

Item 4d **13/00035/FUL**

Case Officer **Nicola Hopkins**

Ward **Wheelton And Withnell**

Proposal **Retrospective application for: 1) Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath. 2) Erection of stables on the site for a temporary period**

Location **Logwood Stables Brinscall Mill Road Wheelton ChorleyPR6 8TD**

Applicant **Mr Stephen Watson**

Consultation expiry: **6 March 2013**

Application expiry: **3 April 2013**

Proposal

1. This application relates to the Logwood Stables site. Since the owners purchased the property they have undertaken various works on the site which require planning permission. This application seeks to regularise the situation on site by securing retrospective planning permission.
2. The application relates to:
 - a. Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath; and
 - b. Erection of stables on the site for a temporary period

Recommendation

3. It is recommended that this application is refused

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Engineering Works
 - Footpath
 - Stables

Representations

5. 2 letters of objection have been received raising the following points:
 - Roads will be un-useable due to the horses and heavy horse transportation vehicles.
 - The Public pathway on Monks Hill is now un-useable due to the damage by horses.
 - They have requested planning permission for 2 blocks yet 3 are erected.
 - The greenbelt should be protected.
 - Single track road with no passing places is unsuitable
 - Who will responsible for the future maintenance of the road?
 - When it was a poultry unit one delivery vehicle came a week and 1 car
6. **Chorley Ramblers Countryside Officer** objects on the following grounds:
 - Wheelton Footpaths Numbers are 21 and 19 are adversely affected by this planning application. These 2 footpaths are almost impassable some is due to the recent weather conditions and the increasing damage done to the footpaths due to the movement of horses.
 - Wheelton Footpath Number 3 follows the single carriage access road to the site. There is

a road safety issue due to the increased number of vehicles and the size of these vehicles.

- This planning application should address the maintenance of these footpaths and the safety and enjoyment of the users.
 - The repair to the footpath as mentioned in the application would appear to have been unsuccessful
7. 3 letters of support has been received raising the following points:
- The footpaths have been badly damaged by collapsed drains, no maintenance for several years while the property was vacant and a record rainfall.
 - The damage to the footpaths has been caused by the wet weather and lack of drainage not the horses!
 - This application is protecting the greenbelt.
 - Rarely see any vehicle, not to mention heavy vehicles using the road.
8. **Councillor Hansford** has requested that this application be considered at Development Control Committee

Consultations

9. **The Environment Agency** have produced a guidance document which sets out what types of planning consultations the Environment Agency wishes to be consulted. This guidance is based on the Development Management Procedure Order 2010 (DMPO) and current Government planning policy. The Environment Agency does not consider that these proposals fall within the categories set out within the document.
10. **United Utilities** have no objection to the proposals
11. **Lancashire County Council (Public Rights of Way Officer)** has confirmed that he has no objection to surface the public footpath with road planning's.

Planning Policy

National Planning Policy

12. The relevant national planning policy guidance/statements are as follows:
- National Planning Policy Framework (the Framework)
13. The Framework confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87).
14. The Framework goes on to state that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.' (para 88).
15. Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - 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;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
16. Paragraph 90 states certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.

The Development Plan

17. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Central Lancashire Core Strategy 2012 and the North West of England Regional Spatial Strategy 2008 (RSS).
18. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

19. The Localism Act 2011 gave powers to the Secretary of State to revoke/abolish Regional Strategies. The Chief Planner, in a letter (21 December 2012), has said it is our policy to revoke the existing regional strategies as soon as possible subject to the outcome of the Strategic Environmental Assessment process. The report for the North West Regional Strategy has been published for public consultation. Until such time, RS remains part of the development plan. Relevant policies within the RSS therefore need to be taken into consideration when determining this application.

Adopted Chorley Borough Local Plan Review

20. The relevant policies of the Local Plan are as follows:
- GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - GN9 – Transport Accessibility and Mixed Uses
 - DC1- Green Belt
 - EP4 - Species Protection
 - EP8- Development Involving Horses
 - TR4 – Highway Development Control Criteria
 - LT10 – Public Rights of Way
21. Local Plan Policy EP8 is applicable as it relates to development involving horses. Policy EP8 states:
- Planning permission for development involving horses will be granted providing the following criteria can be met:
- a. the proposal is of a scale and nature appropriate to the character of the site and the ability of the local environment, including the amenity of local residents, to absorb the development;
 - b. in the case of indoor facilities or commercial stables, the development is within an existing building or forms part of a farm diversification scheme;
 - c. in the case of small, private developments the site should be close to existing buildings and well screened by existing trees or local landscape features;
 - d. the siting, design and materials of the buildings and structures should be in keeping with their surroundings;

- e. the development would not result in the over-intensive use of the local bridleway network;
- f. the movement of either horses or vehicles as a result of the development would not prejudice road safety;
- g. provision is made for removing any equipment and re-instating the site once its use for horses is no longer required.

Adopted Central Lancashire Core Strategy

22. Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate taking into account Policy MP a) and b).
- Policy 1 Locating Growth
- Policy 9 Economic Growth and Employment
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

Emerging Local Plan

Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- BNE1: Design Criteria for New Development. Criteria a, c, d, f, g and h are relevant to the proposal.

Supplementary Planning Documents

Rural Development SPD

Assessment

Engineering Works

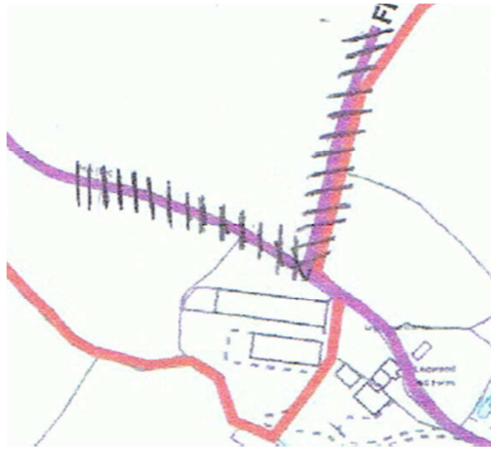
- 23. This application has been submitted following enforcement enquiries relating to works which have already occurred on site. The works include formation of tracks and roadways within the site which include land level changes, works to form a pond, repairs to drainage ditch and repairs to the public footpath.
- 24. The applicants contend that the tracks and roadway works undertaken involve works to tracks and roadways already in existence although they had become extensively overgrown whilst the property was empty. The applicants consider that the works undertaken involved the restoration of the tracks and garden areas.
- 25. The supporting information states that the land between the two former buildings on the site is an existing gravel track as is the area to the west of the former building No2. The area to the west of former building No1 was already concreted. The area that is shown as proposed vehicle parking and turning area was existing gravel.
- 26. The supporting information goes on to state that the only area of gravel track that has been restored has been the track to the south of the former buildings that links the proposed vehicle parking area to the existing gravel track to the south west corner of former building No2. It is understood that the earth removed from this work has been used to level the area between this track and former building No2.
- 27. It is considered that the extent of works undertaken represents an engineering operation

which requires planning permission. Having assessed the aerial photos from 2000, 2006 and 2009 it is clear that in 2000 the areas surrounding the former buildings did not include extensive areas of hardstanding. The 2006 and 2009 aerial photos detail more hardstanding than the 2000 photo however not the extent that has been undertaken and forms part of this application. The applicants purchased the property in 2011 and it is considered that the works undertaken go much further than restoration of existing tracks.

28. It is clear on site that significant level changes have occurred on the areas of the site surrounding the former buildings which has changed the character of the site creating a very urban hard surfaced appearance on the site. It appears that the works have been undertaken to facilitate the proposed large scale development of a horse breeding and training facility on the site (subject to application 13/00034/FUL).
29. The Framework states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt this includes engineering operations. The extent of works which have been undertaken have significantly changed the character of the site creating a very urban form which adversely impacts on the rural character of this Green Belt area. The five purposes of the Green Belt are to
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
30. It is considered that the engineering works undertaken on the site create a very urban form which constitutes encroachment into the countryside and does not accord with the purposes of including land within the Green Belt. As such these elements of the proposal are considered to be unacceptable.
31. A pond has been formed on the site and there have been repairs to the drainage ditch which are engineering operations. The pond forms part of the land drain/ stream which runs through the site which has been created by the applicant as an attenuation feature to address flooding issue further down the water course. The drainage ditch is an existing culvert that has been repaired to improve drainage of the site.
32. It is not considered that the creation of a pond and repairs to the drainage ditch conflicts with the purposes of including land within the Green Belt. The proposed pond and repairs do not adversely impact on the character of the area and as such these elements of the proposals are considered to be acceptable.

Footpath

33. This application also proposes alterations to the public right of way that runs through the site which includes repairs to existing footpaths. The proposal is to repair the existing footpaths to the areas shown hatched and to provide fencing to either side of the footpath to keep the horses off the pathways:



34. The fences will be set back from the centre line of the footpaths by two metres to each side with fences to comply with British Equestrian Federation BQM standards. The repair will involve the removal of the top soil to a depth of 75mm to suit the existing width of the path (approximately 1m), to be replaced with sandstone chippings. The areas to each side of the existing footpath will be retained as grass with the fences set back to give a safe clearance between the walkers and the horses.
35. The Senior Public Rights of Way Officer at Lancashire County Council has previously spoken to the land owner in respect of the works to the footpaths. He has confirmed that he has no objection to the proposals to surface the public footpath with road planning's. The landowner is responsible for the maintenance of the surface once it is installed and the rights of way officer has recommended that the land owner has insurance with respect to the public passing across the land.
36. The Chorley Ramblers Countryside Officer has objected to the proposals for the reasons set out above. These objections however mainly relate to the application for the proposed works at the site and are addressed within the report for that planning application. The Officer has commented that the application should address the maintenance of these footpaths and the safety and enjoyment of the users.
37. Given that the Rights of Way Officer has no objection to the works to the footpaths and the works will enable the footpaths to be passable this element of the application is considered to be acceptable.

Stables

38. The applicant has also erected two stable blocks and a sheep shelter on the site without the benefit of planning permission. The two stable blocks incorporate 5 stables and a hay barn and the sheep shelter incorporates 2 compartments (although these were occupied by horses on the site visit).
39. The supporting statement considers that the structures currently on site are two mobile shelters that were not erected on site. The units have been moved on several occasions and are used for the horses within the breeding programme. The applicant has confirmed that the use of these stables is only required until the proposed new stables development is granted permission.
40. It is not considered, however, that the two stable blocks are field shelters. The units were erected on the site and sit on an area of hardstanding. As such the applicant was advised that planning permission was required for this element.
41. The main consideration in respect of this application is the fact that the proposals involve the erection of new stables within the Green Belt. Development within the Green Belt will only be considered acceptable, in accordance with the Framework, if it falls to be considered appropriate development or where very special circumstances have been demonstrated.

42. The Framework treats development within the Green Belt as inappropriate development unless it relates to one of the exceptions listed above. It is noted that one of the exceptions is 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. It has previously been established that small scale private stabling facilities falls within this definition.
43. Policy EP8 of the Local Plan and the Rural Development SPD refer to small scale private development which usually involves no more than three horses.
44. In this case however the stables are used in association with the applicants horse breeding business and the proposals incorporate stabling for 7 horses (the applicant currently owns 11 horses), including utilising the two sheep pens. As such the stables are part of a commercial enterprise, notwithstanding the fact that all of the horses are owned by the applicant.
45. It is acknowledged that the applicants wish to extend their current business by breeding from their horses and training horses. This is subject to a separate application also on this Agenda and comprises of a large scale commercial enterprise on site. The proposals subject to this application do not include provision for training and proposes to retain the stables as part of the breeding part of the business.
46. Buildings for the breeding of horses do not benefit from permitted development rights as it is not an agricultural use and the proposed development is larger than small scale private facilities which would be considered appropriate development within the Green Belt. The proposals however would enable the breeding element of the business to continue on site within stables which reflect traditional size and designs. It is also not considered that the proposed stables adversely impact on the openness of the Green Belt due to their siting and size. As such this element of the proposals is considered to be acceptable.

Conclusion

47. This application relates to various elements of retrospective works undertaken at the site. Although it is considered in this case that the works to create a pond, the repairs to the drainage ditch, the works to the footpaths and the stables are acceptable the engineering operations to create tracks and roadways are not considered to be acceptable in this Green Belt location. No very special circumstances have been submitted which justify the proposed works and as such the works are considered to be unacceptable.

Planning History

00/00582/COU- Conversion of stable to detached dwelling and erection of detached double garage. Approved September 2000

02/00717/FUL- Barn Conversion to a two storey dwelling. Withdrawn

06/00840/FUL- Proposed detached garage with hayloft above. Withdrawn

07/01057/FUL- Detached garage. Approved November 2007

11/00384/FUL- Erection of an equestrian facility comprising new stables, tack rooms and storage. Creation of open dressage arena, horse walker and associated parking areas. Application for land levelling and laying of hardstanding for access tracks (retrospective). Withdrawn

11/01103/FUL- Erection of an equestrian facility comprising new stables, tack rooms and storage. Creation of open dressage arena, horse walker and associated parking areas. Application for land levelling and laying of hardstanding for access tracks (retrospective). (Resubmission of application No 11/00384/FUL.) Withdrawn

13/00034/FUL- Erection of an equestrian horse breeding and training facility comprising new

stables, tack room and storage. Creation of open dressage arena and associated parking areas. Pending Consideration on this Agenda

Logwood Mill Farm:

78/00760/FUL- Septic tank. Approved October 1978

87/00601/FUL- Barn conversion. Approved November 1987

89/00799/FUL- Extension to living accommodation into redundant farm building. Approved January 1990

03/00207/FUL- Erection of stable block. Refused April 2003

03/00755/FUL- Erection of stable block and tractor store. Approved September 2003

09/00416/FUL- Two storey rear extension. Approved July 2009

09/00844/MNMA- Non material amendment to approved two storey extension (Application No 09/00416/FUL). Withdrawn

09/00991/FUL- Erection of two storey rear extension (amendment to planning approval 09/00416/FUL). Approved February 2010

10/00582/FUL- Extension to existing front porch. Approved October 2010

**Recommendation: Refuse Full Planning Permission
Reasons**

- 1. The formation of tracks and roadways within the site which include land level changes conflict with the purposes of including land in Green Belt. The alterations have resulted in an urban form of development encroaching into the countryside which has adversely impacted on the rural character of the area. As such the works are contrary to advice contained within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.**