

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: 18-Oct-2012

SUMMARY RECOMMENDATION: REFUSE

MAIN ISSUES

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

Date Report Prepared: 11th September 2012
Updated 8th October 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.

A proposed storage building has since been removed from the original scheme bring the overall floorspace below 1,000 sq. m.

The application was deferred from the previous committee meeting to allow Members to undertake a Site Visit and to allow the applicant to submit further justification for the indoor riding arena to be considered by officers and Members.

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 construction of an indoor manege measuring 40.5m x 22.5m.

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

Comments from agent regarding contents of previous committee report:-

- Considers that this is an appropriate form of development in the context of the wider operations at the site - the equestrian activities associated with this facility comprise both outdoor and indoor facilities. However the predominant activity is one of outdoor recreation.
- Horses need to be exercised every single day and when the weather conditions are poor, for example when there is ice or snow on the ground it is simply not safe for both horses and riders to be undertaking that exercise out of doors
- Makes reference to application 09/4311M which was considered inappropriate development. However, the reasons for approving this application was because very special circumstances exist that outweigh the harm to the Green Belt and the visual impact of the proposal on the character and appearance of the area is considered to be acceptable.
- Considers business would be unviable without indoor ménage
- With the introduction of a very special circumstances argument in accordance with case law the actual harm to the green belt must be reviewed in the balancing exercise.

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 new build equestrian building within 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 of The Framework 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.

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 applicant considers that this is an appropriate form of development in the context of the wider operations at the site - the equestrian activities associated with this facility comprise both outdoor and indoor facilities. However the predominant activity is one of outdoor recreation.

12 Livery yards have been identified within a 5 mile radius of the site and only one of which has an indoor manege. Indoor maneges are more common at riding schools but permission for these has only been granted where such a building has been necessary to enable disabled patrons to utilize the facilities. Those permissions have only been granted when it has been concluded that very special circumstances existed. New Barn Farm, Ollerton, is a riding school which provides a specialist service and gives lessons to disabled persons. The need to provide covered facilities for disabled users was considered to represent very special circumstances in that particular case.

The agent considers that those decisions and appeals noted within the committee report (referring to indoor riding arenas as inappropriate development) were determined prior to the publication of The Framework. As the test for buildings required for outdoor sport and recreation has changed from essential to appropriate, the agent considers that limited weight should be given to these previous decisions.

However, this approach has been supported by Inspectors at appeal post The Framework. A recent appeal decision in Buckinghamshire related to an indoor manege within the Green Belt. The Inspector reasoned that the enclosed manège would not in itself be a facility for outdoor horse riding but for indoor horse riding as a substitute. It would therefore be inappropriate development in the Green belt.

In addition The Framework also requires that if facilities are appropriate, that they also preserve openness and do not conflict with the purposes of including land within the Green Belt.

In terms of openness, the proposed building would measure 40.5m x 22.5m and would reach a height of 6.6m. It is duly noted that there was an existing indoor manege on the site and as it was demolished prior to the site visit, it cannot be assessed as a replacement building. That said, that existing building measured 20.5m x 22.5m reaching a height of 6.6m and therefore this building would be almost double what was there before.

A building measuring 40.5m x 22.5m reaching a height of 6.6m would have an adverse impact upon openness.

The indoor manege is therefore considered inappropriate development within the Green Belt. Paras 87 and 88 of The Framework state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. **Substantial weight** should be attached to any harm to the Green Belt and very special circumstances will not exist unless the harm by inappropriateness, and any other harm, is **clearly outweighed** by other considerations.

The applicant has put forward additional information in respect of very special circumstances to justify the development. These centre on the following topics:-

- Viability/ Finance
- Practical Considerations
- Animal Welfare

Viability/ Finance

The applicant considers that the indoor manege is essential to the viability of the business - letters from a Veterinarian, Riding Instructor and a prospective tenant have been attached along with financial information indicating that the business was operating at a loss. The financial information suggests that the replacement indoor riding arena plus offering full livery would turn around the fortunes of the business.

It should be noted that the premises have been left empty for the last two years to refurbish the facility up to modern standards. The business was operating at a loss when it had an indoor and Olympic sized outdoor manege.

The information submitted by the applicant includes financial projections for the business under 3 scenarios:

1. As a D.I.Y. yard with outdoor arena only
2. As a full Livery Yard with outdoor arena and modern indoor arena run at a capacity of 22 stables
3. As a full Livery Yard with outdoor arena and modern indoor arena run at a minimum profitable capacity of 20 stables.

The projections given are based on current rate chargeable of between £25-£30 per stable per week (scenario 1) and £150 per stable per week (scenarios 2 and 3).

The information submitted concludes that the business can generate an operating profit under scenarios 2 & 3, but not under scenario 1.

It should be noted that no projections are provided for a Full Livery Yard without the indoor arena.

The projected increased projected profit includes moving from DIY livery to full livery. DIY is where customers pay for the horse to be stabled at the yard but undertake the labour themselves. Full livery is where applicants pay for someone to look after their horse for them and may include feed and bedding. The increased rental cost in scenarios 2 and 3 is therefore also derived from labour rather than solely or directly as a result of the proposed indoor riding arena.

As there are a number of livery yards within a 5 mile radius of the site, prices for livery are competitive. Many livery yards have outdoor maneges measuring 40m x 20m. Therefore the availability of a 60m x 40m floodlit manege (which already exists at this site) already sets these facilities apart from many livery yards in the area.

Taking the figures at face value, the existing business could very likely be improved by advertising full livery services and/ or a smaller indoor manege. Therefore whilst the livery may be more profitable with a full size indoor manege, it is not considered that there is a business viability argument that weighs heavily in favour of this proposal.

Notwithstanding the lack of robustness to the viability assessment submitted, Members are also advised that the speculation about the profitability of the enterprise is not a material consideration that should be afforded significant weight in favour of planning permission. This is to be compared with the substantial weight in favour which must be demonstrated to clearly outweigh the identified harm to the Green Belt.

Practical Considerations

The applicant also considers that the indoor arena it will increase the number of horses which can be exercised at any one time during the evening period when dark and in inclement weather even if it is still possible to use the outdoor arena. Other competing facilities offer a number of outdoor arenas which isn't the case here. The existing manege is 60m x 40m and therefore would enable up to ten horses to be exercised at one time with in excess of 20 being able to be ridden within a 2 hour period. Even at peak times, the existing facilities would be able to meet demand.

Animal Welfare

The applicant considers that daily exercise, some of which, being competition and sport horses may require intensive exercise on a regular basis. During inclement weather especially when there is frost or snow on the ground the use of the outdoor arena and fields would not be safe to be used.

Turning to welfare, competitions take place between April- September and the existing manege is Olympic sized and an all weather manege. As such it would be useable in all but the most extreme weather conditions. As there are in excess of 12 livery yards within a 5 mile

radius without indoor maneges of which a number house competition horses competing at a national and international level, it is not considered that an indoor manege is necessary on welfare grounds. Moreover the need to exercise horses for the odd day where the outdoor manege is unusable is not considered to represent very special circumstances.

Conclusion on Green Belt

The proposal is an inappropriate development in the Green Belt for which there is a strong presumption against. The proposal, as a large new building, will also have an impact on the openness of the Green Belt. Openness is the most important attribute of the Green Belt. Both of these factors carry substantial weight against granting planning permission. To be granted permission, this harm must be *clearly outweighed* by other considerations.

The case put forward by the applicant in respect of financial viability, practicality and animal welfare has been given due consideration. However, it is not considered that these factors, either individually or cumulatively, clearly outweighs the substantial harm identified. Very special circumstances have not been demonstrated to allow this development.

Horse riding is a highly popular form of recreation/ sport within the Borough and if the principle of an indoor riding arena were acceptable for any commercial equestrian premises, without any very special justification, the cumulative impact of this on the openness of the Green belt would be significant.

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. It is considered that the resultant increase in vehicles resulting from the increased floorspace would not have a 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. There is no objection on design grounds.

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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