

APPLICATION REPORT – 18/00054/FUL

Validation Date: 17 January 2018

Ward: Brindle And Hoghton

Type of Application: Full Planning

Proposal: Erection of three horse stables, tack room and hay store, sand paddock, access, car parking and concrete panel midden (re-submission of 17/00084/FUL)

Location: Gortons Farm Bury Lane Withnell Chorley PR6 8SL

Case Officer: Simon Forster

Applicant: Mr John Rossall

Agent: Mr David Marshall

Consultation expiry: 19 February 2018

Decision due by: 14 March 2018

RECOMMENDATION

1. Refuse full planning permission for the following reason:

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

SITE DESCRIPTION

2. The application site is located in the Green Belt at Withnell. The site is a broadly rectangular parcel of land located in the southern most extremity of the Gortons Farm farmstead. It is located where Bury Lane meets the private access road serving Gortons Farm, approximately 200m south of the farmstead buildings.
3. The site slopes slightly from west to east and has been used in the past for storing hay bales and other farming paraphernalia. The site benefits from full planning permission for three horse stables, tack room, hay store, access, car parking and concrete panel midden (REF: 17/00084/FUL). The site is currently under development but the building under construction is not being built in accordance with the previously approved plans.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. Full planning permission is sought for the erection of a square stable block that would house 3no. stables, a hay room and a tack room. The entrance to the stables would be located to the northern elevation and parking spaces for two horse boxes would be provided immediately adjacent to the south of the stables. The proposed building would measure approximately 10.6m by 10.6m and would have eaves and ridge heights of 2.4m and 4.15m respectively.

5. A small sand paddock measuring 25m by 20m would be sited adjacent to the north of the stables. A concrete panel midden would be sited to the north west corner of the sand paddock. The sand paddock would be bounded by a 1.2m high post and rail timber fence with an access gate to the south.
6. Mounding and landscaping would be provided in front of the western and southern elevations of the stables. The proposed mounding would be 1.2m at its highest.
7. The proposed development, as indicated on drawings submitted in support of the application differs from the development approved under 17/00054/FUL by virtue of an expanded footprint (accommodating a larger hay store) increased to 114m² from 105m² and a maximum ridge height increased to 4.15m from 3.5m. This reflects the dimensions of the structure that has already been part constructed on the application site. However it is noted that the drawings submitted in support of the application state that the building would have a timber frame yet the building currently under construction has been built with brick and block work with steel beams and the exterior has been clad in timber boards.

REPRESENTATIONS

8. One representation has been received citing the following grounds of objection:
 - Close proximity of proposed development to ditch running between applicant's land and the neighbouring property.
 - Laying of base for proposed development has caused land slip in the vicinity of a shared ditch between applicant's property and neighbours which may cause drainage problems and the construction of the ménage may exacerbate this.
 - Applicant does not have horses but if they did they should be stabled nearer to property for safety reasons.
 - Applicant intends to let the facilities to other users and an application would be put in for change of use from stables to bungalow.
 - Construction traffic has caused damage to shared access track.

CONSULTATIONS

9. Lancashire Highway Services – Comment that the highways response of 21/02/2017 to application 17/00084/FUL is still valid and should apply to the current resubmitted application. This response stated that there was no objection but advice was provided in respect to the public right of way (FP 20) which uses the farmstead access road.
10. Withnell Parish Council – no comments have been received

PLANNING CONSIDERATIONS

11. The main issues for consideration are as follows:

Issue 1 - Impact on the Green Belt
Issue 2 - Impact on character and appearance of the locality
Issue 3 - Neighbour amenity
Issue 4 – Highway safety

Principle of development

12. The acceptability of the principle of development within the Green Belt for horse stables, tack room, hay store and sand paddock has already been established by the previous grant of planning permission ref: 17/00054/FUL. However, bullet point two of paragraph 89 of the Framework 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. Since the previous planning permission was granted case law has further clarified the interpretation of bullet point two of paragraph 89 of the Framework. 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. Any harm to the openness of the Green Belt, therefore, means that the test in bullet point two of paragraph 89 cannot be met. The scale of the building (as constructed) in this location is larger than that which benefits from consent under 17/00054/FUL and would inevitably have a greater impact on openness and, therefore could only be considered inappropriate in relation to bullet point two of paragraph 89 of the Framework.
15. Although it is recognised that the existing consent represents a valid fall back position, the proposed development is of a greater height and volume, and therefore has a greater impact on openness, contrary to bullet point 2 of paragraph 89. In addition no very special circumstances have been advanced in support of the application that would outweigh the harm to the Green Belt.
16. A Rural Development Supplementary Planning Document (SPD) was adopted by the Council in October 2012, and this provides additional guidance on equestrian developments. The proposal is assessed against the SPD guidance below:

Siting

17. The siting of the proposed development has already been established as being acceptable under planning permission 17/00054/FUL, therefore, the proposed development is considered to comply with the siting element of the SPD.

Design & Materials

18. The proposed development has been constructed in brick and blockwork with steel beams and does not have a timber frame. Timber boarding has been used to clad the exterior of the building. The ridge height of the stables as now proposed (and as constructed) would be 4.15m and the hay and tack room would be included within the single stable building, not as separate entities. The associated tack room and sand paddock are considered to be an appropriate scale to accommodate 3 horses. However, the hay room is considerably larger than each individual stable. Therefore, the proposed development is considered to conflict with the design and materials element of the SPD by virtue of the lack of a timber frame, a ridge height exceeding 3.5m and the provision of an oversized hay store.

Scale

19. The SPD states that a small private development will involve no more than 3 horses. The proposed development does only propose accommodation for 3 horses and the stable sizes are considered appropriate. However, with respect to the increased footprint of the building, the size of the proposed hay store and ridge heights referenced above, it is considered that the proposed development conflicts with the scale element of the SPD.

Site treatment

20. The principles of the site treatment have already approved under planning permission 17/00054/FUL, therefore, the proposed development is considered to comply with the site treatment element of the SPD.

Highway safety / bridleway use

21. The access principles of the proposed development have already approved under planning permission 17/00054/FUL, therefore, the proposed development is considered to comply with the highway safety / bridleway use element of the SPD.

Impact on character and appearance of locality

22. Currently the character of the application site is rural in nature and the external materials proposed would complement this rural character. Screening and mounding is proposed to help assimilate the proposed development into its landscape context.

23. However, with reference to the increased scale and height of the proposed development in comparison to the development permitted under 17/00084/FUL it is considered that the proposed development would be harmful to the character and appearance of the locality.

Neighbour amenity

24. The proposed stables are not located in the vicinity of any residential properties and the development will not harm the amenity of any neighbouring resident.

Impact on highways/access

25. The existing farm track and local road network can accommodate the proposed stable development. It is also noted that LCC (Highways) have no objection to the proposed development.

OTHER CONSIDERATIONS

26. The comments submitted regarding the drainage ditch and construction traffic damage to the access are noted; however it is considered that this is a civil matter between neighbours and not a material planning consideration.

CONCLUSION

27. The proposed stables building would be inappropriate development in the Green Belt, by virtue of the fact that the openness of the Green belt would not be preserved. In addition no very special circumstances have been advanced that would overcome the definitional harm to the Green Belt. An assessment of the proposal against the criteria of the Council's Rural Development Supplementary Planning Document also indicates that the development does not meet the Council's guidance on equestrian development by virtue of the increased scale of the proposed development, increased ridge height, oversized hay store and lack of timber frame. The development is, therefore, contrary to the Central Lancashire Rural Development Supplementary Planning Document. It is therefore recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 17/00084/FUL **Decision:** PERFPP **Decision Date:** 21 March 2017
Description: Erection of 3 horse stables, parking, sand paddock and concrete panel midden,

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.