

## APPLICATION REPORT – 21/00419/FUL

**Validation Date: 29 April 2021**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Erection of stable block, sand paddock and new access to Harbour Lane**

**Location: Land Adjacent Harbour Barn Harbour Lane Wheelton**

**Case Officer: Amy Aspinall**

**Applicant: Mr. Michael Moore**

**Agent: Mr David Marshall**

**Consultation expiry: 22 June 2021**

**Decision due by: 24 June 2021**

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### RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The proposed development is inappropriate development in the Green Belt, which is harmful by definition. It fails to preserve the openness of the Green Belt and conflicts with the third purpose of the Green Belt due to encroachment into the countryside. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant, nor have any been identified by the Local Planning Authority to outweigh this harm. The proposal is, therefore, considered contrary to the National Planning Policy Framework at Chapter 13.

### REASON FOR REFERRAL

2. Cllr Margaret France has requested that the application is referred to planning committee. Cllr France is in support of the application and has stated the following:

*"I would like to support this application, as the site is currently derelict and unsightly. I believe the stable block and sand paddock would not have an adverse effect on the openness of the Green Belt and would enhance the appearance of this site. I particularly like the addition of native trees to increase the biodiversity of the area".*

### SITE DESCRIPTION

3. The application site is located in the Green Belt and is comprised of a field, with an agricultural field gate access from Harbour Lane which is situated to the north west of the site. There are some remains of a former building which consists mainly of a pile of rubble and dilapidated timber sections. The remainder of the site exists as an open field.
4. The application form states that the site has been vacant since 2019 and that the previous use was for rearing and a store for horse jumping equipment. In respect of 'rearing' the Design and Access Statement confirms this to be the rearing of calves and rabbits. The

previous application (ref: 20/01396/FUL), however, stated that the use of the site was equestrian for the keeping of horses and that this use had not ceased.

5. The application contains no evidence to demonstrate that the site has a lawful equestrian use. This was also a shortfall of the previous application ref: 20/01396/FUL.
6. The definition of previously development land is set out in the National Planning Policy Framework at Annex 2: Glossary:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

7. Given the absence of any information to demonstrate that the site has a lawful equestrian use, it is not considered that the land can be satisfactorily regarded as previously developed land. The classification of the land is considered to be greenfield.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

8. The application seeks planning permission for the erection of a stable block, sand paddock and the provision of vehicular access to Harbour Lane.
9. The proposed stables would accommodate 3no stables and a tack room. The proposed sand paddock would be 20 metres by 40 metres.
10. A similar application was submitted in December 2020 (ref: 20/01396/FUL), although this did not include a new vehicular access as it sought to utilise an existing field gate. The application was refused for the following reasons:

*The development is inappropriate development in the Green Belt, which is harmful by definition. It fails to preserve the openness of the Green Belt and conflicts with the third purpose of the Green Belt due to encroachment into the countryside. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant, nor have any been identified by the Local Planning Authority to outweigh this harm. The proposal is, therefore, considered contrary to the National Planning Policy Framework at Chapter 13.*

*The proposed development does not fully accord with the criteria of the Central Lancashire Rural Development Supplementary Planning Document at Chapter F, paragraph 39 as the number of stables exceeds the threshold of small private development which has not been justified; and the location of parking for cars, horse boxes and hardstanding areas for vehicles has not been demonstrated, nor has suitable screening.*

*Insufficient information has been provided to demonstrate that adequate access arrangements and visibility can be achieved to ensure that highway safety is not prejudiced by the proposed development. The proposal is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026 and the Central Lancashire Rural Development Supplementary Planning Document at Chapter F, paragraph 39 in respect of highway safety.*

## **REPRESENTATIONS**

11. A representation has been received from the occupier of the neighbouring property Harbour Barn citing the following grounds of objection:
  - The proposal would mean more noise, invasion of our privacy as this is directly opposite our private area, more smells and more traffic.

- There are stables directly opposite our house and every day cars are parked on our land at the front of our house, blocking our view on a 50mph road which is already difficult to navigate causing a serious safety risk to our family and passing motorists. To allow this application to go ahead would only increase the risks.
- As this is greenbelt land and to allow a basic industrial looking building right in line of sight would destroy the view and look of the countryside.

## CONSULTATIONS

12. Lancashire County Council Highway Services (LCC Highways) – Have no objection.
13. Withnell Parish Council: No comments have been received.
14. CIL Officers - Advise that the development is currently exempt from CIL under Reg.42 - Exemption for Minor Development as the new floor space is less than 100sqm, and does not constitute a new dwelling.

## PLANNING CONSIDERATIONS

### Principle of the development in the Green Belt

15. Section 13 of the National Planning Policy Framework (the Framework) confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
16. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The application proposes a stable block, a sand paddock and the provision of vehicular access. Paragraph 149 and 150 of the Framework set out the types of development which are not inappropriate development in the Green Belt, provided that they satisfy certain exceptions.
18. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry**
19. The proposal is not for agriculture or forestry.
- 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**
20. Stables are considered to be an appropriate facility for outdoor sport and recreation. However, the test of paragraph 145 (b) is that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
21. It should be noted that the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has some impact on the openness of the Green Belt, given that the dilapidated remains of a building are present, mainly in the form of rubble and sections of a small timber structure. It is not highly visible from surrounding vantage points or Harbour Lane, given its low profile and inner position within the site. The impact of this on the openness of the Green

Belt is considered to be low. It is also important to note that merely the presence of these remains on a small part of the site does not justify any new buildings. The proposed stable block must also 'preserve' the openness of the Green Belt.

22. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. The majority of the site is an open field with a small area of the site where the dilapidated remains of a former building have been left on the site. Much of the remains have the appearance of being vegetated over and from some aspects around the site, these the remains are not particularly prominent.

23. The proposed stable block would be positioned adjacent to Harbour Lane, extending approximately 7.6 metres along the frontage and approximately 12.8 metres into the site, with a height of approximately 3.3 metres. The hedgerow to the boundary of Harbour Lane would be reduced to a height of 1 metre (for highway visibility) and combined with the opening up of the frontage with a new access, this would mean that the building would be highly prominent. Although tree planting is proposed to the boundary with the public right of way (FP4 Withnell) this would only provide screening in the long term and the proposed building would be visually prominent from this public vantage point.

24. Whilst it is recognised that there is a dilapidated building on site, the proposed stable building has a much greater spatial and visual presence and would be more harmful to the openness of the Green Belt than the current situation. Openness would not be preserved.

25. In respect of the purposes of the Green Belt, the site is considered to be greenfield and the development would result in incursion of built form into the countryside. This conflicts with the third purposes of the Green Belt as set out at paragraph 138 of the Framework.

***c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building***

26. Not applicable.

***d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces***

27. Although a building previously occupied the site, it is now dilapidated and a pile of rubble. In addition, an equestrian use of the building has not been evidenced in this submission.

***e) limited infilling in villages***

28. Not applicable.

***f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)***

29. Not applicable.

***g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:***  
– ***not have a greater impact on the openness of the Green Belt than the existing development; or***  
– ***not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.***

30. There is insufficient evidence to determine that the land is previously developed land. This exception does not, therefore, apply.

31. In respect of other forms of development proposed in this application, namely the access, sand paddock and hardstanding areas, these are engineering operations. Paragraph 150 of the Framework at exception (b) allows for such operations provided that they preserve its openness and do not conflict with the purposes of including land within it.
32. Whilst their impact on openness is low, they do result in incursion development onto a predominantly undeveloped site, which results in encroachment into the countryside. Notwithstanding this, the associated development of perimeter fencing to the sand paddock and winter turnout also impacts on openness, in addition to the parking of vehicles, horses boxes and other equestrian paraphernalia.
33. Taking the application as a whole, the proposed development is harmful to the openness of the Green Belt when considering the spatial and visual aspects of openness. It is not, therefore, concluded that openness is preserved. The proposed development also results in encroachment into the countryside. The proposal is inappropriate development in the Green Belt.
34. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt; and 'very special circumstances' 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.
35. It should be noted that the planning application does not advance any very special circumstances (VSCs) as part of the submission.

### **Central Lancashire Rural Development Supplementary Planning Document**

36. The Central Lancashire Rural Development Supplementary Planning Document (SPD) provides guidance on equestrian development within the countryside. It should be noted, however, that the SPD does not override Green Belt considerations and is a guide for rural development in Central Lancashire. The criteria of the SPD are considered below:

#### **Scale:**

37. The SPD provides that a small private development will involve no more than three horses. The application is in accordance with the requirements of the SPD in terms of scale.

#### **Siting:**

38. The proposed stable block would be positioned adjacent to Harbour Lane, extending approximately 7.6 metres along the frontage and approximately 12.8 metres into the site, with a height of approximately 3.3 metres. The midden would also be sited to the frontage. The hedgerow to the boundary of Harbour Lane would be reduced to a height of 1 metre (for highway visibility) and combined with the opening up of the frontage with a new access, this would mean that the building and associated development would be highly prominent. Although tree planting is proposed to the boundary with the public right of way (FP4 Withnell) this would only provide screening in the long term and the proposed building would also be visually prominent from this public vantage point.

39. Nonetheless, equestrian development is not uncharacteristic of this area, in particular Harbour Lane itself, and it is not considered that the proposed development would be harmful to the area on character and appearance grounds.

#### **Design/materials:**

40. The proposed design and materials of the proposed stables accord with the SPD.

#### **Site treatment:**

41. Notwithstanding the Green Belt assessment, the layout of the stables, close proximity of the sand paddock and associated development provides an acceptable layout, providing containment to one area of the site.

**Highway safety:**

42. A neighbour objection raises concerns in relation to existing parking issues that occur with an equestrian development situated in close proximity along Harbour Lane, which they advise blocks their views and presents a safety issue. They consider that the current application would increase this risk.

It should, however, be noted that the proposed development demonstrates adequate parking and turning for vehicles and a horse box and also provides a new vehicular access which improves visibility compared to the current access arrangements. LCC Highway Services have assessed the application and raise no objection. It is, therefore, concluded that the proposed development would not be harmful to highway safety having regard to Chorley Local Plan policy BNE1 (d).

**Reinstatement:**

43. The SPD provides that in order to protect the appearance of the countryside, stables and associated development which are unused for a period of at least six months within 10 years of their completion will be required to be removed from the site and the land restored to its former condition. This could be conditioned accordingly.

Impact on amenity

44. The site is well separated from residential properties to avoid any adverse amenity impacts and it is proposed as a private development, as opposed to commercial stables or riding school. The proposed equestrian use is also compatible with surrounding land uses and is a typical rural use. The proposal would accord with Chorley Local Plan policy BNE1 in respect of amenity considerations.

**CONCLUSION**

45. The proposed development is inappropriate development in the Green Belt, which is harmful by definition. It fails to preserve the openness of the Green Belt and conflicts with the third purpose of the Green Belt due to encroachment into the countryside. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant, nor have any been identified by the Local Planning Authority to outweigh this harm. The proposal is, therefore, considered contrary to the National Planning Policy Framework at Chapter 13.

46. The application is recommended for refusal.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 20/01396/FUL      **Decision:** REFFPP      **Decision Date:** 4 March 2021

**Description:** Erection of stable block and sand paddock

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.