

Application No: 12/1513M

Location: Birtles Bowl Pavillion, BIRTLES LANE, OVER ALDERLEY, SK10 4RS

Proposal: Proposed Demolition of Pavillion and Store and Construction of Stables, Manege and Horse Walker and the Associated Use of Land for the Keeping of Horses

Applicant: Mr & Mrs C Harris

Expiry Date: 18-Jul-2012

SUMMARY RECOMMENDATION

Refuse:

- The proposed development comprises inappropriate development in the Green Belt and the very special circumstances put forward do not clearly outweigh the harm caused by reason of inappropriateness.
- The proposed development is contrary to policy DC32 of the Local Plan and the SPG: Equestrian Facilities due to the scale, materials and design of the stable building.

MAIN ISSUES

Impact on:

- The character of the surrounding area
- The Area of Special County Value
- Highway safety
- Existing trees
- Protected species

Whether the proposal comprises inappropriate development in the Green Belt and whether very special circumstances have been demonstrated that clearly outweigh the harm caused by inappropriateness and any other identified harm

Date Report Prepared: 22nd June 2012

REASON FOR REPORT

The application comprises a large-scale major as the application site comprises an area of land that exceeds 0.2ha.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises just over 4ha of land located on the southern side of Birtles Lane, Over Alderley. The site was previously used as a cricket pitch but has lain vacant for a number of years. The application site falls within the Green Belt and an Area of Special County Value.

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the existing pavilion and store and construct a stable building, manege and horse walker. Permission is also sought to change the use of the land for the keeping of horses.

Formal pre-application advice was obtained by the applicant and his agent prior to submitting the planning application.

RELEVANT HISTORY

None

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)

DP7 (Criteria to promote environmental quality)

Local Plan Policy

NE1 (Protection and conservation of Areas of Special County Value)

NE11 (Protection and enhancement of nature conservation interests)

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC9 (Tree protection)

DC32 (Principles for equestrian facilities)

GC1 (New buildings in the Green Belt)

Other Material Considerations

Pre-Application Response Letter issued by the LPA

Supplementary Planning Guidance: Equestrian Facilities

The National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways: No objection subject to a condition

Environmental Health (Contamination): No objection subject to the standard Land Contamination note.

Natural England: Broadly happy with the mitigation proposals put forward for Great Crested Newts.

Wildlife Trust: Request that a further bat survey is undertaken prior to determination and that two rather than one barn owl box is erected. All other aspects are considered acceptable.

VIEWS OF THE PARISH / TOWN COUNCIL

Henbury Parish Council: The Council was delighted to receive this application which may be a suitable and acceptable development at Birtles Bowl. The land formerly occupied by Birtles Cricket Club has lain waste for at least 16 years and is now somewhat of an eyesore as the pavilion and other buildings rot away due to neglect.

OTHER REPRESENTATIONS

11 representations (8 from neighbours living within the Birtles Hall complex and 3 from properties in close proximity to the application site) were received that offered their support to the planning application as they consider that the development is appropriate for the Green Belt location; it would bring the existing site back into use and improve its appearance; it would prevent flytipping from happening in the future.

One of the representations, whilst supporting the application, did raise some concerns regarding the proposed development including:

- The land should be returned to parkland and the inappropriate trees removed and replaced by indigenous trees;
- The drains need to be properly maintained;
- The stables should be positioned so that they do not threaten the mature trees on the land; and
- Many cars travel along Birtles Lane at a faster speed than they should for safety. The line of sight for a vehicle turning right into the driveway to 'The Wall House' is very limited and indeed dangerous. Planning permission was obtained for an alternative and safer entrance when the land was being used as a cricket ground and the sight lines for this entrance are or could, with small amendments, be much safer. This alternative entrance should be used as the entrance to the development.

APPLICANT'S SUPPORTING INFORMATION

A Design & Access Statement, a Planning Statement, an Extended Phase 1 Habitat Survey, an Arboricultural Survey and Constraints Report, horse passports and a Vehicle Access Note were submitted with the planning application.

OFFICER APPRAISAL

Policy

Since the NPPF was published on 27th March, 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. With the exception of one word changing within the relevant Green Belt policy (which will be discussed in more detail below) the Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Design

It is proposed to demolish the existing timber clubhouse and brick built store that were previously used in connection with the cricket pitch. A stable building would be erected south of the existing buildings and would comprise a U-shaped design. Six horse boxes, a store, a feed store, a tack/WC/mess, a wash area and covered areas for farrier visits would be provided beneath a pitched roof. The building would be constructed of masonry block work covered in timber boarding with a slate covered roof. The stable building would be positioned on top of an area of concrete hardstanding and an area of limestone chippings would be located to the north and east of the building to provide areas for the parking and turning of vehicles. A manege measuring 60m by 20m and a horse walker would be positioned within the area that previously housed the cricket pitch with the manege positioned to the west of the stable building and the horse walker positioned to the northwest. No elevational drawings have been provided for either of these structures and therefore they would need to be

conditioned accordingly. It is also proposed to change the use of the land for the keeping of horses.

Concern is raised regarding the scale of the proposed stables building and the proposed materials. Policy DC32 of the Local Plan states that buildings should normally be of timber construction with a low pitched roof. This is further emphasised within the Equestrian Facilities SPG. The proposed stables would have an overall height of 4.5 metres; the height for stables specified by the Equestrian Facilities SPG is between 2.7 metres and 3.4 metres. Due to the materials to be used, the proposed stables would comprise a more substantial building than is usually the case with stables. The scale of the building is in excess of what is usually considered acceptable and is contrary to policy DC32 of the Local Plan and the Equestrian Facilities SPG. It is therefore considered that the proposed stables building is of an unacceptable design and scale for its intended use and is not required in the interests of animal welfare as indicated in policy DC32 of the Local Plan.

The proposed manege is larger than the 40m by 20m size that is usually permitted by the Local Planning Authority however the applicant has advised that a larger manege of the dimensions stated is required due to completing at a particular level in dressage competitions. This element may therefore be justified.

The buildings/structures would not be highly visible from Birtles Lane or the surrounding parkland due to the existing tree cover and the existing mound that surrounds the majority of the former cricket pitch. The Landscape Officer does not consider the proposed development would have a detrimental effect on the Area of Special County Value subject to a number of conditions (see below). Some concern is raised regarding the parking of vehicles and horse boxes within the application site however they are unlikely to be highly visible from the surrounding area. The use of limestone chippings is not considered acceptable given their colour and therefore the proposed surfacing materials should be conditioned for approval. No information has been provided in respect of how the proposed area of hardstanding within the site would adjoin into the existing driveway that leads to 'The Wall House' (it currently comprises part of the grassed parkland) and therefore this should be conditioned accordingly. Subject to the imposition of the above conditions it is not considered that the proposed change of use of the land or the proposed buildings would be highly visible from the surrounding area.

The Conservation Officer has assessed the application given the site's setting within a historic parkland. Whilst he has no objection to the proposed change of use he raises concern that the future development of the site could change the setting of this site and should be guarded against.

The proposed stable building would not comply with policies BE1 or DC32 of the Local Plan or the Equestrian Facilities SPG as the building does not use appropriate materials, its scale is not required in the interests of animal welfare, and it would result in a permanent rather than temporary structure within the countryside. The design of the building is therefore considered unacceptable.

Green Belt Policy

The application site is located within the North Cheshire Green Belt and therefore policies GC1 and DC32 of the Local Plan, the SPG: Equestrian Facilities and the NPPF are applicable.

Local Policy Constraints

Policy GC1 of the Local Plan states that new buildings in the Green Belt comprise inappropriate development unless it is for one of a number of purposes. One such purpose, as outlined at criterion 2 of the policy, is where the building is for *'essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.'* The reasoning to the policy outlines at paragraph 4.11 that essential facilities for sport and recreation include *'small changing rooms, unobtrusive spectator accommodation or small stables.'*

Policy DC32 of the Local Plan and the Equestrian Facilities SPG go on to define 'small stables'. They state that *'small structures/stables shall be taken as referring to the development of up to and including three loose boxes (where a loose box is normally taken to be a 12ft x 12ft bay) plus a similar sized bay for the storage of feed, bedding, tack etc'*. The policy and SPG goes on to state that between 1 and 2 acres of grazing land is required per horse and the SPG specifies certain height limitations that stables need to conform to.

No policy has been saved in the Local Plan in respect of the change of use land in the Green Belt.

National Policy Constraints

The NPPF has recently been formally adopted and states at paragraph 89 that the construction of new buildings should be regarded as inappropriate development in the Green Belt unless it is for one of the listed exceptions. One such exception is the *'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'*. The policy has altered slightly since that contained within PPG2 and Local Plan policy GC1 in that facilities now have to be *'appropriate'* rather than *'essential'*. As policy DC32 and the Equestrian Facilities SPG outline that *'appropriate'* stables should be small scale and they define what size of stables would be acceptable, it is considered that these policies are still consistent with the new wording within the NPPF and therefore should be afforded full weight when considering this application.

Paragraph 90 of the NPPF states that certain other forms of development (other than new buildings) are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The policy lists what these types of development are and equestrian use is not one of them.

Does the proposed Development Comprise Inappropriate Development?

There is no saved policy within the Local Plan in respect of changes of use or other operations within the Green Belt and the NPPF does not list equestrian use as one of the exceptions. However, Members should consider whether the proposed use preserves the

openness of the Green Belt and whether or not it conflicts with the purposes of including land in the Green Belt.

The development proposes 6no. stables, a store, a separate feed store, a tack room/wc/mess and covered areas for the washing of horses and for use by the farrier when he visits. Whilst the individual stables would comply with the floorspace measurements outlined in policy DC32 and the Equestrian Facilities SPG, the overall number of stables and additional store rooms/other areas would exceed the policy definition of 'small scale stables'. The proposed stable building therefore comprises inappropriate development in the Green Belt.

The manege and horse walker are considered to comprise appropriate facilities for outdoor sport and recreation that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. These are therefore considered to not comprise inappropriate development in the Green Belt and would comply with policy GC1 of the Local Plan and the NPPF.

Assessment of any harm in addition to that of inappropriateness

The associated stable building would result in the requirement to provide an area of hardstanding on which the stables would be sited as well as an access drive across part of a field, an internal access road and an area for the parking and turning of vehicles. The additional areas of hardstanding would result in additional harm to the Green Belt.

Whilst the applicant lives, as the submitted Planning Statement outlines, '*a two minute walk*' from the site, it also states that the facility would be shared with Jaine Bailey who would stable her three horses within the building. Jaine Bailey is the applicant's dressage teacher. The statement goes on to outline that Jaine Bailey and Leanne Gibson who currently work at a nearby stables where the horses are currently stabled would be employed by the applicant to work at the proposed stables. The proposed development would result in the stables being a commercial development rather than stables for personal use. It would result in the applicant's employees having to travel to and from the site on a daily basis and would result in a need for them to park at the site. The parking of vehicles would result in additional harm to the Green Belt.

The applicant states within the submitted Planning Statement that she and Jaine Bailey both compete in dressage competitions. The horses that would be stabled at the application site would therefore need to be transported to and from competitions, resulting in a requirement for a horse box or boxes being parked on the site. This would result in additional harm to the Green Belt.

Policy DC32 and the Equestrian Facilities SPG outline that large-scale developments (those exceeding 3 stables and a tack room) have to utilise redundant buildings or be sited within a complex of buildings. Whilst it is acknowledged that the timber clubhouse building would not be capable of conversion, the brick built store could be converted and used for some of the purposes that the applicant is applying for. The proposed development fails to utilise this opportunity, with the Planning Statement outlining that '*it is preferable to come forward with a composite scheme that will be designed to a high quality rather than a collection of new and old buildings constructed in a more ad hoc way.*' The use of the existing building for some of

the applicant's needs would comply with planning policy and would result in the requirement for a much smaller new building in the Green Belt. The failure to re-use this building results in additional harm to the Green Belt.

Assessment of considerations put forward in favour of the development

Paragraphs 87 and 88 of the NPPF state:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.'

The applicant has stated that there are also very special circumstances to support the proposed development should it be considered to comprise inappropriate development in the Green Belt, however these are not outlined in a concise list and therefore the Case Officer has had to pull out from the statement what these may comprise.

1. The proposed stable building would have a similar floorspace and similar scale as the buildings that are proposed to be demolished.
 - The figures for the existing buildings include the floorspace of a building that has long since been demolished. It was outlined in the formal pre-application response letter that this could not be relied upon as floorspace.
 - The applicant fails to take account of the floorspace beneath the overhanging roof when calculating the floorspace of the proposed stable building.
 - Comparing the floorspace of the existing two buildings to the whole of the floorspace that would be created by the proposed stable building, the new building would result in an increase of 111.6%
 - The Planning Statement outlines that the height of the stables would be similar to that of the existing pavilion (4.5m versus 4.2m – figures that do not correspond when measuring from the submitted plans). The existing buildings however are not of a uniform height. The pavilion building's height fluctuates from 3.25m to 4m (Case Officer's figures) whilst the store building's height is 3.2 metres. The massing and height of the proposed stables building exceeds that of the existing buildings when the actual heights are compared rather than the maximum height of part of one of the buildings.
 - The existing buildings would have less of an impact on the openness of the Green than the proposed stable building therefore no weight is therefore attached to this consideration.
2. The proposals will not have any materially greater impact on the openness of the Green Belt than the established Class D2 leisure use.
 - The cricket use of the site and the associated buildings did not comprise inappropriate development in the Green Belt when they were built/when the change of use was undertaken.
 - The cricket use of the site has been abandoned, although it is acknowledged that the site's last use was for D2 purposes and therefore could potentially be reinstated.

- The proposed change of use for the keeping of horses and the proposed stables building are inappropriate development in the Green Belt.
 - The proposed development would comprise a commercial rather than personal use and therefore a condition cannot be attached to restrict the use of the site to the applicants and their horses.
 - The proposed development would employ two people and would result in daily trips to and from the site.
 - It is accepted that the change of use of the land for the keeping of horses would have no greater impact on the openness of the Green Belt than the current D2 use as a cricket pitch and therefore substantial weight is given to this very special circumstance. However no weight is attached to this very special circumstance in respect of the proposed stable building as the existing buildings are compliant with Green Belt policy and are small scale, whilst the stables building and associated areas of hardstanding have a substantial impact on the openness of the Green Belt.
3. The development will involve the re-use of land
- A small scale equestrian use that is not inappropriate development would achieve the same outcome and be less harmful to the openness of the Green Belt.
 - No weight is attached to this consideration.
4. It would generate jobs within the local rural economy.
- The creation of jobs results in a need for people to travel to and from the site on a daily basis. The site is not located in a sustainable location.
 - Some weight is attached to this consideration.
5. The separate feed store, store and tack room are required due to the type of horses that are being stabled. Dressage horses require roughage bought seasonally in quantity to ensure consistency that results in a higher provision of feed storage space than a regular horse that grazes. Competition horses require a large amount of expensive tack which needs constant care in a dry, secure environment.
- The existing brick built store could be utilised without the need for such a large new building at the application site.
 - No evidence has been provided why three separate rooms are required for these purposes rather than one room.
 - No evidence has been put forward as to the exact quantities of feed and equipment that would be stored, to justify rooms of the sizes specified.
 - No information has been put forward as to why the feed or equipment cannot be stored at the applicant's dwellinghouse that is only a 'two minute walk' from the site.
 - Unsure why the applicant would want to store expensive equipment in an isolated building away from her property with the threat of theft.
 - Given the lack of information and as an existing building could be used for such a purpose, no weight is attached to this consideration.
6. Washing, toilet and refreshment facilities are required for staff working all day.
- The applicant's house is a 'two minute walk' from the application site. There is no need for such facilities to be provided within the stable building and are not facilities that feature within other stable developments in the Borough.
 - No weight is attached to this very special circumstance.

Conclusion on Green Belt

The proposed manege and horse walker would not comprise inappropriate development in the Green Belt and would therefore comply with policies GC1 and DC32 of the Local Plan, the Equestrian Facilities SPG and the NPPF. These aspects of the development are therefore considered acceptable.

The proposed change of use of the land for the keeping of horses does not fall within one of the listed categories in the NPPF. However, the use of the land for the keeping of horses would not have any additional impact and it would have no greater impact on the openness of the Green Belt than the existing/last use of the site as a cricket pitch.

The proposed stables building and associated areas of hardstanding would comprise inappropriate development in the Green Belt. Additional harm would also be created from such a building and engineering operation. The very special circumstances put forward do not clearly outweigh the harm caused by reason of inappropriateness or the other identified harm. The proposed stables building and associated areas of hard standing are therefore considered to be contrary to policies GC1 and DC32 of the Local Plan, the Equestrian Facilities SPG and the NPPF.

Amenity

No residential properties are located in close proximity to the application site. The proposed development is therefore not considered to have a detrimental effect on neighbouring amenity and would comply with policy DC3 of the Local Plan.

Highways

The proposed development would utilise an existing access onto Birtles Lane that is used to gain access to the property known as 'The Wall House'. An existing gate approximately 70-80 metres along the access road would provide access into the application site, however this does not currently adjoin into the existing access track. A submitted drawing outlines that limestone chippings would be used to create an area of hardstanding for the parking/turning of vehicles within the site, however no details have been provided to show what surfacing would be proposed to allow vehicles to get from the access track into the site. As discussed above this could be conditioned.

The Strategic Highways Manager has assessed the application and considers that the proposed development is low key in terms of traffic movements and is seen as appropriate given the narrow nature of Birtles Lane. There are improvements to visibility required at the access and the submitted plan has indicated splays of 2.0m x 45m in each direction. This level of visibility is acceptable given the vehicle speeds. He therefore raises no objection subject to a condition requiring the visibility splays to be implemented. The proposed development is therefore considered to comply with policy DC6 of the Local Plan.

Ecology

Natural England

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Great Crested Newts and would therefore avoid affecting the favourable conservation status.

Cheshire Wildlife Trust (CWT)

One of the recommendations contained within the Extended Phase One Habitat Survey (2012) is for a bat emergence survey centred on the two existing buildings to be undertaken. No such survey results are included with the current application and therefore this survey needs to be undertaken prior to determination. The additional survey has been requested and is currently awaited.

Further to the recommendation in the survey, CWT supports the installation of not one but two barn owl boxes on site, in accordance with guidelines published on the RSPB's website.

CWT concurs with the other recommendations within the report in respect of badgers, birds, hedgehogs, otters, reptiles, rhododendrons, orchard trees, water voles and white-clawed crayfish. CWT concurs with the proposed 'Reasonable Avoidance Measures' in respect of Great Crested Newts.

CWT considers that, if present and/or breeding on the site, lapwing and grey partridge are likely to be adversely affected by the proposed new uses of the site, especially if the former area of the cricket field is to be grazed by horses. However, it is probable that the records of these species are not from the site itself but from adjacent agricultural or parkland areas within 1km of the site, and for this reason, no mitigation is required.

Nature Conservation Officer

The Nature Conservation Officer is awaiting the submission of the further Bat Survey before commenting on the application. His comments are therefore currently awaited.

Trees

The Birtles Bowl site has been neglected for many years with little pro-active tree management taking place since its inception. This has resulted in the extensive planting expedited some 20 years ago establishing a tangled mass of etiolated trees. Apart from the recently planted trees the site also contains a number of large mature specimens including Oak and Lime. These are considered to be high value trees, category A in terms of BS5837.

The development proposals, in terms of access and the location of the proposed footprint, broadly occupy the existing access track and hardstanding occupied by the redundant car park. The only alteration to this relates to the expanded turning area which extends close to the tree identified as T5524. No details have been included in terms of construction, but any hardstanding outside the existing sub-base would have to be implemented under a 'no dig' construction. The site plan identified the use of Limestone chippings; this would not be acceptable as the limestone would have an adverse effect on the health and longevity of the trees on the site as a result of leaching as part of rainwater runoff. The removal of a single tree (failed pine) has been identified for removal, this will probably need to be expanded to include a small Red Oak, but again both trees are considered individually to present low amenity value Category C.

The stable complex stands within the existing car park with any root development associated with both the adjacent semi-mature and mature trees considered to be reduced and limited under the hardstanding. Construction of the concrete hardstanding and building footprints will not have a negative impact on the adjacent trees providing excavation is kept to a minimum.

A limited amount of pruning will be required in order to establish a reasonable tree/building relationship.

The position of the manege and horse walker have been located on the cricket ground outside the Root Protection Areas of the adjacent tree cover as identified within BS5837. This will not have a detrimental impact on the retained tree aspect.

In order to facilitate access and provide a reasonable visibility splay onto Birtles Lane a limited number of trees will require removal. These are considered to be poor specimens, category C with limited amenity value.

The application lacks specific detail in terms of addressing all of the arboricultural issues but on balance these could be addressed by condition. There is also an opportunity to address the neglected state of the woodland and copse planting schemes. This should be seen as a positive gain if this could be facilitated. For these reasons and subject to conditions requiring the submission of a Tree Protection Plan, a method statement for the proposed driveway and hard standing within the defined root protection areas of the retained tree aspect, a detailed levels survey, and a detailed 10 year woodland management plan for the trees located within the site edged red, it is considered that there are no objections from an arboricultural perspective. The application would therefore comply with policy DC9 of the Local Plan.

Landscape

The application site is located within an Area of Special County Value. The Landscape Officer has assessed the application and does not object to the proposed stables, horse walker and manege but recommends that the woodland, tree belts and orchard area should be fenced off to exclude the horses and should be managed to improve both the woodland and nature conservation status. Horse grazing should be restricted to specific areas of the site. If the application is approved the Landscape Officer suggests that conditions should be attached in respect of:

- A landscape plan for the whole of the site edged red showing the stables, manege, horse walker, areas of hardstanding, areas to be grazed and areas to be fenced off and managed for woodland improvement and nature conservation.
- A 10-year woodland and habitat management plan.
- Full details for the manege, horse walker, fencing, gates and hardstanding.

Subject to these conditions it is not considered that the proposed development would have a detrimental effect on the Area of Special County Value or the visual impact of the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the principle of using of the site for equestrian purposes is considered acceptable and the siting and scale of the proposed manege and horse walker is agreed, the scale of the proposed stable block and the uses contained within it are contrary to planning policy in respect of Equestrian Facilities and would have a detrimental effect on the openness of the Green Belt. The very special circumstances put forward are not considered to clearly outweigh the harm caused by reason of inappropriateness or the other identified harm. The scheme should be reduced in size and the existing brick built building should be converted and used as part of the scheme.

The application is therefore recommended for **REFUSAL**.

SUBJECT TO

The submission of a further Bat Survey and the comments of the Nature Conservation Officer.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Contrary to Green Belt / Open Countryside policies
2. Equestrian development

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