

Application No: 14/0563M

Location: COPPER BEECHES FARM, CHELFORD ROAD, GREAT WARFORD,  
ALDERLEY EDGE, SK9 7TL

Proposal: Indoor Menage building

Applicant: Nicola Claxton

Expiry Date: 24-Jul-2014

**Date Report Prepared:** 23 June 2014

## **SUMMARY RECOMMENDATION**

**REFUSE**

### **MAIN ISSUES**

- Principle of indoor manege in the Green Belt
- The impact upon highway safety
- The impact upon trees of amenity value
- The impact upon the amenity of neighbouring property
- The impact upon the character of the area
- The impact upon nature conservation

## **REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee as the floor area of the proposed building over 1000 sq. m.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an existing livery yard known as Copper Beeches Farm. The site lies within the designated North Cheshire Green Belt and is accessed from Chelford Road in Great Warford. There is ribbon residential development along this section of the road.

## **DETAILS OF PROPOSAL**

The construction of an indoor manege measuring 20m x 60m reaching a height of 6.8m.

## **Planning History**

13/5095M Implement shed (agricultural determination) Approved 8.1.2014

07/1539P Conversion of existing building to living accommodation and formation of ménage in connection with equestrian business – resubmission of 07/0259P Approved 1.8.2007

98/1552P Change of use from agriculture and private stables to agriculture and the breeding and rehabilitation of horses; closure of existing farm access and construction of new access. Approved 30.9.1998

65123P Demolition of existing stable block (five) and store and erection of new stable block (eight) store and tack room Approved 13.12.1990

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

BE1 (Design Guidance)  
DC1 (New Build)  
DC2 (Design Quality of Extensions and Alterations)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
GC1 (New Buildings)  
DC32 (Equestrian Facilities)  
NE11 (Nature Conservation)

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development  
PG3 – Green Belt  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
National Planning Practice Guidance  
SPG Equestrian Facilities

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

**Environmental Health** – recommends a condition in respect of construction hours

### **VIEWS OF CHORLEY PARISH COUNCIL**

Has no objection to this application providing the building is suitably positioned [as illustrated in the proposed plan and aerial view of 22.02,2013], and surrounded by suitable planting to minimise the visual impact. Chorley Parish Council believe that the removal of the existing open menage land in effect returns this area to green belt as an exchange for the land given to the indoor menage. Also an indoor menage is far less intrusive to the surrounding area than that of an open menage with coloured jumps etc.

### **OTHER REPRESENTATIONS**

One letter of representation received from 2 Welton Drive as follows:-

- Copper Beeches is run as a livery yard with fit and healthy horses being stabled on the grounds who do not come under the bracket of rehabilitation/retirement livery.
- Regular turnout is offered but there has been no turnout for several weeks
- The website boasts features which are not correct and need to be rectified.
- If the proposal is granted, the removal of the existing outdoor menage is required as it is deemed not suitable.
- If the proposal is granted, request that the livery yard is restricted to rehabilitating or retirement horses and not for horses based on a normal full livery basis as it currently is being used.

-After the closure of another full livery yard in the area, many of the customers moved to Copper Beeches as this was one of the closest livery yards offering full livery with an outdoor manege.

Comments from agent in response:

-Barking dogs disturb the horses and riders are using the existing outdoor manege and is interfering with the rehabilitation of the horses

Letters of support from 4 customers at Copper Beeches Farm who indicate that an indoor manege is required for the rehabilitation of their horses and that there would be safety benefits associated with the indoor manege.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted on behalf of the applicant:

### **Planning Design and Access Statement**

Indicates that pre-application discussions took place and that the LPA considered the proposals to be inappropriate development in the Green Belt. Surveys in respect of protected species also requested. The erection of an indoor manege for the care and rehabilitation of horses represents very special circumstances. Includes letters of support from Vets and Osteopath. Limited impact upon openness.

### **Protected Species Survey**

Recommends reasonable avoidance measures in respect of Great Crested Newts and the installation of bat/ bird boxes within the building.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposals relate to a new build equestrian building within the Green Belt. Para 89 of The Framework 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 within the Local Plan 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 bespoke activities at the site - the equestrian activities associated with this facility are for

rehabilitation purposes. The Planning Statement indicates that horses need to be exercised all year round and this is not possible in inclement weather at present. An indoor manege is therefore necessary.

Indoor maneges are not common features of livery yards. 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 utilise 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. Moreover it should be noted that the application related to a roof over an existing manege and the resultant building was open sided. At Pinfold Stables, the indoor manege was permitted as the presence of an existing indoor manege (which the new manege would replace) constituted very special circumstances.

The approach that such facilities are inappropriate has been supported at appeal. 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 20m x 60m and would reach a height of 6.8m. A building of this scale would inevitably have an adverse impact upon openness. Whilst the building would be loosely grouped with the existing stable building, it would constitute a further incursion into the undeveloped Green Belt.

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:-

- Practical Considerations
- Animal Welfare
- NPPF

#### Practical Considerations

The applicant considers that the existing manege is not suitable for the specific care required as it is often not possible to use it in poor weather conditions. The horse walker is only suitable for certain types of rehabilitation.

The applicant has lost custom due to the problems associated with the outdoor manege.

The existing manege is close to residential properties. Noise from the activities causes disturbance to residents and barking dogs cause issues for the training of horses.

On site provision removes the requirement to travel elsewhere.

Scale required due to care for dressage horses.

The business is clearly thriving and as the business has been in operation for 6 years without such a facility, whilst this may be desirable, it is clearly not necessary for the continued function of the business.

Horses often have to deal with noises from various different sources and provision of an indoor facility would not necessarily remove this hazard e.g. wind, noise of rain on the roof, and general noise from outside. No complaints have been received by Environmental Health regarding noisy activities at the site.

The appellant also has the option of moving the existing manege away from neighbouring properties.

### NPPF

The applicant considers that the development would allow the continued success of an existing rural enterprise which indicates a policy presumption in favour of the development.

### Animal Welfare

The applicant considers that daily exercise is required all year round. Letters from a Vet and Osteopath confirm that they consider such an indoor manege to be necessary to provide the required level of care.

The existing surface treatment of the manege is unknown. However outdoor maneges which utilise an all weather surface are useable in all but the most extreme weather conditions. As horses are clearly rehabilitated all over the country in environments where inclement weather does not facilitate daily exercise, 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.

### Other Considerations

The Landscape Visual Impact Assessment is mentioned however this has not been submitted with the application and therefore cannot be considered.

The applicant considers that the proposals offer no adverse impacts upon the landscape or public rights of way and the building would improve the existing amenity of neighbouring properties.

### **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 practicality, compliance with the NPPF, visual impact, amenity 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.

### **Nature Conservation**

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, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

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

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located

on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The site is located in close proximity of ponds and the proposals could have an adverse impact upon a number of protected species. On that basis, a protected species survey was requested. The submitted survey indicates that the proposals would be unlikely to have an adverse impact upon any protected species although it recommends reasonable avoidance measures for Great Crested Newts and the inclusion of bat and bird boxes within the building.

The Council’s ecologist is satisfied with the content of the report and provided that the development is carried out in accordance with the conditions, recommendations the proposals would not have an adverse impact upon protected species.

### **Design Standards**

Notwithstanding the above, the design of the building in terms of scale and appearance is fit for purpose and it is loosely grouped with existing buildings. It would have an agricultural appearance which is also in keeping with the rural nature of the surroundings.

### **Other Matters**

The highways engineer has verbally confirmed officers view that the proposals would not have an adverse impact upon highway safety. The existing access arrangements are suitable to serve the development and there would only be a limited increase vehicle movements to the site provided that a condition be imposed that it not be used for gymkhanas.

The distance to neighbours negates any impact to neighbouring amenity.

Tree protection measures would be required to protect the existing hedge.

### **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.



In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair of Northern Planning Committee (or in his absence the Vice Chair) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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