

## **APPLICATION REPORT – 23/00890/FUL**

**Validation Date: 10 November 2023**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Erection of three stables buildings for private equestrian use (Retrospective)**

**Location: Land 100M North East Of Millers Barn Ulnes Walton Lane Ulnes Walton**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Tony Broome**

**Agent: Sally-Ann Tinsley**

**Consultation expiry: 7 December 2023**

**Decision due by: 9 February 2024**

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### **RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reason:
2. The proposed development 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 from encroachment of the countryside. The proposal is, therefore, contrary to the National Planning Policy Framework.

### **SITE DESCRIPTION**

3. The application site is located approximately 100m to the east of Ulnes Walton Lane within an open area of grassed pasture land and is within the Lancashire Green Belt. The land was previously down to grass, however, it has since been developed through the erection of three timber stables buildings, which form the subject of this application. The site is accessed from Ulnes Walton Lane by a surfaced track. The character of the area is that of open agricultural land interspersed with dwellings and buildings used for equestrian and agricultural purposes. The topography is relatively flat and the open fields are demarcated by hedgerows in most instances.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks retrospective consent for full planning permission for the erection of three timber stables buildings for private equestrian use and includes an area of hardstanding between the stables and the track. There is a building with a footprint measuring 16.2m by 3.8m that is positioned adjacent to the northern field boundary and two smaller stables buildings sited opposite, which both measure 6.8m by 3.8m. All buildings have dual pitched roofs measuring up to 2.7m in height.

5. It is noted that the application form and planning statement describe the development as the change of use of the land asserting that the stables are mobile structures and not permanent. Due to their scale and construction, it is clear that the stables are not field shelters that can be dragged with any degree of regularity. There is also no intention to move the stables and these would remain in situ indefinitely, therefore the degree of permanence is such that they are considered to be buildings and are assessed as such.

## REPRESENTATIONS

6. One representation in objection has been received expressing surprise that planning permission was not sought before the buildings were erected and hard standing established.
7. One representation in support has been received stating that the sheds are not permanent, cause no harm and that the hard standing is a benefit preventing mud on the road when exiting the land.

## CONSULTATIONS

8. Greater Manchester Ecology Unit: Have no comments to make as the buildings are already in situ.
9. Lancashire Highway Services: Does not have any objections regarding the proposed erection of three stables buildings for private equestrian use (Retrospective) and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
10. Ulnes Walton Parish Council: No comments received.

## PLANNING CONSIDERATIONS

### Principle of development

11. The National Planning Policy Framework (the Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
12. This part of the Borough is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:  
"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes." The proposed development would be small scale.
13. With regard to the location of the site in the Green Belt, the Framework states that there is a general presumption against inappropriate development in the Green Belt except in a limited number of specific circumstances. National guidance on Green Belt is contained in Chapter 13 of the Framework, which states:

*142. 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.*

*143. Green Belt serves five purposes:*

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*

*(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. 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.*

*154. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- (a) buildings for agriculture and 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;*
- (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;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (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.**

14. The proposed development would support a private equestrian development 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 paragraph 154.b). However, paragraph 154.b) includes the caveat 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.

15. A relevant High Court case *R. (on the application of Boot) v Elmbridge Borough Council* [2017] at the time of the previous National Planning Policy Framework 2012 concludes that paragraph 89 of the 2012 Framework, which is repeated at paragraph 154.b) of the current 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.

16. Any harm to the openness of the Green Belt therefore means that the test in paragraph 154.b) cannot be met. New buildings in this location would inevitably have an impact on openness as the site was previously free from any development or buildings prior to the stables subject to this application being erected. Whilst the proposed stable buildings are relatively low level structures, the footprint and the enclosure that they create is clear in the context of a previously open field, whilst the level of activity generated is more intense.

17. The location of the stables close to the northern field boundary approximately 100m from the public highway and presence of a hedgerow along the western field boundary restrict views of the stables from public vantage points. The stables and associated activities can, however, be seen from where the access track meets the public highway and can be glimpsed through the hedge in places during the winter months. As such there is some visual impact on openness that is perceived from public vantage points.
18. There is also a spatial impact on openness given that the field was previously free from any development and the proposed development results in a built form through the presence of the three stables buildings. As such the development fails to preserve openness does not comply with any of the exceptions to inappropriate development in the Green Belt and is therefore harmful by definition.
19. As it has been established, the development of the site with stable buildings is inappropriate development in the Green Belt, which results 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 detailed above. The development of the application site includes the construction of hard standings and three buildings resulting in development encroaching into the countryside that was previously an area of open grassland pasture. This results in a clear incursion of built form within an undeveloped part of the Green Belt.
21. On the basis of the above it is considered that there is other harm to the Green Belt caused by the harm to the third purpose of including land in the Green Belt set out at paragraph 143.(c), as the proposed development results in a degree of encroachment into the countryside.
22. As the proposed development results in definitional harm to the Green Belt and other harm through encroachment the local planning authority must attach substantial weight to this harm. There would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm, and these 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. The applicant's Planning Statement and further Additional Supporting Information identifies the following:

*The applicant breeds the Miniature Shetlands as a hobby, and although they live mostly in fields, there are many occasions when ponies need to be stabled.*

*The applicant bred 15 foals this year and it was essential that the mares were brought inside to foal in the stable, where they could be properly supervised. In particular, during the final month before foaling it is essential that mares are closely observed for any signs of early foaling or complications, which could lead to the death of the mare or the foal.*

*If the ponies are in the fields in the final weeks they cannot be closely observed. There is the risk of them foaling in the field. Frequently, they foal at night and need to be watched so that a vet can be called in an emergency. In the event that they need urgent veterinary treatment, they need to be stabled.*

*Last year, without stabling, the applicant sadly lost three foals. This was the reason for putting the stabling on the land. As a result, this year all foals have survived.*

*Horses and ponies frequently sustain injuries and illness, in almost all cases this requires that they are stabled. Lameness of varying kinds is extremely common and always necessitates that they are stabled. This can be to rest a painful leg with infection and to ensure that the pony is kept warm, or to keep the weight off an injury and to keep dressings clean and in place.*

*Some ponies are elderly and need to be stabled from the end of autumn and throughout the winter, in order to maintain adequate body temperature.*

*The provision of appropriate shelter is essential to achieve acceptable levels of equine welfare and to comply with equine welfare legislation.*

23. The planning statement goes on to set out the associated legislation, best practice and welfare guidelines pertaining to the keeping of animals and specifically horses, ponies and donkeys stating that the stables buildings have been designed to comply with current equine welfare guidelines. The buildings are also used to store feed and equipment for maintenance purposes necessary to support the keeping of the animals.
24. The statement sets out that the applicant is happy to accept conditions relating the appearance of the stabling, any planting considered necessary, and that the stabling will be removed when no longer required.
25. The additional supporting information adds to the case that the ponies kept at the site have a higher requirement for care and that they have a much higher potential for complications likely to result in veterinary care and treatment and emergency life threatening occurrences. Further details are provided as to why the ponies, and in particular those that are in-foal, cannot be left to stand outside in water and that they require shelter when foaling. The applicant has advanced that three foals have been lost without the stabling in situ. Evidence of water logged land and the applicant's pony breeding activity are provided in addition to examples of ponies winning prizes at show events.
26. Further details of veterinary treatment administered to the animals is provided in addition to a letter from the Clinical Director at the Rufford Veterinary Group confirming that they attend to the animals kept at the site and that Shetland ponies are bred to a high standard at the site. They have also confirmed that they consider shelter to be required for in-foal mares and youngsters during the breeding season and necessary when the ground is very wet, and that shelter for feed is also necessary.
27. There is no reason to doubt the success achieved in the breeding and showing of the ponies, whilst it is clear that animals must be cared for in line with the most up to date welfare standards. The proposed stables would certainly support the improved welfare of the animals, particularly in relation to critical points in the breeding cycle. There is, however, no requirement for the local planning authority to make provision for the keeping and breeding of ponies within the borough. Nor is there a necessity for ponies to be accommodated at this site. Although it is acknowledged that all animals should be cared for in line with the highest welfare standards, animals should not be taken on without due consideration and the means to support their welfare. The willingness to accept a condition requiring the removal of the stables should they no longer be required would not mitigate their impact on openness whilst they are in situ. The applicant's case could be readily replicated through similar proposals at other sites in the Borough, and is not considered to be special or unique to this particular site or set of circumstances.
28. It is not considered therefore that the justification set out for the scheme represents the very special circumstances required to outweigh the identified harm to the Green Belt, which must be afforded substantial weight. It is, therefore, considered that the proposal is unacceptable in principle.

#### Details of the proposed development

29. 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:
30. *Scale: For development proposals involving more than three horses, the applicant should submit a statement with the planning application detailing why accommodation of the size proposed is required.*

31. It is considered that the supporting information submitted with the planning application sufficiently justifies that the scale of development would meet its intended purpose, as described earlier in this report.
32. *Siting: new buildings should not harm the landscape character of the surrounding area. They should be well related to existing trees, hedges or landscape features, avoiding prominent positions, and generally at least 30 metres away from neighbouring residential properties. There should be proper screening for car and horse-box parking and appropriate arrangements for manure storage and/or management.*
33. The proposed stables buildings are positioned close to the northern boundary of the site relatively close to an access track. Although they are visible from the public highway views are not extensive and are either filtered by boundary vegetation or seen through a gap via the access track, whilst the topography is flat and extensive views not possible. As such the stables are not a prominent feature within the landscape. The proposed stables buildings would be located in excess of 30m from the nearest residential properties and would be partially screened from the dwellings by intervening vegetation.
34. *Design/materials: traditional designs will generally be the most appropriate, clad externally in timber and with an internal timber frame, with a maximum ridge height of 3.5 metres for stables. Tack rooms and hay stores should be part of the same building, and each should be of a similar size to an individual stable.*
35. The proposed stables buildings have a ridge height of less than 3.5m, which meets with the guideline set out in the Rural Development SPD. The accommodation that is included is generally accepted for stables, and the buildings would be timber clad and of a traditional outward appearance.
36. *Site treatment: hard-standing areas, access tracks and sand paddocks should be of the minimum size necessary and should not encroach on the open countryside. Careful consideration will be required for the design of storage or parking of horse boxes on site, and fencing should be appropriate to the local vernacular and not suburban in appearance. Sand paddocks should utilise existing ground levels unless absolutely necessary and should not appear built out of the ground and thus alien to the natural contours of the land. Where a sand paddock needs to be above ground level an assessment of its visual impact would be required and appropriate mitigation incorporated into the design. Floodlighting of sand paddocks and yards is generally inappropriate in the open countryside or near to neighbouring residents. Where floodlighting is proposed, it should be designed to minimise light spillage from the lit area.*
37. As previously discussed, the proposal would result in encroachment of the countryside and so the proposal fails to meet the requirements of the SPD in this regard.
38. *Highway safety/bridleway use: the movement of horses or vehicles resulting from the siting of stables should not create danger to horses and riders, or to other road users. Stables are best sited to have safe and convenient access to the bridleway network or minor roads, although existing bridleways should not become over-intensively used as a result of the development. Wherever possible there should be a designated turning area within the site so that lorries, horse-boxes or towed trailers do not have to be reversed either on or off the highway.*
39. LCC Highway Services has no objection to the proposal.
40. *Re-instatement: A condition would normally be 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.*

41. Such a condition could be attached to any grant of planning permission for the proposed development, though would not mitigate the harm to openness as the stables could remain indefinitely.
42. Paragraph 40 of the SPD states: *“The Councils will require the following criteria to be met in considering applications for developments involving horses:*
- in the case of indoor facilities or commercial stables, the development is within an existing building or forms part of a farm diversification scheme;*  
*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;*  
*the development would not result in the over-intensive use of the local bridleway network;*  
*the movement of either horses or vehicles as a result of the development would not prejudice road safety;*  
*provision for removing any equipment and re-instating the site once its use for horses is no longer required”*
43. The proposal is for a private equestrian stables and is relatively well screened. Overall, the proposal fails to comply with all of the criteria set out in the Rural Development SPD, though is in general conformity.

#### Impact on neighbour amenity

44. The proposed stables buildings are sited over 50m from the nearest residential property to the north-west at Croston Farm Barn and approximately 100m from Millers Barn to the south west. This complies with the 30m guideline set out in the Rural Development SPD. The proposed buildings are of modest height and therefore the degree of separation is such that it is not considered that there would be an unacceptable adverse impact on the amenity of any residential occupiers. The proposed development results in an increased intensity of use at the site, bringing activity to the site and vehicular journeys. Given the degree of separation it is not considered that there would be an unacceptable adverse impact on the amenity of any residential occupiers.

#### Highway safety

45. The proposed development provides three stable buildings accessed via a track from Ulnes Walton Lane. There is hard standing to the west of the buildings and the site is accessed by vehicles with trailers. LCC Highway Services have considered the proposal and do not have any objections and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Flood risk and drainage

46. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system and in the most sustainable way possible.
47. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
- a. into the ground (infiltration);
  - b. to a surface water body;
  - c. to a surface water sewer, highway drain, or another drainage system;
  - d. to a combined sewer.
48. Any development of the site should incorporate a surface water drainage system that has been designed in line with the hierarchy set out above.

## **CONCLUSION**

49. The proposed development of the site for stables buildings and associated infrastructure is inappropriate development in the Green Belt and results in other harm to the Green Belt through the degree of encroachment into the countryside. The design and scale of the proposed stables buildings is appropriate 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 HISTORY OF THE SITE**

**Ref:** 22/00207/FUL **Decision:** REFFPP **Decision Date:** 24 June 2022  
**Description:** Erection of an agricultural building for housing sheep, hay/feed, machinery and vehicles

**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.