

## **APPLICATION REPORT – 17/00625/FUL**

**Validation Date: 20 June 2017**

**Ward: Wheelton And Withnell**

**Type of Application: Full Planning**

**Proposal: Erection of stables building following removal of existing stables**

**Location: Laneside Farm Brown House Lane Higher Wheelton Chorley PR6 8HR**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Stephen Nolan**

**Agent: Mr Chris Weetman**

**Consultation expiry: 17 July 2017**

**Decision due by: 15 August 2017**

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### **RECOMMENDATION**

1. It is recommended that this application is refused.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt and comprises an existing stables and yard area with an associated paddock for the grazing of horses. This has a field access from Brown House Lane that serves the existing stables building. The site forms part of a wider land holding that has fragmented over time and comprises stables buildings to the north and south of Brown House Lane adjacent to the lane itself. There is also a cluster of buildings in what amounts to the farm yard, which comprises a two storey timber clad building, a steel agricultural shed used for agricultural and non-agricultural storage, a timber extension to the rear and a timber stable structure between the storage building and timber clad building. Some of the land appears to be in use as allotments and subdivided small holdings with the remainder used for pasture.
3. The site is located within a rural area characterised by clusters of dwellings of agricultural origins and character, with the village of Higher Wheelton to the south. The area is largely open rural countryside interspersed with agricultural buildings and dwellings.
4. It is noted that an application for the removal of the existing stables building and erection of new stables on the site (ref. 16/00365/FUL) was refused on the basis of the scale and accommodation to be included and an appeal dismissed.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The proposed development involves the erection of a stables building comprising three stable bays and a tack room. The building would be linear in form and would measure approximately 17m by 5m, with a 1m roof overhang on one side. The end of the building that would accommodate the tack room would have a depth of 6m. It would have a dual pitched roof with ridge and eaves height of approximately 4m and 3.3m respectively. The existing timber stables building, measuring approximately 8m by 5m, would be removed.

6. The building would be constructed of blockwork to a height of 1.5m and would be timber clad externally. The roof would be of timber with a felt covering.
7. The applicant owns three Clydesdale horses, which are currently kept on the land to the west side of Brown House Lane for grazing and on the nearby farmyard site utilising a timber structure between the storage building and steel shed to the east of Brown House Lane. Clydesdale horses have been kept by the applicant on the site for a number of years.

## REPRESENTATIONS

8. Three letters of objection has been received from a representative acting on behalf of the residents at Brown House and Brown House Farm. These relate to the following issues:
  - the scale of the proposed development in the context of policies for the safeguarding of the objectives of the Green Belt; and
  - the absence of the demonstration of need for the development in the context of the existing buildings at Laneside Farm.

## CONSULTATIONS

9. Wheelton Parish Council: No comments received.

## PLANNING CONSIDERATIONS

### Principle of development in the Green Belt

10. The application site is located within the Green Belt, The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.

11. National guidance on Green Belt is contained in Chapter 9 of the Framework, which states:

*79. 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.*

*80. Green Belt serves five purposes:*

- *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.*

*87. 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.*

*88. 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.*

*89. 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.*
12. The use of the site would be for private recreational purposes for the keeping of horses and falls to be considered as a facility for outdoor recreation, in accordance with the definition in the Framework outlined above, and is identified as an exception to inappropriate development in the Green Belt under bullet point two of paragraph 89. However, bullet point two states that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. A recent High Court case *R. (on the application of Boot) v Elmbridge Borough Council* [2017] concludes that paragraph 89 of the Framework does not permit any harm at all to the openness of the Green Belt. A development that would have any adverse impact on openness would not comply with a policy that required openness to be maintained or preserved. The decision-maker therefore has no latitude to find otherwise. There would have to be very special circumstances to justify a grant of planning permission.
14. It is noted that a very recent appeal decision of *Mr G Clennell versus West Lancashire Borough Council* [2017] for private stables in the Green Belt was allowed with the Inspector effectively reading into paragraph 89 of the Framework discretion to permit limited harm to openness. The *Elmbridge* case states quite clearly that there is no latitude to justify any harm to openness. It is considered the *Elmbridge* case carries more authority than the appeal decision as it is a High Court case.
15. Any harm to the openness of the Green Belt therefore means that the test in bullet point two of paragraph 89 cannot be met. A new building in this location would inevitably have an impact on openness and therefore could only be considered inappropriate in relation to bullet point two.
16. The proposed stables building would replace an existing stables building on the site and therefore has the potential to engage with bullet point four of paragraph 89, which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Given that the site is in equestrian use currently there is also the potential to engage with bullet point six of paragraph 89. This allows for 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.
17. Whether the proposed building has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in Policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
18. The proposed stables building would be significantly larger than the existing stables building that it would replace both in terms of its volume and footprint. As such it is considered to be materially larger, and therefore it must be concluded that the proposed building has a greater impact on openness than the existing development. On this basis it would not be an exception under bullet point four or six of paragraph 89 and would therefore be inappropriate development in the Green Belt.

19. As it has been established, that the redevelopment of part of the site with a stables building of the scale proposed is inappropriate development in the Green Belt, which result in definitional harm to the Green Belt, any other harm caused by the development must also be considered and added to the definitional harm.

20. There are five purposes of the Green Belt as set out in the Framework:

80. Green Belt serves five purposes:

- 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.

21. Considering each in turn:

22. Purpose 1 (to check the unrestricted sprawl of large built-up areas)

The application site is located approximately 90m from the settlement area of Higher Wheelton, and is a considerable distance from any large built up areas. It is not considered the application proposals represent unrestricted urban sprawl as the site is bound by development to the north and to the south lies the yard and buildings of Laneside Farm. The development of the site would not therefore result in development 'sprawl'. It would be contained within the existing site.

23. Purpose 2 (to prevent neighbouring towns merging into one another)

The development of the site would not result in neighbouring towns merging into one another.

24. Purpose 3 (to assist in safeguarding the countryside from encroachment)

The site is considered to be previously developed land, as it is already developed with a stable building and some hardstanding. The development of the application site would, however, result in development encroaching into the countryside as the proposed building is larger and is positioned further into the site from the lane, whereby it would result in an incursion of built form within the undeveloped part of the paddock area in the Green Belt.

25. Purpose 4 (preserve the setting and special character of historic towns)

The site is not located within or near to a historic town, and the proposed building would not be located within the setting of any listed buildings.

26. Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)

This purpose does not apply as it is not considered that derelict or urban land is suitable for the siting of stables.

27. On the basis of the above it is considered that there would be other harm to the Green Belt caused by the harm to purpose 3 of including land in the Green Belt, as the proposed development would result in a degree of encroachment into the countryside.

28. As the proposed development would result in definitional harm to the Green Belt and other harm through encroachment there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

#### Green Belt balancing exercise

29. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt and there is considered to be other harm to one of the purposes of including land in the Green Belt caused by encroachment into the countryside.

30. It is considered that there would not be any further harm in terms of visual impact or in terms of other technical matters (discussed below).
31. In terms of the very special circumstances the applicants agent has set out the following;
32. The applicant owns three Clydesdale horses, which are significantly larger animals than standard horses. The existing stables building on the site was originally built as one stable and tack room. The stable was originally for a very small pony which was 11 hands in size so although it was very small it was adequate for this size of horse. The structure of the existing stable is entirely made of wood with a wood floor built on railway sleepers with little stability to the whole structure. The Clydesdale horses are predicted to grow up to 19 hands and 1 ton in weight. They are significantly larger and more powerful than the horses that the stables were designed to accommodate.
33. It is advised currently, one horse is being left outside due to there not being sufficient stables for all of them. He is suffering from mud rash due to the muddy conditions of the wet muddy land in winter so new stables are very much a priority.
34. It could well be argued that the current situation could well bring the attention of the RSPCA. The well-being of the animals is at risk and fundamentally the proposed development is both necessary and proportionate.
35. Other buildings within the overall site are not suitable or are not within the applicant's ownership and serve other current and future purposes.
36. It is recognised that the stables have been designed to reflect the size of the Clydesdale horse breed that are the specific subject of this application, and that the accommodation included is the typical minimum associated with private stables. This is largely in line with the Central Lancashire Rural Development Supplementary Planning Document (SPD). This document is a guide for development in rural areas and does not specify what is acceptable in the Green Belt, and nor does it override national policy on Green Belts. The existence of such an SPD cannot be considered a very special circumstance.
37. It is understandable and logical that the applicant would wish to place their horses in appropriately sized and suitable stables. However, it is considered that this is a circular argument because the applicant would therefore always be able to justify additional stabling merely by taking on additional horses.
38. Although there is sympathy with the applicant's case, in that he wishes to provide new accommodation to provide greater comfort and improved welfare for his animals, it is not considered that these matters amount to the very special circumstances required to overcome the definitional harm to the Green Belt and additional harm caused through encroachment, which must be accorded substantial weight in line with the Framework.

## **Technical Matters**

### Details of the proposed development

39. The Central Lancashire Rural Development SPD sets out more detailed guidance in relation to the type of equestrian development that would be suitable in rural areas. The SPD sets out matters relating to scale, siting, design, site treatment, highway safety and reinstatement. These are assessed below:
40. Scale: The stables are for private use and would accommodate three heavy breed Clydesdale horses. There would be three stable bays and a tack room. This is in accordance with the provisions made for private developments involving no more than three horses as set out in the Central Lancashire Rural Development SPD.
41. Siting: The stables building would be positioned within part of a small paddock close to the position of an existing stables building, which would be removed. The proposed stables

building would be screened to the south to some extent by an existing boundary fence and to the west by an existing building on the opposite side of Brown House Lane. Although the proposed stables building would replace an existing stables building in a similar position, it would be more visible in the landscape by virtue of its increased size. However, the siting close to the southern boundary of the site is appropriate. The stables building would be located well in excess of 30m from the nearest property at Sitchcroft Farm, and would be screened from this property by the boundary fencing and intervening structures.

42. Design: The proposed stables building would have a ridge height of approximately 4m, which is in excess of the 3.5m high guideline set out in the Rural Development SPD. The applicant states that the ridge height has been determined based on Defra Guidance and the Metric Handbook, Planning and Design Data, 2nd Edition for use with Clydesdale horses. The additional height is considered to be appropriate given that Clydesdale horses would require greater headroom than might normally be required. The stable bays themselves would have an unusually large area measuring approximately 4.7m by 4.8m each. This is larger than normal but again is considered appropriate in this instance on the basis that they are for heavy breed Clydesdale horses. There is an average sized tack room, which is generally accepted for stables. The building would be timber clad and of a traditional outward appearance, with an internal blockwork wall up to 1.5m in height laid on a concrete base. Aside from the slightly larger scale, the stable building is of a typical appearance for private stables.
43. Site treatment: The site treatment would be minimal given that the stables building would replace an existing stables building and would be partially constructed on an existing area of hardstanding.
44. Highway Safety: There is an existing vehicular access from the highway at Brown House Lane, which serves the existing stables. This would be used to access the proposed stables building and associated area of hardstanding. There would be adequate space for the parking and turning of vehicles with trailers following development.
45. Re-instatement: A condition is recommended, which would require the removal of the stables building and restoration of the land to its former condition if the authorised use ceases for a period exceeding one year, in order to protect the appearance of the countryside.
46. On the basis of the above the proposed development is considered to be generally in accordance with the Central Lancashire Rural Development SPD. It is, therefore, considered that the proposed stables are appropriate facilities for outdoor recreation and would not unduly impact on openness.
47. Whilst it is recognised that there are other nearby buildings that are within the same land ownership, these are not within the red edge on location plan and do not form part of the application site. In addition the applicant has stated that none of the existing buildings situated to the north of the site on the east side of Brown House Lane are available to provide stabling or other facilities.

#### Impact on character and appearance of the locality

48. The main body of the proposed building would measure approximately of 17m by 5m. It would have a dual pitched roof with a ridge and eaves height of approximately 4m and 3.3m respectively. The building would replace an existing timber stables building located on Brown House Lane, although it would be sited close to, and parallel with, the southern boundary of the site, which is considered to be appropriate. The design and facing materials of blockwork, timber cladding and felt roof sheeting would be of an appropriately agrarian character, typical of private stables. Other than the slightly larger scale, which is appropriate in the circumstances of the heavy breed horses that the building would accommodate, the appearance of the building would be appropriate for the proposed use.

#### Impact on neighbour amenity

49. The proposed stables building would be sited more than 30m from the nearest residential property at Sitchcroft Farm, with intervening structures providing adequate screening. This complies with the 30m guideline set out in the Rural Development SPD. Due to the degree of separation, it is not considered that there would be an unacceptable adverse impact on the amenity of the occupiers of Sitchcroft Farm. Other properties in the area have a greater degree of separation and as a result would experience no unacceptable impact on amenity.

## **CONCLUSION**

50. The proposed stables building would be inappropriate development in the Green Belt and would result in other harm to the Green Belt through the degree of encroachment into the countryside. The design and scale of the stables building is appropriate in the context of the circumstances of the horse breed involved (Clydesdales) and is consistent with a private stables development, however, this does not overcome the harm to the Green Belt. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. It is therefore recommended that the application be refused.

**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.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 09/00457/FUL **Decision:** PRRRTF **Decision Date:** 26 August 2009  
**Description:** Erection of timber stables

**Ref:** 11/00733/FUL **Decision:** PCO **Decision Date:** 8 November 2011  
**Description:** Conversion of redundant agricultural building to residential use including ground floor rear extension. Demolition of detached agricultural/storage building to rear.

**Ref:** 14/00672/P3PAJ **Decision:** WDN **Decision Date:** 18 August 2014  
**Description:** Prior approval application under Part 3, Class MB of The Town and Country (General Permitted Development) (Amendment) Order 2013 to change an agricultural building to a dwelling.

**Ref:** 15/01100/FUL **Decision:** WDN **Decision Date:** 9 March 2016  
**Description:** Removal of existing hen coop and erection of stables with attached hen coop and associated hard standing

**Ref:** 16/00365/FUL **Decision:** REFFPP Appeal Dismissed **Decision Date:** 27 July 2016  
**Description:** Removal of existing stables and erection of new stables

**Ref:** 17/00446/FUL **Decision:** WDN **Decision Date:** 22 June 2017  
**Description:** Demolition of existing agricultural buildings and erection of two detached dwellings and associated garages.

### Reason for Refusal

The proposed stable building would be inappropriate development in the Green Belt and therefore harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.