

Application No: 12/0190M

Location: PINFOLD STABLES, PINFOLD LANE, MARTHALL, WA16 7SN

Proposal: REPLACEMENT OF EXISTING INDOOR ARENA BUILDING WITH A NEW BUILDING TO BE USED AS AN INDOOR RIDING ARENA AND THE ERECTION OF A GENERAL PURPOSE STORAGE BUILDING

Applicant: MR D LILLEY

Expiry Date: 12-Sep-2012

### **SUMMARY RECOMMENDATION: REFUSE**

#### **MAIN ISSUES**

- **Impact on the Green Belt**
- **Protected Species**
- **Highway Safety**
- **Amenity**
- **Design Standards**

**Date Report Prepared:** 11 September 2012

#### **REASON FOR REPORT**

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development where the proposed floorspace would comprise equestrian development with floorspace exceeding 1,000 sq. m.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is known as Pinfold Stables which is a commercial livery yard located on Pinfold Lane in Marthall within the North Cheshire Green Belt. The complex comprises a U shaped stable building with grooms accommodation, a number of modern storage buildings and an outdoor manege.

The complex lies adjacent to Pinfold House which is to the south east and is also within the applicants ownership.

## **DETAILS OF PROPOSAL**

The proposals relates to the demolition of the existing indoor manege and the construction of two equestrian buildings:- one comprising an indoor manege measuring 40.5m x 22.5m and a storage building measuring 10.5m x 23.25m.

The indoor manege was demolished prior to the site visit.

## **RELEVANT HISTORY**

There is no planning history for the commercial stables, associated buildings or the groom's accommodation however a retrospective application for the outdoor manege was approved in 1997 and a retrospective application for lighting to that manege was refused in 1998.

## **POLICIES**

### **Regional Spatial Strategy**

Policy DP 1 Spatial Principles  
Policy DP 2 Promote Sustainable Communities  
Policy DP 3 Promote Sustainable Economic Development  
Policy DP 4 Make the Best Use of Existing Resources and Infrastructure  
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase  
Policy DP 6 Marry Opportunity and Need  
Policy DP 7 Promote Environmental Quality  
Policy DP 8 Mainstreaming Rural Issues  
Policy DP 9 Reduce Emissions and Adapt to Climate Change  
Policy RDF 1 Spatial Priorities  
Policy RDF 2 Rural Areas  
Policy RDF 4 Green Belts  
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision  
Policy RT 2 Managing Travel Demand

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design  
GC1 New Buildings  
DC1 New building  
DC2 Extensions and alterations  
DC3 Amenity  
DC6 Circulation and access  
DC8 Landscaping  
DC9 Tree protection  
DC13 Noise  
DC32 Equestrian facilities  
DC37 Landscaping

### **Other Material Considerations**

National Planning Policy Framework  
Equestrian Strategy

## **CONSULTATIONS**

**United Utilities** – no objections

**Parish Council** – no objections and have not been informed of any objections from neighbouring properties.

**Strategic Highways Manager** - The proposed building is larger replacement of an existing facility and in highway terms this will not have a material change in traffic using the site. No highway objections are raised.

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted to accompany the application:

Design and Access Statement  
Ecological Survey  
Additional Information

## **OFFICER APPRAISAL**

### **Principle of Development – Indoor Manege**

The proposals relate to a replacement equestrian building and a new build equestrian building within the Green Belt. Para 89 of The Framework states that the replacement of a building is not inappropriate development providing that it is in the same use and is not materially larger than the one it replaces. The existing manege building measures 23m x 20m and the replacement building would measure 40.5m x 22.5m. This is an approximate doubling of the footprint and is materially larger than the building it is to replace. As a replacement building the proposal is therefore inappropriate development in the Green Belt.

Noting that the existing building has already been demolished the proposal must now technically be considered as a new building rather than a replacement. Para 89 also states that the provision of appropriate facilities for outdoor sport and outdoor recreation may be permitted where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this instance the building is for an indoor manege. It is not considered that an indoor manege would represent an appropriate facility for outdoor recreation by virtue of the fact that it is an indoor facility. This approach has been supported by Inspectors at appeal.

The indoor manege is therefore considered inappropriate development within the Green Belt. Para 87 and 88 state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm is outweighed by other considerations.

In addition to the harm by reason of inappropriateness, the building would have a visual impact upon the Green Belt. Whilst it has the appearance of an agricultural building and would be grouped with existing buildings, the building would be 6.5m high with a floor area of 911.25 sq. m and would sit forward of the existing building line only 22m back from the edge of the highway. This building would therefore impact upon the openness of the Green Belt.

Policy DC32 is compliant with The Framework and states that new large scale facilities should utilise redundant buildings or be sited within an existing complex of buildings, form part of a farm diversification scheme, and remain as part of the original holding. The proposals would not accord with this.

The applicant has put forward additional information in respect of very special circumstances to justify the development.

The supporting information likens the visual impact to that of the existing building and considers that this coupled with the presence of the existing hedge would ensure that there is no harm to openness. The justification for the building states that the existing indoor manege is in a state of disrepair and is required to support the equestrian activity of the unit and is the size of a small dressage arena - 40m x 20m. The additional information submitted also states that the indoor manege was unsafe and this was putting off customers from locating at the site. It then goes on to state that riders expect to be able to ride all year and the outdoor manege freezes during winter making it unusable. The indoor manege is essential to the viability of the business and cannot be located elsewhere as this would be impractical. The submission is supported by letters from a Veterinarian and a Riding Instructor.

Under similar applications very special circumstances have only existed where specialist activities have been taking place and the proposals would contribute towards the achievement of other significant planning objectives. In this instance, the premises are utilized as a livery yard for approximately 22 horses – there are numerous livery yards across the Borough which do not have indoor maneges. Restricted riding during winter, is a normal part of equestrian hobbies and is not considered to represent very special circumstances. It has not been demonstrated that it is essential to the continuing development and success of the business or would contribute towards the achievement of other significant planning objectives.

The indoor manege is an inappropriate form of development and there are no very special circumstances which would justify this.

### **Principle of Development – General Storage Building**

The storage building would be a new building. Para 89 of The Framework indicates that the provision of appropriate facilities for outdoor sport and outdoor recreation may be permitted where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Policy GC1 of the Macclesfield Borough Local Plan sets out categories of new building that can be permitted in the Green Belt. This is broadly compliant with The Framework although it requires facilities for outdoor sport and recreation to be “essential” rather than “appropriate”. The Framework would take precedence on this point.

Policy DC32 is compliant with The Framework and states that new large scale facilities should utilise redundant buildings or be sited within an existing complex of buildings, form part of a farm diversification scheme, and remain as part of the original holding. The proposals would be set against the existing complex of buildings.

The policy is clear that the use of existing buildings should be considered first. This is consistent with whether the building is an “appropriate” facility. The justification statement indicates that the new building is justified and that the existing building only appears underused as the site was vacant. The supporting statement submitted with the application explains what would be stored within the building but this does not take into consideration the availability of existing buildings. It has therefore not been demonstrated that the scale of the building would be appropriate. This would be contrary to para 89 of The Framework. The building is therefore considered to be inappropriate development in the Green belt for which there is a presumption against.

The building would also have an adverse impact upon the openness of the Green Belt. This building would have a floor area of 244.125 sq. m and would be located on an undeveloped Greenfield part of the site which would be visible from the public footpath which runs to the south of Pinfold House. It is not considered that grouping the building with the existing complex would fully mitigate for this impact.

It is considered that this building is an inappropriate form of development within the Green Belt and there are no very special circumstances put forward to justify this.

### **Protected Species**

The existing ponds are potentially suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and

- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

Para 118 and 119 of the Framework advises LPAs that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered. In addition it indicates if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

The Framework encourages the use of planning conditions or obligations where appropriate. The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The protected species survey indicates that there would be no impact upon Bats, Great Crested Newts, Barn Owls and Nesting Birds. The Council’s ecologist has no objections to the proposals and therefore it is considered that in the event of approval, the recommendations of the report would be conditioned.

It is therefore considered that the proposals would accord with policy NE11 and guidance within the Framework.

### **Highway Safety**

The access arrangements are to remain as existing and the plans submitted demonstrate that there is sufficient space for vehicles to maneuver and exit the site in a forward gear within the confines of the site. The floorspace of the equestrian element would remain similar and it is considered that the resultant increase in vehicles resulting from the increased floorspace would not have an adverse impact upon highway safety. In this regard it should be noted that there are no objections from the Strategic Highways Manager.

The proposals would therefore not raise any concerns in respect of highway safety.

### **Amenity**

The site is within the ownership of Pinfold House and therefore it is not considered that this development would impact upon the amenity of the occupants of this property. The isolated nature of the location and the proximity of other neighbours negate amenity issues.

### **Design Standards**

The proposed buildings are agricultural in appearance which is in keeping with the rural character of the surroundings. That said, the new storage building would encroach into an undeveloped area of Green Belt and the replacement manege would have a greater impact on the openness of the Green Belt than the existing/previous building.

As such the proposals would have an adverse impact upon the character of the Green Belt.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposals represent an inappropriate form of development within the Green Belt and there are no very special circumstances to justify this. In addition, the proposals would harm the openness of the Green Belt contrary to policy DC32 and GC1 within the Local Plan and guidance within The Framework.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Inappropriate development in the Green Belt and harm to openness of the Green Belt

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