

**Item B. 1**                      **06/00216/FUL**                      **Permit Full Planning Permission**

**Case Officer**                      **Miss Caron Taylor**

**Ward**                                      **Eccleston And Mawdesley**

**Proposal**                              **Formation of fenced-off horse exercise area with all weather surface and erection of timber isolation stable/shelter with veterinary treatment area,**

**Location**                              **Land 100m South East Of Back House Farm Hall Lane Mawdesley**

**Applicant**                              **Mr & Mrs Carr**

**Proposal:**                              The application is for the formation of a fenced-off horse exercise area with all weather surface and erection of timber isolation stable/shelter with veterinary treatment area.

**Background:**                              The applicant owns approximately 20 acres of grazing land in the village of Mawdesley. The site is accessed off Hall Lane down an unmade and unadopted road leading ultimately to Back House Farm.

**Planning History:**                              There have been two previous permissions at the site in 2001 and 2002.

01/00399/FUL: Creation of stable yard including stabling, exercise area, storeroom and associated landscaping.

02/00837/FUL: Extension to stables and construction of storage areas and relocation of the midden.

The 2001 application was for an L-shape building 111m<sup>2</sup> in floor area and 3.15m high with an uncovered exercise area in front and parking for four vehicles. In 2002 permission was granted to double the amount of buildings on the site with another L-shaped building matching the existing that enclosed the exercise area on a further side. This second permission increased the number of looseboxes from 7 to 12 and increased the amount of undercover space for the storage of hay, tack and a pony-trap.

**Planning Policy:**                              PPG2: Green Belts  
DC1: Development in the Green Belt  
EP8: Development Involving Horses  
Supplementary Planning Guidance: Development Involving Horses

**Consultations:**                              Lancashire County Council Highways:  
State that if the Council is satisfied that the proposed development is not a commercial operation there are no objections to the application.

Head of Environmental Services:  
Have no objection to the proposal.

United Utilities:

Have no objection to the proposal.

**Applicants case:** Since the earlier planning approvals 9/01/00399/FUL and 9/02/00837/FUL, the approved stables have been completed, and the site has been used as a base for two registered charities, now amalgamated into one named Jigsaw. The charity deals with the care, assessment and rehabilitation of needy horses and ponies, along with providing a facility for disabled or disadvantaged adults and children to visit the stables, and either ride or care for the resident equines. For more than 2 years Jigsaw has been a full member of the National Equine Welfare Council, a body representing approximately sixty welfare organisations both in UK and Ireland including RSPCA, ILPH, RDA and BHS, and last year Mrs Carr was voted onto the National Equine Welfare Council Executive Committee.

The isolation unit/veterinary facility is located close to the site entrance, at a suitable distance from the other equine accommodation. The building will be used primarily as an isolation unit by the charity when distressed or injured animals are temporarily homed at the site. The charity often get asked by other animal welfare organisations nationally to assist with providing care for equines that have been rescued from distressed or perilous situations. These animals (which are referred to here to as visiting equines) are in need of a short period of assessment and/or treatment before being found a suitable home elsewhere or assimilated into the permanent population at Jigsaw. At present Jigsaw are unable to provide such an emergency facility to visiting equines, but if the proposal were approved, it would enable them to fit better into the structure of the horse welfare setup, incumbent on them as members of the National Equine Welfare Council.

Isolation in this case is not intended to prevent cross contamination by airborne disease; rather it is intended to visually isolate stressed animals from our permanent residents undergoing treatment for stress/behavioural issues, thereby not jeopardizing their ongoing therapy.

In addition, due to the nature and background of the equines in the charity's care, there is need for regular veterinary treatments on site. Whilst many of these are very minor in scale and are undertaken on the animals in the existing stables, there are occasions when the treatment requires anaesthetic or strong sedation techniques, which cannot be carried out safely in the stables. The provision of a knock down box will enable such treatments to be carried out on site if appropriate, thereby avoiding, where possible, the need to move sick animals to suitable alternative facilities, with the inevitable increase in their stress levels that this would cause.

The building will be used primarily as an isolation unit by the charity when distressed or injured animals are temporarily homed at the site. In addition, part of the building will provide a treatment area/knock down box with padded wall and a sand floor. This will be used for veterinary treatments for the equines in the charity's care.

It is not intended to fit any permanent medical equipment e.g. fixed x-ray machine, ultrasound scanner etc. When required, such equipment is currently brought to the site by the visiting vet, and

this situation will continue should the building be approved. It would clearly be impractical for any such equipment to be installed on a permanent basis as this would necessitate far higher levels of site security, and would require much greater funding support, which is totally inappropriate for the Charity.

Funding of the overall development is to be via project specific grants from funding bodies that have already expressed their intention to support this proposal, along with existing monies already obtained from various Charitable Trusts. Furthermore, ongoing running costs will be met from other Charitable Trust Funding and grant awarding bodies, and individual donations.

Although the wording on the original application form suggests that a commercial operation of sorts, involving Hillcrest Animal Hospital, would be required to enable the facility to be implemented, this statement was merely (as noted on the form) an extract from previous correspondence done by our Planning Consultant. Unfortunately, he was unaware of the financial position, or the day-to-day operation of Jigsaw and contrary to his suggestion, it is not necessary to use the proposal as a business, rather as a facility to augment the welfare operations of the charity. The cost of constructing the building will not be funded by Hillcrest Animal Hospital.

The provision of the all-weather exercise area will enable both larger horses and arthritic ponies in the care of the charity to be exercised in a more suitable environment than is currently available in the small exercise area within the footprint of the existing stables. It is not proposed to install any lighting to illuminate the exercise area, although low level lighting to illuminate the isolation unit building, as has been provided on the existing stables, will be required on this proposal.

**Representations:** Twelve letters of representation have been received as a result of consultation.

Six letters of objection have been received. Their concerns can be summarise as:

- The impact the scale of the proposal would have on the character of the area.
- Health and safety, regarding a horse being sedated could damage or destroy a timber construction and emissions created by the use of an X-ray machine, which could not be contained within a timber building.
- There are already several fully operating animal hospitals with all necessary equine facilities within a short distance.
- The 'quid pro quo basis' on which the centre will operate involves Hillcrest Animal Hospital who are supporting the venture, which employ nine veterinary surgeons, five of which are equine practitioners. They do not have their own X-ray facility and knock-down box, which mean the proposed building, will be used full-time for their operations. These circumstances therefore cease to be a small charitable operation and evolve into a burgeoning commercial business, which is inappropriate in the Green Belt and breeches the original conditions applied to the previous permissions.

- There is speculation about the future use of the site as an animal hospital breaching Lancashire County Councils advice that the road is unsuitable for commercial use.
- The access road is a narrow single track with blind bends and virtually no passing places. The junction with the main road has already seen a number of near misses. The traffic to and from the existing stables has proved to be vastly greater than originally projected and the deterioration of the road has been alarming.
- The access road is also a public footpath where vehicles already impede walkers and the passing of a horsebox leaves them no area of safety in which to retreat. As horseboxes would become a daily event this would pose a public hazard.
- The sand paddock would be better sited next to the current stables to reduce its impact.
- The site is located between two ponds so surely this will affect the natural drainage of the land.
- The Local Planning Authority could not control the number of visits by Hillcrest vets resulting in increased traffic.
- There are no details of the proposed landscaping. The current stables have earth bunds, which are unnatural and unsightly.
- The centre does open to the public and the applicant's runs an equine laundry service from the site breaching the condition restricting commercial use (this matter has been passed to the Planning Enforcement Officer).
- The proposed building is up to 4m tall, higher than the existing buildings.
- The application indicated that the isolation box is sited to prevent cross-infection with the existing stables, however it is only a few metres away from other fields where horses not owned by the applicants graze.
- The proposal would result in noise and disturbance and have a serious impact on residential amenity in terms of overlooking and loss of privacy.
- The drainage is unacceptable. There are questions over flooding.

Since receiving these letters amended plans have been submitted changing the position of the sand paddock and isolation stable on the site. A copy of the amended plans has been sent to objectors. Any further comments made in relation to the amended plans will be placed on the addendum

Six letters of support have been received at the time of writing the report. Their comments can be summarised as follows:

- The services of the Jigsaw charity make have a significant impact on mistreated and misplaced horses and ponies, which in the past may have continued with long suffering lives or worse still may have died due to the way they have been treated. To hinder the growth of these services would have a detrimental affect in their future.
- Jigsaw have shown and proved the need for their services, so expansion of the site can only be a good thing.

- This is a charity, which not only helps horses, but also the people working with them and it is hoped that they continue to thrive and help more people in the future.
- It will result in a reduction in traffic, as horses will not have to be ferried to and from Jigsaw for treatment.
- The charity not only helps horses but also children with learning difficulties.

**Assessment:**

The application site is in the Green Belt where PPG2 and Policy DC1 of the Adopted Chorley Local Plan Review apply. Essential facilities for outdoor sport and recreation are acceptable in terms of Green Belt policy.

The committee report for the previous application in 2002 stated that the resulting buildings are undoubtedly of greater size than those generally permitted in the countryside for the keeping of horses for hobby purposes. However, it stated that it is not of disproportionate size in relation to the number of horses that may be kept on this 20 acre site.

The site is used by the charity Jigsaw to care for and rehabilitate horses and ponies. The applicant has provided information regarding the location of the isolation box and that it is separated from the other stables to isolate stressed animals from permanent residents undergoing treatment for stress/behavioural issues. The building is not excessive in size and the applicants have provided information justifying the level of accommodation required. In addition the building has been reduced in height to conform to the guidelines in the SPG Development Involving Horses.

The principle of a sand paddock is not of concern as they are acceptable in the Green Belt providing they are carefully sited in the landscape. The location of the proposed sand paddock has been amended at the request of the case officer, to bring it nearer to the existing stables and to respect the field boundaries. An earth bund was originally proposed which has been removed and replaced by native landscaping, details of which will be conditioned.

Highways

Although the concerns of residents regarding increased traffic are noted, the applicant has clarified the use of the isolation box facility and how it will be funded. It is therefore not considered that it is a commercial facility as it is directly linked to the charity and this issue can be addressed through a planning condition to preclude business use.

Neighbour Amenity

The nearest property to the proposals is Brookmere Farm. It is not considered that the proposals would have an unacceptable impact on the amenities of this neighbour. The openings of the building face away from the property into the application site, and around the rear of the building will be landscaped to provide screening. The amended plans have moved the proposed sand paddock away from Back House Farm and subject to a condition preventing illumination to the sand paddock the proposals will not have an unacceptable impact on this property or those near it.

Landscape Impact

The plans have been amended to ensure the proposals do not have an unacceptable impact on the landscape. Originally the sand paddock was sited away from the stables on the other side of the field. It has now been repositioned on the same side and closer to the existing stables. The isolation box has been moved to be next to the stables and landscaping is now proposed rather than earth bunds (which appear as alien and unnatural in the landscape) to provide screening.

**Conclusion:** While I accept the concerns of residents and although the amount of accommodation is above what would normally be granted in the Green Belt, it is considered that the application is not for the straightforward keeping of horses for leisure purposes, but is the base for a charitable institution and additional landscaping to the site will be achieved. Any permission would be granted as a personal permission to the charity and a condition will be applied requiring the isolation box to be demolished if it is no longer required in connection with the functions of the charity along with a condition restricting business use. Therefore, subject to these conditions the application is recommend for approval.

**Recommendation: Permit Full Planning Permission  
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.*

2. The building hereby permitted shall be used for the stabling of horses and storage of associated equipment, bedding and feed only and shall not be used for any trade or business purposes (including the keeping of horses at livery or in connection with a commercial riding school).

*Reason: In the interests of highway safety and the character and appearance of the area.*

3. All external facing material shall match in colour, form and texture those on the existing stable building.

*Reason: In the interests of the visual amenity of the area.*

4. The permission hereby granted shall only enure for the benefit of a horse related charitable organisation and may not be implemented or occupied by any other person, company or organisation. Should the isolation unit/treatment building and associated hardstanding hereby permitted cease to be required for the purposes of the charity, it shall be removed from the land, together with all resultant materials, and the land shall be restored to its condition before the development took place.

*Reason: The permission was granted having regard to the special circumstances advanced in support of the application, however the use would be inappropriate to the area unless only carried on by the applicant in the manner specified on the application.*

5. The permission hereby granted is for the use of the land for the keeping and grazing of animals and the riding of horses and ponies only. The land shall not be used for any business purpose including the commercial training or schooling of horse and pony riders or for the holding of any events, competitions, trials, horse/pony club meetings or gymkhanas and does not imply or grant permission for installation of any system or sound amplification.

*Reason : To define the permission and in the interests of the amenities of the occupiers of neighbouring properties and highway safety and in accordance with Policy No. EP8 of the Adopted Chorley Borough Local Plan Review.*

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may

have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

8. The approved plans are:

Plan Ref.	Received On:	Title:
CF1712-50 B	6 June 2006	Proposed Exercise Area & Isolation/Veterinary Treatment Area
CF1712-51 B	6 June 2006	Location, Elevations & Plan of New Building

*Reason: To define the permission and in the interests of the proper development of the site.*

9. No development shall take place until a scheme of lighting has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail, which may have previously been submitted. Such a scheme should include details of the location (where they will be attached), the number and size of the lights and their luminance. Such a scheme shall be constructed and completed in accordance with the approved plans. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or any re-enactment or associated legislation no further lighting shall be installed unless express planning permission is first obtained.

*Reason: To define the permission and in the interests of the residential amenities of the adjacent property and in accordance with Policy Nos. DC1 and EP21A of the Adopted Chorley Borough Local Plan Review.*

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