

## Draft Committee Report

Suzanne Loomes

Application No: 12/4814M

Location: FLORENCE STABLES, WOODFORD LANE, NEWTON,  
MACCLESFIELD, CHESHIRE, SK10 4LH

Proposal: Regularisation of stables and yard, two additional stables, horse walker,  
change of use of store into stables.

Applicant: Mr P Jackson

Expiry Date: 11-Mar-2013

**Date Report Prepared: 08.04.2013**

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact on residential amenity
- Highways implications

### **REASON FOR REPORT**

This application has been referred to Northern Planning Committee at the discretion of the Head of Planning & Policy.

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

The application site comprises a range of buildings and land used for equestrian purposes, manege, housing a horse walker and hardstanding / parking area. The site is located within the Green Belt, as identified in the Macclesfield Borough Local Plan, surrounded by open and relatively flat countryside.

### **DETAILS OF PROPOSAL**

The site is currently used as a livery and provides stabling for 18 horses. This application seeks retrospective planning permission for:

- two timber stables
- conversion of existing barn to stabling (9 stables)/tack/staff room
- 7 loose boxes in linear development
- Midden
- Yard/parking/turning area
- horse walker

- and the use of the site as an equestrian centre.

## **RELEVANT HISTORY**

06/0084P - Proposed ménage A/C 04-Apr-2006 (a condition attached to this approval prevented the commercial use of manege)

It would appear that Florence Farm had had stables for a significant number of years, although there is no record of a specific planning permission on the Council's system. This could be because they had planning permission or because planning permission was granted prior to the computerised records began in 1977. Florence Farm has been paying business rates since 1<sup>st</sup> April 2007.

## **POLICIES**

### **North West of England Plan Regional Spatial Strategy to 2021**

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

### **Macclesfield Borough Local Plan 2004 – saved policies**

NE11 – Nature Conservation

BE1 – Design guidance

GC1 – New Buildings (Green Belt)

GC8 – Reuse of buildings (Green Belt)

DC1 – Design (New Build)

DC3 – Amenity

DC6 – Circulation and Access

DC32 – Equestrian facilities

### **Other Material Planning considerations:**

Supplementary Planning Guidance – Equestrian Facilities (Borough of Macclesfield)

National Planning policy Framework

Since the NPPF was published on 27<sup>th</sup> March 2012, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF.

## **CONSULTATIONS (External to Planning)**

**Highways:** no objection

**Environmental Health:** concerns raised

**Environment Agency:** no comment to make

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Prestbury Parish Council – No objection on the condition that the stables remain full livery so not to increase traffic.

Mottram St. Andrew Parish Council – object for the following reasons;

1. The Macclesfield Borough Local Plan (2004) DC3 The proposed development will injure the amenities of adjoining and nearby properties as is clear from the objections raised by neighbours. The key concerns of the Parish Council relate to the unacceptable impact of vehicles accessing the site and Parking on Woodford Lane by vehicles unable to negotiate the entrance to the site, together with the effect on privacy, the overbearing effect and noise and smells. The ménage on the site has planning permission limited to domestic use only and shall at no time be used for commercial purposes, (06/0084P) for the expressed reason of having regard to the location of the site, consequent issues of amenity, highway safety and possible conflict with policies relating to the Green Belt and Open Countryside contained within the development plan. The Parish Council is of the view that these matters remain relevant to the site. DC6 The site does not provide safe and convenient vehicular access as Woodford Lane enters Lees Lane opposite Mill Lane at a dangerous cross roads on a busy road, and on a stretch where there have been numerous accidents. The Parish Council and Cheshire East Highways have been working together for many months to try to resolve this situation. The proposed continued use of the applicant site is considered likely to attract significant additional traffic to Lees Lane and Woodford Lane.
2. The application indicates opening hours as 24/7,365 days per year, this is not considered reasonable for access to the site as the disturbance to local residents is intolerable, This issue could appropriately be controlled however by the imposition of a condition controlling the times of access to the site for delivery vehicles and Clients.
3. The Site has shared access over a neighbour's driveway and a shared connection to a neighbour's septic tank which concerned the Parish Council that these matters do not appear to have been acknowledged in the application and any restrictions thereon could have a significant impact on the viability of the application.
4. DC32 The Parish Council observed that the applicant's proposed development at the site should not be regarded as small, It does create off site highway hazards, access to the site is far from satisfactory and there is harm being caused to residential amenity.
5. Green Belt the Parish Council considered that any adverse impact on green belt policy will be dealt with by the principal authority.

### **OTHER REPRESENTATIONS**

Prestbury Amenity Society - In view of the fact that there have been stables and their outbuildings there for a number of years, the Amenity Society has no objection to the current Plans.

14 objections have been received to date (multiple objections have been received from some of the residents during the lifetime of the application), the main planning points raised in objection are summarised below:

- whilst pleased to see business flourishing, existing livery already at Lumb Brook Livery
- Lumb Brook Livery has 25 Stables, a farm ride and a cross country course
- 47 stables, from 2 yards.
- large horseboxes, trailers, trucks, farm machinery all trying to manoeuvre down narrow lane

- increased traffic on a single carriageway/too much traffic/traffic travelling fast/dangerously/cars forced to reverse/horns blaring when cars meet/constant traffic/no through road/no speed bumps
- The Lane has one particularly blind bend adjacent to Florence Farm.
- cars turning around using residents driveways/damage to driveways/potholes
- no street lighting along lane
- no footpaths along lane
- no speed limit along lane
- huge increase in both the quantity and size of vehicles going up and down the lane
- damage to grass verges
- It would be counter-productive, when the Parish Council is looking at ways to reduce the traffic impact and improve safety on the lane,
- Driveways blocked
- Drone from yard blower
- Unsuitable location
- public footpaths off Woodford Lane
- safety of young children/walkers
- noise
- smells
- dangerous junction of Woodford lane onto Lees lane
- if the planning officers dealing with all the Lumb Brook stables applications had known about unauthorised livery stables at Florence stables already operating they would not have granted such a large expansion on Lumb brook stables on a single track no through road with a blind bend half way down.

The applicants have sent the LPA a copy of a letter they have sent to their neighbours in response to these comments.

### **APPLICANT'S SUPPORTING INFORMATION**

A covering letter and Design & Access Statement were originally submitted with the application. During the lifetime of the application further supporting information has been received, this includes; a summary of vehicular movements and a letter from the British Horse Society. The full details of these documents can be viewed on the Council's website.

### **OFFICER APPRAISAL**

#### **Principle of Development**

As a form of outdoor sport and recreation the use of the land for equestrian purposes is appropriate in the Green Belt, subject to compliance with the aforementioned policy.

#### **Policy**

The application site is located within the North Cheshire Green Belt and therefore policies GC1 and DC32 of the Local Plan and the SPG: Equestrian Facilities are applicable. The wording of the NPPF has relaxed the approach to such facilities in the Green Belt from 'essential facilities' to 'appropriate facilities'.

Para. 89 of the NPPF states that a local planning authority should regard the construction of new buildings as in appropriate in the Green Belt, unless it is for the provision of appropriate

facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt. Section 3 of the NPPF seeks to support a prosperous rural economy.

Macclesfield Borough Local Plan policy DC32 and the Supplementary Planning Guidance deal specifically with equestrian facilities (within the former Macclesfield borough) and state that these will normally be allowed in the countryside provided that the criteria outlined are met. These relate to the need for the development, its impact on the area and on nearby residents, access and parking provision and the requirement for residential accommodation.

The number of stables (18) clearly exceeds the three which are defined as small scale in policy DC32 & the SPD. However, criteria 9, states that larger scale facilities should utilise redundant buildings or be sited within an existing complex of buildings. The situation at Florence stables is considered to have utilised a former agricultural building which is sited opposite a former row of stables. The two more recently erected stables are situated between these two buildings and at 90 degrees to them, forming a courtyard style development. This complex of buildings is considered to be in compliance with criteria 9.

Officers have raised concern in terms of the availability of sufficient land for supplementary grazing and turning out for exercise. The SPD notes that the British Horse Society (BHS) suggest that between 1 and 2 acres (0.4-0.8ha) of pasture can provide grazing for a single horse during the summer months. The application forms state that the site area is 0.32ha. Clearly this is significantly below the guidance as the site accommodates 18 horses. However, an existing horse walker forms part of this application and the supporting documentation, refers to the availability of additional land at Lumb Brook Livery. Moreover, the BHS have submitted a letter of support for the application. This letter states that the establishment on Woodford Lane, is currently one (of only two) BHS Approved Centres in the area. The BHS scheme approves 'approves establishments that demonstrate the highest standards of equine welfare, equestrianism and customer service and whose facilities are maintained and improved to best meet the development needs of a high profile sport which extends from community participation to international success and offers a recreational interest for all ages'.

Whilst it is acknowledged that the proposal does not fully accord with all of the requirements of Policy DC32 or the SPD, in particular the availability of land associated with the business, the contents of the letter from the BHS are noted. As such it is not considered that the proposal would warrant sufficient harm to the interest of safeguarding animal welfare to recommend the application for refusal.

### **Green Belt**

The change of use of the former store to stabling is not considered to have a materially greater impact upon the openness of the Green Belt, and therefore is not deemed to be inappropriate development.

The horse walker replaces a similar previous structure (the Design & Access statement states the former 6 horse walker was removed from the site in 1997 and replaced in 2006). The horse walker was installed at the same time as the manage which was approved in 2006 so that it is positioned between the manege and the hedge which demarks the boundary of the yard. Having regard to the number of horses on the site, the horse walker will allow them to be adequately exercised, particularly during the winter months, and is therefore considered to

be required in the interests of animal welfare, and will support an appropriate outdoor recreational use. Having regard to the fact that it replaces a previous structure, this element of the livery is not considered to have a significant impact upon the openness of the Green Belt in this case. Consequently, the proposed horse walker is not considered to be inappropriate in the Green Belt, and therefore complies with the objectives of policies GC1 and DC32 of the Macclesfield Borough Local Plan. Furthermore, as previously noted, the NPPF requires local planning authorities to support equestrian enterprises where appropriate, and as a facility that will support the operation of the equestrian business on the site, the horse walker is considered to be acceptable.

Overall the development is considered to provide appropriate facilities for equestrian use and is not inappropriate development in the green belt. The structures have a limited impact on the openness of the green belt and are will located so as to minimise any landscape impact.

### **Highways**

A significant number of comments have been received in relation to matters of highway safety. Following a site visit the Strategic Highways Manager raises no objections to the proposal.

The Officer noted that this site operates and generates traffic along Woodford Lane in a similar way to the established equestrian livery at Lumb Brook Livery at the end of this rural cul-de-sac. There is no through traffic on the lane. His inspection found little or no verge over-riding from large vehicles and indeed less than could normally be expected on a rural lane serving a farming operation.

The officer also noted that traffic flows are very low and whilst the lane is narrow for much of its length there is no material evidence that vehicular conflict is a difficulty. The junction with Wilmslow Road is of a good standard.

Accordingly the proposal is considered to accord with policy DC6 of the MBLP and paragraph 32 of the NPPF.

### **Design/impact on the character and appearance of the area**

The design and form of the buildings/structures are typical for a rural area (predominantly timber stabling and corrugated metal agricultural store painted green) and the impact upon the character and visual amenity of this Green Belt area is considered to be acceptable. The horse walker is considered to be as discreetly sited as possible, whilst the walker has a relatively large circumference it is relatively low lying and its functional appearance is not out of keeping to the setting.

### **Amenity**

Between them the amenity policies outlined above, aim to protect the living conditions of adjoining residential properties from harmful loss of amenity e.g. unacceptable noise, smells, dust that would significantly injure the amenities of adjoining or nearby residential property.

Residential properties are located in close proximity to the site, in particular Florence Farm and Florence stables, which is situated around 20m from the main complex of buildings. A large number of the objections relate to amenity concerns, in particular noise and smells.

The Environmental Protection Team note that these properties are located in a rural area where background noise is relatively low. The Services' main concerns relate to the potential loss of residential amenity by virtue of noise from vehicular movements to and from the site, and general on site noise.

Whilst it is noted that there are potential for odours from manure to emanate from the site, the midden is situated at a reasonable distance from the nearest dwellings. The officer notes that this may be aggravated at certain times of the year or under certain weather conditions. However, due to the rural location it is not considered unreasonable that there would be a certain degree of agricultural/equestrian odour.

The Environment Protection Team note that regular vehicular activity would occur from deliveries, owner movements and regular waste disposal. The extent of stabling would indicate that the number of deliveries could be substantial. The applicants supporting information outlines their methods of buying in bulk to minimise deliveries, it is also considered appropriate to condition the hours of delivery, should Members resolve to approve the application.

According to the supporting information, the muck heap removal is carried out 2/3 times a year. The manure is removed from site by tractor and trailer to fields 2 miles from the site. Again, noting the rural location this is not deemed to be uncommon or excessive.

Due to the nature of the livery business, owners do not have to attend the site every day; some according to the supporting information only attend weekly. This is because they are on full livery and the horses are exercised by the stable staff (the horses are mainly competition horses and therefore require limited time in the field, and generally go in the horse walked for exercise once a day).

The information submitted by the applicants, outlines the vehicular movements during the week and at weekends. It is the weekends where access to and from the site is more frequent, as this when shows/events are taking place.

The yard is unlocked at 8am and closed again usually by 7pm at the weekends. The gates are then closed landlocked for the night. An hours of operation condition has been considered, however, horses may require 24hour care if they become ill, accordingly, such a condition would be unreasonable and is unlikely to meet the tests of Circular 11/95: The Use of Conditions.

Whilst the business undoubtedly generates vehicular movements, noise and smells, it is not considered to cause significant harm to residential amenity to warrant a recommendation of refusal given the nature of the livery business. Furthermore the business has been operating since 2007 and the applicants' letter to their neighbours states that nothing has changed onsite for the last 5 years. Florence Farm only accepts full and part liveries, hence the staff carry out all, or most of the equestrian care. This reduces the amount of journeys for the owners, subsequently reducing traffic and the potential numbers of people on site.

## **Ecology**

The Nature Conservation Officer has been consulted and advises that the construction of the stables buildings at this site may have had an adverse impact upon protected species, particularly great crested newts, if they were present at the time the works were undertaken.

However, the retrospective nature of the application means it is now impossible to determine whether any adverse impacts did occur or assess their significance. The proposed horse walker is too minor in nature to pose a significant risk to protected species. As such the scheme is not considered to raise concerns in terms of policy NE11.

## **Other matters**

Comments have included issues surrounding the shared access and restrictive covenants, following the submission of a Certificate B and the appropriate notices being served; these matters are civil matters and fall outside of the jurisdiction of the planning department.

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

Whilst the objections are noted, the development is considered to have an acceptable impact in terms of the impact on the North Cheshire Green Belt, highway safety and residential amenity, subject to a condition controlling the hours of delivery. The proposal accords with policies in the Framework to promote a sustainable and prosperous rural economy.

Whilst not all elements of the development are fully in compliance with the entirety of Policy DC32, the additional supporting information, namely in terms of the letter from the British Horse Society, demonstrates that the scheme is considered to be acceptable in terms of animal welfare. Accordingly a recommendation of approval is made.

Application for Full Planning

## **RECOMMENDATION:**

1. A01AP - Development in accord with approved plans
2. A20GR - Hours of deliveries

