

Application No: 11/0333M  
Location: LAND AT, SPINKS LANE, PICKMERE  
Proposal: PROPOSED STABLES INCLUDING RETENTION OF HARDSTANDING  
Applicant: MESSRS FELIX, THOMAS & MIKEY DORAN  
Expiry Date: 12-May-2011  
Ward: Bucklow

**Date Report Prepared:** 19 April 2011

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon highway safety
- Impact upon nature conservation interests

#### **REASON FOR REPORT**

This application has been brought to the Committee by the Head of Planning & Housing due to the significant local interest in the site.

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

The application site currently comprises 3 mobile homes, 3 touring caravans, and an area of hard surfacing. This development is the subject of an outstanding enforcement notice. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to retain the existing hard standing and erect four blocks of stables, each comprising 4 bays. The accommodation within each block will comprise 2 loose boxes, a foaling box, and either a hay store or tack room.

#### **RELEVANT HISTORY**

08/2196P - CHANGE OF USE OF LAND FOR THE STATIONING OF 3 MOBILE HOMES AND THREE TOURING CARAVANS TO ACCOMMODATE 3 GYPSY FAMILIES - PERSONAL PERMISSION SOUGHT – Refused 30 March 2009 - Appeal dismissed 11 June 2010

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

### **Local Plan Policy**

NE11 (Nature Conservation)

BE1 (Design Guidance)

GC1 (Green Belt - New Buildings)

DC1 (Design – New Build)

DC3 (Design – Amenity)

DC6 (Access)

DC32 (Equestrian Facilities)

### **Other Material Considerations**

Equestrian Facilities SPG (Jan 2005)

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

Highways – Comments not received at time of report preparation

Environmental Health – No objections

Pickmere Parish Council – Comments not received at time of report preparation

## **OTHER REPRESENTATIONS**

To date, 57 letters of representation have been received from local residents objecting to the proposal on the following grounds:

- Loss of openness
- Insufficient land for suggested number of horses
- Visual impact
- Impact upon protected species
- Impact upon trees and hedges
- Impact upon highway safety
- Inaccuracies within the application
- Excessive noise
- Non compliance with enforcement notice

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a design and access statement outlining the design principles behind the proposal. A letter from the Horse Trust has also been submitted advising on stabling and environmental requirements for horses.

It should be noted that paragraph 1.2 of the Design and Access statement refers to “the siting of the caravans”. This is assumed to be in error as no caravans are known to form part of the application. A plan has been submitted that shows the 3 mobile homes and 3 caravans, but this is taken to be the existing unauthorised development on the site.

## **OFFICER APPRAISAL**

### **Green Belt**

Paragraph 3.4 of PPG2 identifies essential facilities for outdoor sport and recreation as not being inappropriate in the Green Belt. Paragraph 3.5 expands upon this by citing possible examples of such facilities. These include: “small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation”. Policy GC1 of the Local Plan reflects the advice contained within PPG2.

Policy DC32 of the Local Plan refers specifically to equestrian facilities in the countryside. The requirements of this policy include:

- Stables should be small scale and required in the interests of animal welfare. Small scale is defined as a structure comprising up to 3 loose boxes plus a similar sized bay for the storage of tack, feed, bedding etc.
- Sufficient land is available for grazing / exercise.
- Development should not be prominent from local vantage points.
- Access and car parking should be satisfactory to Highways Authority.
- Proposal would not harm residential amenity
- Larger scale facilities utilise redundant buildings or are sited within an existing complex of buildings.
- The scale, design, siting and materials must be appropriate to landscape setting of the site.
- The proposal does not require the provision of residential accommodation.

The Council's SPG on Equestrian Facilities expands upon all the criteria listed under policy DC32.

The site area, including the land edged in blue appears to amount to approximately 1.6 hectares (4 acres). Stabling for a minimum of 8 horses is being provided within the development. The amount of land available for the grazing / exercise of horses is therefore well below the 0.4 hectares (1 acre) per horse recommended in the SPG and policy DC32. The scale of the stable accommodation is also greater than what would normally be considered to be acceptable as a small scale facility in the context of policies GC1 and DC32 of the Local Plan and PPG2. The proposal is therefore considered to be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, which should not be approved except in very special circumstances. PPG2 identifies that it is for the applicant to show why permission should be granted. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations. No very special circumstances have been put forward by the applicant.

In terms of other harm arising from the development, even taken as four individual blocks, the dimensions of these individual structures are greater than the recommended dimensions within policy DC32 and the SPG. Taken together, due to their scale and positioning the four blocks that are situated in two groups to the east and west of the site will significantly reduce the openness of the Green Belt in this location. The strong rural character of the area was identified by the Inspector during the previous appeal on this site. Therefore, whilst an equestrian use may be considered to be an acceptable rural activity, the provision of

significant areas of hard standing does represent a form of encroachment into the countryside that serves to urbanise the area to an unacceptable degree. Whilst more lightweight materials are mentioned elsewhere in the application, the proposed elevations refer to brickwork and concrete roof tiles. Such materials would exacerbate this impact upon the visual amenity of the Green Belt, and would be harmful to the character and appearance of the countryside.

The proposed development is considered to be inappropriate in the Green Belt, and harmful to the openness and character and appearance of the countryside. No very special circumstances have been put forward by the applicant to outweigh the identified harm. The proposal is therefore considered to be contrary to policies BE1, GC1, DC1 and DC32 of the Local Plan.

### **Highways**

The previous Inspector stated in her decision that the site does not have a safe means of access. Whilst the number of trips to the site will be different than a residential use, the proposed use, due to the number of stables, will result in an intensification of use of the junction between Spinks Lane and Pickmere Lane. Such intensification will result in an increased risk to highway safety due to the substandard visibility at the junction. The comments from the Strategic Highways Manager are currently awaited, however at this moment having regard to the previous conclusions on the access issue, there is considered to be a risk to highway safety, and the proposal is considered to be contrary to policy DC6 of the Local Plan.

### **Nature Conservation**

Due to the retrospective nature of the previous application and appeal on this site and the part retrospective nature of the current proposal, much of the harmful impact upon biodiversity has already taken place. Whilst there is the potential for some of this harm to be addressed by conditions, as suggested by the Council's Nature Conservation Officer, the Inspector had reservations about this approach.

Within the previous appeal decision the biodiversity harm was identified: *The hedgerow on the site frontage has been damaged by excavation of the bank, damage to root systems and a loss of woodland ground flora. Trees within the hedgerow have been damaged, for example where the new fencing has been erected, which may affect their health in the future. New planting on the frontage is of invasive non-native species and the exposed banks have been turfed. This damage and the use of unsuitable plant species would have an adverse effect on the local habitat and bat foraging routes. The tree planting along the access tracks has been with species atypical of the area. The importation of hardcore, invasive works and loss of pasture as terrestrial habitat may have had a negative effect on great crested newt populations and other wildlife. The disturbance of the ground and the deposit of spoil along Spinks Lane have led to some modification of the hedge banks, a loss of woodland flora and the growth of a less diverse mix of plant species.*

As was the case at the time of the appeal decision, no information has been submitted regarding what landscaping / nature conservation proposals there are to mitigate for this identified harm. The Inspector observed that "the development would adversely affect local biodiversity. The damage to the character and flora of Spinks Lane beyond the site boundary would not fall within the scope of the proposed planning conditions." This is considered to be

the case with the current proposal to the extent that insufficient information has been submitted with the proposal to adequately assess the full impact upon nature conservation interests.

### **Amenity**

Due to the distance to and relationship with the nearest residential properties, no significant amenity issues are raised.

### **Other considerations**

With regard to the comments received in representation not addressed above, the non compliance with the enforcement notice is a matter that is being pursued separately to this planning application. The current application is being assessed on its individual merits.

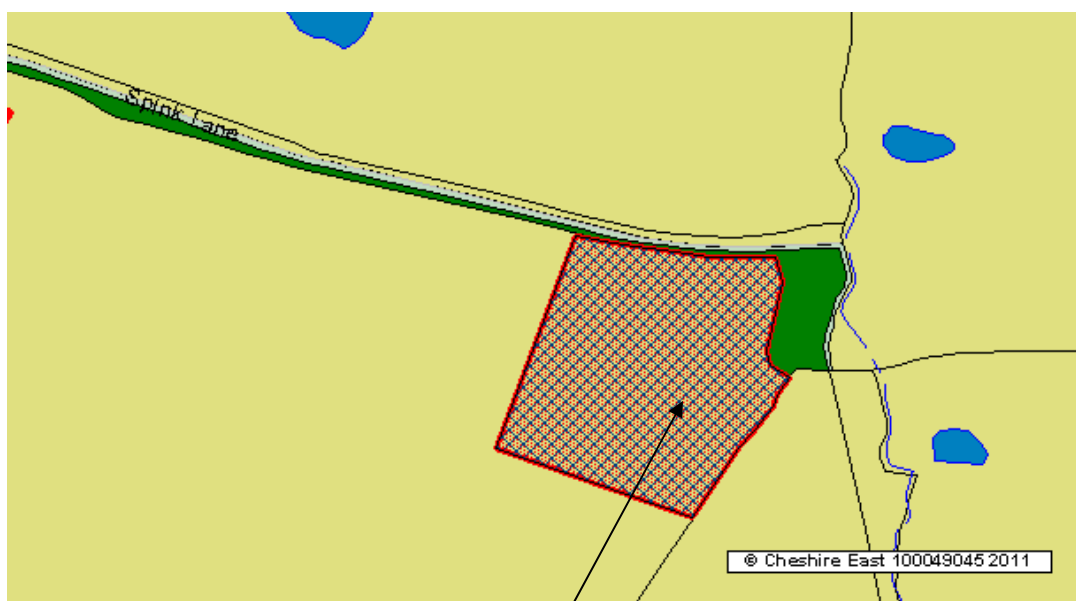
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed stables are considered to be inappropriate development in the Green Belt. In addition there is considered to be harm to the openness and visual amenity of the Green Belt, highway safety and nature conservation interests, which cannot be overcome by conditions. No very special circumstances have been put forward by the applicant. Accordingly, the proposal is considered to be contrary to policies NE11, BE1, GC1, DC1, DC6 and DC32 of the Macclesfield Borough Local Plan. A recommendation of refusal is therefore made.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Use of sub-standard access
2. Contrary to Green Belt / Open Countryside policies
3. Harmful to appearance of the countryside
4. Insufficient information



The site