and tile was acceptable). This document has not been submitted to the LPA as part of the Appellant's appeal documents and therefore cannot make any comments on its contents.
The LPA therefore reserve the right to comment on the document at a later date and respectfully request the document is sent at the earliest time.

Refusal No. 2 – Failure to demonstrate very special circumstances to outweigh the harm caused to the openness of the Green Belt.

A) Special Circumstances

- In the Officer report, the LPA contend that development would not preserve the openness of the Green Belt and would therefore be inappropriate development which would require Very Special Circumstances.
- The LPA accept that in principle, stable development is appropriate in terms of para 149 b). However, the test is 'as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land in it'.
- The Appellant cites an Appeal example which references PPG2. Again, the document has not been submitted as part of the Appellant's appeal document and therefore cannot make comments on its contents.
The LPA therefore reserve the right to comment on the document at a later date and respectfully request the document is sent at the earliest time.

B) Openness of the Green Belt.

- The Appellant quotes two judgements, the Turner v Secretary of State and Local Government and Euro Garages Limited v The Secretary of State for Communities and Local Government and that impacts can be both spatial and visual.
- In this case, the LPA contend that the impacts are both spatial and visual and harm the character and openness of the Green Belt (please refer to the Officer Report).
- At 5.10 of their Appeal Statement, the Appellant states that impact on the whole of the Green Belt is negligible. If this approach was to be taken and development was allowed

'bit-by-bit' in the Green Belt, the Green Belt and openness of the Green Belt would be eroded away.

This would be in direct contravention of para 142 of the NPPF which states 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and would contravene the five purposes which Green Belt serves (para 143).

Refusal No. 3 – Insufficient information to enable assessment in terms of waste management and surface water run-off and drainage management.

- At the time of the application no information was submitted to address how surface water run-off and drainage would be dealt with.
- In the interests of procedural fairness, the appeal should be determined on the basis of the information on which the Council made its decision and which has been subject to consultation. Given the nature of the additional information, it is clearly a matter on which consultation would need to be undertaken.

In their list of Appendices, the Appellant has listed the officer report for an application at 100 Bury Road which was approved by the LPA in March 2023, planning ref 69254 (the correct address is 100 Bury New Road Radcliffe). This application was for 2 no dwellings on a site located on a main road. The site, the surroundings and the proposal itself is completely removed from the Appeal subject and the LPA contend has no relevance to this appeal.

2 Conclusion

In consideration of the above and the submitted officer report, the LPA therefore respectfully requests that the appeal be dismissed.

3. Suggested conditions/matters in the event the appeal is allowed.

Submission of a waste management and surface water run-off and drainage strategy for approval.