

TITLE: PLANNING APPEAL RESULT
2004/87 - Land at Pisgah Farm, Ivy Bank, Whitworth

TO/ON: DEVELOPMENT CONTROL COMMITTEE
Tuesday 27 June 2006

BY: NEIL BIRTLES

LEAD MEMBER: Councillor Challinor

STATUS: PUBLICATION

1. PURPOSE OF THE REPORT

1.1. To inform Committee members of the result of the appeal.

2. RECOMMENDATIONS

2.1 That the report be noted.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

3.1 This application was received on 05 February 2004 and sought Outline Permission for the erection of an Indoor Riding-Arena/8 no Loose-Boxes/Tack-Room within a building of 1,147sq m in floor-area, with only the matter of landscaping reserved for later consideration .

3.2 The site is located within Green Belt to the east of the settlement of Whitworth and comprises of a former-quarry the floor of which was then occupied by a sand-paddock. In support of the application the applicants said that the proposed building would :

- a) have little impact upon the open and rural character of the area by virtue of being located within the quarry; &
- b) be used principally by their daughter in pursuit of her ambitions to become an Olympic rider.

3.3 Officers recommended to Committee refusal of the application on the grounds that the proposal constituted inappropriate development within the Green Belt as the building could not be considered an essential facility for outdoor

sport/outdoor recreation, would adversely affect the open and rural character of the area, and the case for it advanced by the applicant did not provide the very special circumstances to warrant an exception to Green Belt policy.

- 3.4 At its meeting on 27 May 2004 Committee determined that the riding talent/ambitions of the applicants daughter were sufficient to outweigh the harm by reason of inappropriateness and detriment to the open and rural character of this area of Green Belt.
- 3.5 A departure from national and development plan policies for a building of the scale proposed had to be referred to the Government Office for the North West. It directed that the application could not be determined by the Council and should first be the subject of a Local Inquiry prior to determination by the First Secretary of State.
- 3.6 That inquiry was held on 31 January 2006. In accordance with the Inquiry Inspector's report, the First Secretary of State has refused Outline Permission for the proposed building. The Inquiry Inspector concluded :

".....there is significant conflict with national and local Green Belt policy in that the development is inappropriate and would substantially reduce the openness of the Green Belt. There is also conflict with the advise in PPG17 in this respect. In my opinion, the very special circumstances argued by the applicants are not sufficient to outweigh the harm by reason of inappropriateness and the other identified harm. The fact that the building would be well screened by the walls of the quarry within which it would be sited does not overcome those concerns."

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

- 4.1.1. Quality service, better housing, the environment, regeneration and economic development, confident communities.

4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

- 4.2.1. N/A

4.3. HUMAN RESOURCES

- 4.3.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

5. ANY OTHER RELEVANT CORPORATE PRIORITIES

5.1. N/A

6. RISK

6.1. N/A

7. LEGAL IMPLICATIONS ARISING FROM THE REPORT

7.1. N/A

8. EQUALITIES ISSUES ARISING FROM THE REPORT

8.1 N/A

9. WARDS AFFECTED

Facit/Shawforth

10. CONSULTATIONS

Public consultation was undertaken by site notice.

11. Background documents:

11.1 The appeal decision letter dated 28 March 2006.

For further information on the details of this report, please contact: Mr N Birtles on 01706 238642.



28 March 2006

Mr M Williams
Pisgah Farm
Ivy Bank
Whitworth
Via Rochdale
Lancashire
OL12 8LT

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY MR AND MRS M WILLIAMS
LAND AT PISGAH FARM, WHITWORTH, LANCASHIRE
APPLICATION NUMBER 2004/87**

- 1) I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Jennifer Vyse DipTp DipPBM MRTPI, who held an inquiry on 31 January 2006 into your outline application (in accordance with application ref 2004/87 dated 3 February 2004) for planning permission for the erection of an indoor manège/riding facility with ancillary loose boxes and feed/tack store at Pisgah Farm, Whitworth, Lancashire.
- 2) On 28 October 2004, the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the outline application for planning permission be referred to him for decision instead of being dealt with by the local planning authority, Rossendale Borough Council.

Inspector's Recommendation

- 3) The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that the application be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and with his recommendation. A copy of the Inspector's report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that Inspector's report (IR).

Procedural matters

- 4) The Secretary of State acknowledges that the outline application was amended as the original drawing showed the building at the wrong height and a revised drawing was submitted on 19 February 2004 (Plan A). He also notes that the height of the building would be lower than that shown on the photomontages (IR2). The Secretary of State has considered the application on this basis.

Policy Considerations

- 5) Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan consists of the Regional Spatial Strategy for the North West published in 2003 (RSS13), the Lancashire Structure Plan 2006-2016 adopted in 2005 (SP) and the Rossendale District Local Plan adopted in 1995 (LP). The Secretary of State agrees with the Inspector that the policies most relevant to the appeal are those identified at IR8-12.
- 6) The Secretary of State acknowledges that RSS13 was not addressed at the inquiry. However, he does not consider that the policies within RSS13 raise any new issues which would affect his decision or require him to refer back to parties, either under Rule 13 of the Town and Country Planning (Hearings Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision.
- 7) Other material considerations which the Secretary of State has taken into account include Planning Policy Statement 1 (PPS1) *Delivering Sustainable Development and the Planning System: General Principles*; Planning Policy Guidance note 2 (PPG2): *Green Belts*; Planning Policy Guidance note 3 (PPG3): *Housing*; Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*; Planning Policy Guidance note 17 (PPG17): *Sport and Recreation* and Circular 11/95: *Use of Conditions in Planning Permission*.
- 8) The Secretary of State has also taken into account the Consultation Paper on Planning Policy Statement 3 (PPS3) published on 5 December 2005. The Secretary of State considers that the consultation paper does not raise any new issues relevant to this application that affect his decision which necessitate a reference back to the parties, either under the inquiries procedure rules or in the interests of natural justice. The Secretary of State has taken PPS3 into account but, as this document is still at consultation stage and may be subject to change, he affords it very little weight.

Main Considerations

- 9) The Secretary of State agrees with the Inspector that the main considerations in determining the proposal are those identified in the call in letter set out at the front of the Inspector's report and in IR29, namely:
 - Whether the development is in accordance with the development plan;
 - Character and appearance of the surrounding area;
 - The impact on the Green Belt
 - Whether very special circumstances exist; and
 - Whether the development is in accordance with PPG17.

Whether the development is in accordance with the development plan

- 10) For the reasons given at paragraph 13 below, the Secretary of State agrees with the Inspector that the application would not harm the character, appearance or visual amenity of the surrounding countryside and would not conflict with SP policies 5 and 20 or LP policies DC.1 and DC.4 (IR32).

- 11) For the reasons given at paragraphs 14 to 24 below, the Secretary of State agrees with the Inspector that the application is contrary to Local Plan Green Belt policy DS.3 (IR38).
- 12) Although the Secretary of State agrees with the Inspector's conclusion that the proposed development complies, in part, with some development plan policies, he concludes that this is not sufficient to outweigh the conflict with development plan Green Belt policy. As such, he concludes that the application is not in accordance with the development plan.

Character and appearance of the surrounding area

- 13) For the reasons given at IR31-33, the Secretary of State agrees with the Inspector that the proposal would not harm the character, appearance or visual amenity of the surrounding countryside and there would be no adverse impact on natural resources.

The impact on the Green Belt

- 14) The application site is situated in the Green Belt. National policy, as set out in paragraph 3.2 of PPG2, states "*Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.*"
- 15) Although paragraph 3.4 of PPG2 allows for new buildings inside the Green Belt for essential facilities for outdoor sport and outdoor recreation which preserve the openness of the Green Belt, the Secretary of State agrees with the Inspector, for the reasons he gives at IR34-35, that the application proposal does not amount to an essential element of the outdoor sporting/recreational activities at the site, not least because the existing outdoor sand paddock on which training is currently undertaken would be removed to make way for the building proposed (IR35). The Secretary of State agrees with the Inspector that the proposal is therefore inappropriate development in the Green Belt (IR38).
- 16) Paragraph 1.4 of PPG2 states that the most important attribute of the Green Belt is its openness. The Secretary of State agrees with the Inspector that the existing outdoor sand paddock contains no buildings, that the proposal would not be consistent with small-scale facilities and that the erection of the substantial building would mean the site would be significantly less open (IR36). He further agrees with the Inspector that that the visual amenity of the Green Belt would not be harmed (IR37).
- 17) The Secretary of State agrees with the Inspector that, in addition to the harm by inappropriateness, there is additional harm caused by the application though loss of openness of the Green Belt (IR38). The Secretary of State concludes that substantial weight should be attached to the harm the proposed development causes to the Green Belt.

18) The Secretary of State has gone on to consider at paragraphs 19 to 24 below whether there are any very special circumstances in this case to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

Very special circumstances

19) Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is for the applicant to demonstrate that there are material considerations that amount to very special circumstances that clearly outweigh the harm from inappropriate development and any other harm.

Equestrian Ambition

20) For the reasons given by the Inspector at IR44, the Secretary of State agrees that the applicant's daughter's personal circumstances do not, on their own, amount to a very special circumstance sufficient to outweigh the harm to the Green Belt.

Other facilities

21) For the reasons given by the Inspector at IR45, the Secretary of State agrees that the large indoor arena granted by the Council is not in the Green Belt and therefore it is not comparable with the current proposal.

Siting

22) For the reasons given by the Inspector at IR46, the Secretary of State agrees that the lack of harm to the surrounding countryside from the well-screened site does not, on its own, amount to a very special circumstance sufficient to outweigh the harm to the Green Belt.

Previous Developed land

23) For the reasons given by the Inspector at IR47, the Secretary of State agrees that, whilst the distinctive landform associated with previous quarrying activity on the site is still recognisable, the site appears congruous with the general appearance of the surrounding countryside and it does not meet the definition of previously developed land.

Conclusion on very special circumstances

24) The Secretary of State agrees with the Inspector that the material considerations put forward by the applicant neither singularly nor collectively amount to very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness (IR48). He agrees with the Inspector that the application is contrary to national policy in PPG2 (IR38).

Whether the development is in accordance with PPG17

25) For the reasons given by the Inspector at IR39, the Secretary of State agrees that would be no conflict with the sustainability objectives of PPG17.

26) The Secretary of State accepts that PPS7 recognises that horse riding and other equestrian activities can fit well with farming activity in the countryside (IR32) and that PPG17 gives encouragement to proposals for farm diversification involving sports and recreational facilities (IR40). However, the farm is no longer a working farm and he agrees with the Inspector that the application does not fall to be considered as a farm diversification (IR40).

27) Although the Secretary of State accepts that the application would not conflict with the sustainability objectives of PPG17, for the reasons given by the Inspector at IR41 and at paragraphs 14 to 24 above, he agrees that the application would not accord with the PPG17 in relation to sports and recreational development in Green Belt countryside (IR42).

Conclusion

28) The Secretary of State concludes that the proposed development is contrary to the development plan and national policy in PPG2. He also concludes that the material considerations put forward are not sufficient to amount to very special circumstances to outweigh the harm to the Green Belt from inappropriate development and any other harm, or to determine the application other than in accordance with the development plan.

Formal Decision

29) For the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses your outline application (in accordance with application ref 2004/87 dated 3 February 2004) for planning permission for the erection of an indoor manège/riding facility with ancillary loose boxes and feed/tack store at Pishah Farm, Whitworth, Lancashire.

Right to challenge the decision

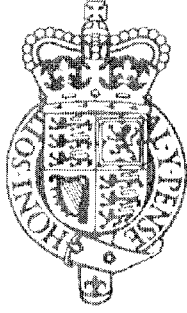
30) A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this decision letter.

31) A copy of this letter has been sent to Rossendale Borough Council.

Yours faithfully



Richard Enderby
Authorised by the First Secretary of State to sign in that behalf



Report to the First Secretary of State

The Planning Inspectorate
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☎ GTN 1371 8000

by **Jennifer Vyse** DipTp DipPBM MRTPI

an Inspector appointed by the First Secretary of State

Date 22 February 2006

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION TO

ROSSENDALE BOROUGH COUNCIL

BY

MR AND MRS M WILLIAMS

Inquiry held on 31 January 2006
Site visit made on 31 January 2006

Land at Pisgah Farm, Shawforth, Whitworth OL12 8LT

Planning Inspectorate Reference: APP/B2355/V/04/1166576
Government Office Reference: PNW/5296/219/27

File Ref: APP/B2355/V/04/1166576

Pisgah Farm, Shawforth, Whitworth OL12 8LT

- The application was called in for decision by the First Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 28 October 2004.
- The application is made by Mr and Mrs M Williams to Rossendale Borough Council.
- The application, No 2004/087, is dated 3 February 2004.
- The development proposed is described as the erection of an indoor manège/riding facility, with ancillary loose boxes and feed/tack store.
- The reason given for making the direction is that the First Secretary of State is of the opinion that the application is one which he ought to determine himself because the proposals may have important wider implications.
- On the information available at the time of making the direction, the following were the matters on which the First Secretary of State particularly wished to be informed for the purpose of his consideration of the application:-
 - a) the suitability of the site for the development of the kind proposed;
 - b) whether the development proposed accords with the provisions of the development plan for the area, having regard to Section 54A of the Town and Country Planning Act 1990 (*now Section 38(6) of the Planning and Compulsory Purchase Act 2004*);
 - c) whether the proposals are of a kind acceptable in the Green Belt or whether very special circumstances exist which would justify inappropriate development in the Green Belt, having regard to the advice in Planning Policy Guidance 2: Green Belts (PPG2);
 - d) the impact of the proposed development on the visual amenity and openness of the Green Belt;
 - e) having regard to Planning Policy Guidance 7: The Countryside – Environmental Quality and Economic and Social Development (PPG7) (*now replaced by Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*), whether the proposed development respects the character of the countryside and conserves its natural resources;
 - f) if the development proposed is not in accordance with PPG2 and PPG7 (*now replaced by PPS7*) or with the development plan, whether the need for the development and the benefits it would bring would nevertheless justify the granting of planning permission;
 - g) whether the proposal accords with advice on sport and recreation uses and sustainability in Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (PPG17);
 - h) whether the design and any landscaping of the proposed development is of a standard appropriate to its setting;
 - i) whether any permission should be subject to any conditions, and, if so, the form these should take;
 - j) any other matters.

Summary of Recommendation: That the application be refused.

PROCEDURAL MATTERS

1. The application was submitted in outline, with matters of siting, design, means of access and external appearance included. The matter of landscaping is reserved for future consideration.

2. Prior to consideration of the application by the planning committee, the application was amended: the original drawing showed the building at the wrong height. A revised drawing was submitted to the local planning authority on 19 February 2004 (Plan A). During the Inquiry, it was also confirmed that the height of the proposed building shown on the photomontages submitted in February with the revised plan is incorrect: the building proposed would be lower than that shown.
3. On 27 May 2004, notwithstanding an officer recommendation for refusal, the Council's Development Control Committee resolved that, subject to referral to the Government Office for the North West and to no direction in the alternative being received, planning permission should be granted subject to conditions.
4. No proofs of evidence were submitted to the Inquiry by the main parties. Instead, the Council relied on its initial statement (Document 9), with the applicants largely relying on a supporting statement submitted with the planning application (Document 10) and the evidence of Councillor Neal, who spoke on their behalf at the Inquiry. The references in those documents to PPG7 and to outdated Structure Plan policies were updated orally during the Inquiry.

THE SITE AND SURROUNDINGS

5. A brief description of the site is set out in Documents 9 and 10. It is located in the Green Belt, between the settlements of Shawforth and Whitworth, occupying an elevated position on the valley side above Market Street (A671). The application site comprises a former quarry, within which the applicants have formed a sand paddock, and is largely enclosed by the steeply sloping sides of the old quarry workings. It is accessed via a narrow unmade track that leads from a private access to Pisgah Farm. Undulating moorland extends to the northeast, east and southeast, throughout which are other quarry workings.
6. Pisgah Farm, which lies some 100m to the south of the application site, is no longer a working farm. Existing buildings there include a dwelling, adjacent to which are two blocks of stables (six stables in total), a dog kennel and pen, three free standing storage containers (confirmed at the Inquiry as measuring 6.2m x 2.4m (24' x 8'), 6.1m x 2.4m (20' x 8') and 3.66m x 2m (12' x 6'6")), and a substantial garage/storage building.

PLANNING POLICY AND OTHER GUIDANCE

7. At the time of the planning application, the development plan for the area included the Lancashire Structure Plan 1991-2006, and the Rossendale District Local Plan, adopted April 1995. By the time of the Inquiry however, the 1991-2006 Structure Plan had been replaced by the Joint Lancashire Structure Plan 2006-2016, adopted in March 2005 (Document 4).
8. Within the replacement Structure Plan, Policy 1 seeks to locate new development primarily in the principal urban areas, main towns and key service centres. Other development to meet an identified local need or support rural regeneration outside those areas is acceptable in principle. Policy 5 directs development beyond the principal urban areas, main towns and key service centres, to villages and other settlements identified in Local Plans/Local Development Frameworks, and requires that it is of a scale and nature appropriate to its location. Policy 6 seeks to maintain the general extent of Green Belts in Lancashire, with the associated explanatory text setting out the main purposes of including land within Green Belt. Policy 20 requires that new development should be appropriate to the particular landscape character area within which it is situated and that it should contribute to the area's conservation, enhancement or restoration, or the creation of appropriate new features. The

appeal site lies within what is defined as moorland fringe, on the edge of a settled valley. The policy lists criteria against which development proposals will be assessed.

9. Within the Local Plan, policy DS.3 resists, except in very special circumstances, the erection of new buildings in the Green Belt other than for specified purposes. Policy C.1 seeks to enhance rural landscapes with major programmes of tree planting and landscape management. Any development is required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area. Policy C.11 seeks to protect the route of a proposed Pennine bridleway and encourages development of the route and other major routes that link with it. The bridleway, which has recently been opened, passes through Rossendale to the east of the appeal site.
10. Policy DC.1 requires a high standard of building and landscape design in order to ensure that new development contributes to environmental quality and is not detrimental to existing conditions in the surrounding area. In addition, development should not take more land than is reasonably necessary. The policy goes on to list the criteria against which development proposals will be assessed. Within defined areas, including the area of the appeal site, policy DC.4 requires the use of local natural stone or an appropriate natural substitute for all new development. In the case of agricultural buildings, the explanatory text to the policy indicates that the introduction of compatible facing materials may be acceptable.
11. The full text of all these policies can be found in Documents 6 and 9.
12. The County Council considers that certain of the policies of the Local Plan are not in general conformity with the new Structure Plan and a statement of Non-Conformity to this effect was issued in July 2005 (Document 5). Of the policies referred to above, DC.1 is not in conformity insofar as it fails to promote a sequential approach to development involving first, the priority re-use or conversion of existing buildings, and then the re-use of brownfield sites. Policy C.1 is not in conformity because the Countryside Areas to which it refers are an obsolete policy designation.
13. Government advice in Planning Policy Guidance Note 2 'Green Belts' (PPG2), 3 'Housing' (PPG3) and 17 'Sport and Recreation' (PPG17), in Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1) and its accompanying supplementary document 'The Planning System: General Principles', and Statement 7 'Sustainable Development in Rural Areas' (PPS7), is also a material consideration in this case.

THE PROPOSAL

14. It is proposed to erect a 1147sqm indoor manège (37m x 31m) which would include eight loose boxes and a tack room/feed store - amended height to eaves 5m, height to ridge 7m. The building, which would be of concrete blockwork to a height of 2m, with vertical boarding above, would be erected within an old quarry, on the site of the existing sand paddock. Access would be via an existing, unmade track.

THE CASE FOR MR AND MRS M WILLIAMS

The main points are:

15. The proposed building would be discreetly sited within a 'bowl' created by previous quarry workings, and is almost totally enclosed by high banks and rock faces. The only views into the site are from restricted and elevated mid/long distance public vantage points outside the built-up area to the south, and through a discreet opening which permits vehicular access to

the old quarry. Otherwise, the site is effectively hidden in views from the urban area below and is totally assimilated into the surrounding landscape. The mass of the proposed building would be largely contained by the existing landform, and the plain rectangular form and simple materials proposed are characteristic of modern rural agricultural and related buildings common in many countryside areas, including Green Belts and National Parks. There would be no harm to the visual amenities of the Green Belt.

16. The proposed development is not inappropriate on the basis that it would provide an essential facility in connection with outdoor sport and recreation and its use would be connected with countryside activities, including use of a recently established public bridleway close to the site: the proposal would optimise the Council's aspirations in relation to the bridleway as set out in the explanation to Local Plan policy C.11. [Inspector's note: the supporting statement accompanying the planning application (Document 10) asserts that the proposal is inappropriate in the Green Belt.]
17. If the proposed development were found to be inappropriate in the Green Belt, very special circumstances are argued. The facility is intended for use by the applicants' daughter who is an exceptionally keen, dedicated and gifted horse rider whose ambitions are focussed on the Olympic stage and the application is supported in this respect by the daughter's trainer, who is himself an international equestrian competitor (Document 11). To achieve these ambitions, which would reflect positively upon the wider community of Whitworth and Rossendale, she needs to train for many hours. This is often very difficult in the long winter months when weather conditions are not conducive to safe outdoor riding. As a consequence, she has to travel outside the area to take advantage of commercial indoor facilities elsewhere. In 1998, the Council approved an indoor arena at a riding school at Rising Bridge (Document 7). This sets a precedent for the development now proposed. [Inspector's note: Plan D shows that the site is not in the Green Belt.] An identical building for agricultural purposes would represent an appropriate form of development in the Green Belt: the development proposed would be no different to such a building in terms of visual impact, only in its use.
18. There is a clear tension between national and local policies aimed at promoting facilities for equine related development in the countryside and the urban fringe on the one hand, and the strait-jacket of Green Belt controls on the other. The development proposed is demonstrably within the contemplation of the relevant policies and guidance. Taken together with the factors set out above, very special circumstances are demonstrated in this case.
19. PPS7 gives priority to the re-use of previously-developed (brownfield) sites: in this respect, as the previous quarry use is still evident from the landform, the application site falls to be considered as a brownfield site. PPS7 also advises that support should be given for, among other things, countryside-based activities which contribute to rural economies and/or promote recreation in and the enjoyment of the countryside. It recognises that diversification into non-agricultural activities is vital to the continuing viability of many farming enterprises and is generally supportive of well conceived farm diversification schemes for business purposes. Horse riding and other equestrian activities are recognised as popular forms of recreation in the countryside, and local policies which support equine enterprises that maintain environmental quality and countryside character are encouraged.
20. PPG17 reinforces the value of the countryside and encourages the creation of sport and recreation facilities in the countryside around towns where there is an absence of land in urban areas to meet provision.

21. Vehicular access to the site already exists and its use in connection with existing activities at the application site would have no adverse implications for highway safety. The proposal would not result in any increase in the number of vehicles using the tracks serving Pisgah Farm and the application site. Indeed, there would be a reduction in vehicle movements as the need to attend off-site indoor facilities would be obviated.

THE CASE FOR ROSSENDALE BOROUGH COUNCIL

The main points are:

22. The development proposed is not essential for any of the purposes normally deemed as being appropriate in the Green Belt either in the development plan or in PPG2, and it is therefore inappropriate. Inappropriate development can be acceptable within the Green Belt if it can be demonstrated that very special circumstances exist to justify it, and the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. Although the application site occupies a significantly elevated position above Market Street, it is set within a depression which is immediately enclosed on all sides by higher land. A sand paddock has been created on the quarry floor - although it does not have the benefit of planning permission, it is unlikely to be the subject of any enforcement action. The ground contours mean that the proposed building, although sizeable, would be largely screened when viewed from the surrounding land. Furthermore, those parts of the building that would be visible, would not represent an unduly prominent feature in the landscape: when viewed from public vantage points, the building, which would largely be of green coloured materials, would be seen against a backdrop of hills and would blend with the surrounding countryside. With regard to materials, the County Council's Land Agent expressed concern at the steel sheeting proposed for the roof of the building. He advises that the noise of rain on the steel sheeting proposed would disturb the horses, and that the sheets would be prone to a mirror effect when exposed to direct sunlight (Document 12).
24. The building would provide the applicants' daughter with improved and more convenient riding facilities, giving her the opportunity to train on a regular basis, regardless of weather conditions, to a standard whereby she may subsequently be able to represent her country. Given the significant emphasis placed on sporting success, approval would be in the nation's best interests. The proposal relates to a horse riding facility: PPS7 identifies horse riding and other equestrian activities as suitable forms of recreation undertaken in the countryside. Furthermore, the proposed development would not harm the openness of the Green Belt. These are very special circumstances which are sufficient in this case to outweigh any perceived harm by reason of inappropriateness. The proposal is considered acceptable in all other respects, or can be rendered so through the use of appropriate conditions.

WRITTEN REPRESENTATIONS

25. In response to the planning application, comments were received from a number of consultees (Document 12).
26. When notified of the Inquiry, Lancashire County Council's Environment Director confirmed (Document 3) that he wished to rely on his original comments as set out in a letter to the Council dated 10 March 2004 (Document 12). Those comments refer to conflict with Policy 4 of the old Lancashire Structure Plan, which resisted the erection of new buildings within the Green Belt other than for specified purposes, except in very special circumstances: the development proposed is not one of the specified categories of

development. As I indicated earlier, that Plan has now been superseded by the Joint Lancashire Structure Plan 2006-2016. Whilst there is no corresponding policy in the replacement Plan, policy DS.3 of the Local Plan makes similar provision. The letter goes on to advise that whilst the proposed development would be hidden to some degree by the land contours, it would be seen in views from the north, south and west where it would be taller than the surrounding land form. However, the opportunity to extend the tree planting proposed would reduce visual impact, would provide a landscape enhancement, and could render the proposals acceptable in landscape terms.

27. Correspondence from Janet Anderson MP was also received (Document 3), confirming that the development proposed is essential in connection with the training schedule of the appellants' daughter, who has a very promising equestrian career ahead of her.

CONDITIONS

28. A list of suggested conditions, together with reasons, was prepared by the Council and is attached to its written statement (Document 9). The applicants confirmed acceptance of these orally during the Inquiry. Those conditions were discussed at the Inquiry, together with others relating to the precise nature of the use of the building, external lighting, boundary treatment, and removal of existing containers adjacent to the house. My findings on these are contained in my conclusions.

INSPECTOR'S CONCLUSIONS

29. Having regard to the matters on which the First Secretary of State has said that he wishes to be informed and the cases presented by the parties, I find the main considerations that need to be addressed are as follows:
- the effect of the proposed development on the character, appearance and natural resources of the surrounding area;
 - whether the development would amount to inappropriate development in the Green Belt having regard to development plan policy and the guidance included in PPG2;
 - whether it would accord with advice on sport and recreation uses and sustainability in PPG17;
 - whether the benefits of the development would clearly outweigh any harm resulting from the preceding issues and thus justify the development on the basis of very special circumstances; and,
 - the form that conditions on any grant of planning permission should take.
30. References in square brackets refer to relevant paragraphs within the main body of my report from which the conclusions are drawn.

Character, Appearance and Natural Resources

31. The proposed building would be located on the floor of a steep-sided former quarry [5, 14, 15, 23]. The quarry is set into a steep valley side, on a 'shoulder' of open moorland, with built development below the site running along the valley floor, straddling Market Street (A671). Although the form and materials of the building proposed would not be dissimilar to those of other modern agricultural buildings seen throughout the countryside [15, 23], I am mindful of the comments of the County Council's Land Agent with regard to the necessity for an alternative roofing material to that proposed [23]. In addition, the Council maintained during the Inquiry, that the use of large roller shutter doors on the building, shown on the submitted plans, would be inappropriate on this rural building, being more akin to the type of feature seen on industrial buildings. These are matters that could be dealt with by condition were the application to be allowed [24].
32. I am satisfied that the building would be largely hidden in views from the surrounding area by the existing land form, and its discreet siting would ensure that it would not be seen as an unduly intrusive or dominant feature in the area. There would be no harm to the character, appearance or visual amenity of the surrounding countryside, subject to conditions, and there would be no conflict with the thrust of Policies 5 and 20 of the Structure Plan or with Local Plan policies DC.1 and DC.4. There would be no conflict either with national guidance in PPS7, which recognises that horse riding and other equestrian activities can fit well with farming activity in the countryside.
33. It was confirmed at the Inquiry that the development proposed would have no adverse impact on natural resources. There would therefore be no conflict with guidance in PPS1 or PPS7 in this respect, both of which reiterate the Government objective of promoting sustainable patterns of development through, among other things, the prudent use of natural resources.

Green Belt

34. Both PPG2 and policy DS.3 in the Local Plan make it clear that the erection of new buildings inside a Green Belt is inappropriate unless it is for one of a number of stated purposes. These include facilities for outdoor sport and outdoor recreation. It was agreed at the Inquiry that it is the requirement imposed by PPG2 for such facilities to be essential, a more onerous test than that in Local Plan policy DS.3, which is most relevant to this application, on the basis that PPG2 post-dates the Local Plan. Paragraph 3.5 of PPG2 confirms that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Examples of such facilities include small stables for outdoor sport and outdoor recreation.
35. I have no doubt that the equestrian training undertaken by the applicants' daughter at the site is curtailed during the winter months due to weather conditions [17] and that the proposed development may well be a desirable facility in this respect. In my opinion however, the proposed manège/riding facility and stables building does not amount to an essential element of the outdoor sporting/recreational activities at the site, not least because the existing outdoor sand paddock on which training is currently undertaken would be removed to make way for the building proposed [14]. I am mindful in this respect that the daughter has trained at the site for a number of years, undertaking indoor training when necessary at establishments elsewhere [17].
36. Furthermore, a building of the scale proposed would not, in my view, be consistent with the small scale facilities referred to in PPG2 and would conflict with the most important attribute of the Green Belt, its openness. The quarry is open at present: although a sand paddock has been created on the quarry floor [5, 14, 23], it contains no buildings or other structures. During the Inquiry, it was confirmed that the quarry was last in use for mineral extraction in the early to mid 1960s and that there are no outstanding planning conditions to secure its restoration. Therefore, the erection of the substantial building proposed would mean that this part of the Green Belt would be significantly less open than it is at present. The fact that the building would be well screened by the quarry walls and rising land behind [5, 14, 15, 23] does not, in my opinion, mean that there would be no impact on openness, the case argued for the applicants, and does not overcome the fundamental objection of inappropriateness.
37. PPG2 also seeks to protect the visual amenity of the Green Belt. Having regard to my findings in relation to the issue of character and appearance, I am satisfied that the visual amenity of the Green Belt would not be harmed by the development proposed, due largely to its discreet siting and the use of appropriate materials, which could be secured by condition [24].
38. To conclude on this issue, I find that the development proposed would be inappropriate in the Green Belt and would reduce its openness, contrary to the provisions of policy DS.3 of the Local Plan and national guidance in PPG2.

Planning Policy Guidance Note 17: Sport and Recreation

39. During the Inquiry, it was confirmed that the development is intended for private purposes only and would not be used for competitive events, or for the exercising or training of horses other than those stabled at the site [17]. This is a matter that could be controlled by condition were permission to be granted and would ensure that significant numbers of people were not attracted to this relatively remote rural location. Indeed, were the

application to succeed, there would be a small reduction in vehicle movements, as the need to attend off-site indoor facilities when weather conditions precluded use of the existing outdoor paddock/arena at the site, would be obviated [21]. In this respect, I consider that there would be no conflict with the Government's sustainability objectives, reiterated in PPG17.

40. However, although PPG17 makes it clear that the countryside can provide opportunities for recreation, it also advises that developments in rural areas will require special justification if they are to be located in open countryside. Whilst proposals for farm diversification involving sports and recreational facilities are to be given favourable consideration, the applicants confirmed that Pisgah Farm is no longer a working farm [6]. In my opinion therefore, the development proposed does not fall to be considered as a farm diversification project and would not accord with the thrust of guidance in PPG17 in this respect.
41. The applicants argue that the site should be considered as urban fringe and I am mindful that PPG17 gives encouragement to the creation of sports and recreational facilities in the countryside around towns, particularly where there is an absence of land in the urban area to meet provision. However, that encouragement is tempered by advice in paragraphs 27-30 of the PPG: paragraph 30 relates to development in Green Belts and advises that permission should be granted in Green Belts for proposals to establish essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. It goes on to add that non-essential facilities should be treated as inappropriate development and very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted. I have already found that the development proposed would not be essential in connection with outdoor sport and recreation and that it would substantially reduce the openness of this part of the Green Belt - the applicants arguments in relation to very special circumstances are set out below.
42. To conclude on this matter, I find on balance, that whilst there would be no conflict with the sustainability objectives of PPG17, it would not accord with the thrust of advice therein in relation to sports and recreational development in Green Belt countryside.

Very special circumstances

43. Inappropriate development is, by definition, harmful to the Green Belt and there is a presumption against it. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In the event that the proposed development is found to be inappropriate, it was argued, on behalf of the applicants, that a number of very special circumstances are relevant in this case.

EQUESTRIAN AMBITION

44. I recognise that there is support for the proposal from the local Member of Parliament [27], from the Town Council [25], and from the daughter's trainer [17]. However, local support for a proposal is not in itself a weighty planning consideration and is not a ground in this case for granting permission. I am in no doubt that the applicants' daughter has a riding talent and that her equestrian ambitions at national and international level could well be furthered were the development proposed to be permitted. Nevertheless, whilst the development proposed would meet the personal aspirations of the individual, this is an argument that could be used all too often and does not, in my opinion, amount to a circumstance that is very special in this case. Furthermore, whilst the supplementary document to PPS1 recognises that exceptionally, personal circumstances may be material to the consideration of a planning application, I am of the view that the personal circumstances

of the applicants in this case are not sufficient to outweigh the more general planning considerations, particularly since the development is of a permanent nature and would remain long after any such personal circumstances cease to be material.

OTHER FACILITIES ELSEWHERE

45. Although my attention was drawn to a large indoor riding arena permitted by the Council elsewhere within the Borough, that site is not, contrary to the assertion of the applicants, in the Green Belt [17]. Different policy considerations apply to development outside the Green Belt, in particular, there is no presumption against inappropriate development. Therefore, that development is not directly comparable to the proposal the subject of the application the subject of this Inquiry.

SITING

46. I recognise that the proposed building would be discreetly sited and would be well screened by the existing landform in views from the surrounding area [5, 14, 15, 23]. However, the absence of harm in this respect cannot, in my opinion, be weighed as a very special circumstance.

PREVIOUSLY-DEVELOPED LAND

47. I am mindful that PPS7 gives priority to the re-use of previously-developed sites. The definitions of previously-developed land set out at Annex C to Planning Policy Guidance Note 3 'Housing', includes land used for mineral extraction where provision for restoration has not been made through development control procedures. In this respect, I am satisfied that the application site was previously developed. However, the definition goes on to clarify that land where the remains of any structure or activity have blended into the landscape in the process of time to the extent that it can reasonably be considered as part of the natural surroundings, is excluded. Whilst the distinctive landform associated with the previous quarrying activity is still recognisable, I am of the opinion that now, more than 40 years later, the land does, for the most part, appear congruous with the general appearance of the surrounding countryside and does not meet the definition of previously developed land in the Annex to PPG3.

FINDINGS ON VERY SPECIAL CIRCUMSTANCES

48. To conclude on this matter, whilst a number of very special circumstances were argued by the applicants, they do not, either singly or taken together, amount to circumstances sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness.

Conditions

49. I have considered the suggested conditions [28] in the light of the related discussion at the Inquiry and the advice in Circular 11/95. My recommended conditions in the event of permission being granted are set out at Annex A. In addition to my comments on the suggested conditions below, I have, where appropriate, made detailed changes to improve the wording or to bring them into line with the advice or model conditions of the Circular.
50. Appropriate conditions would be necessary to reflect that this is an outline application with all matters other than landscaping to be dealt with at this stage. Although the Council maintained that the five year duration of the permission should be reduced to three years, as proof of the argued necessity for the proposal, that is not a robust reason to deviate from the five period within which development should commence, as set out in Section 92 of the

Town and Country Planning Act 1990 (as amended) in relation to applications submitted prior to August 2005.

51. In the interest of clarity, given that revised details were submitted to the Council during its consideration of the application, a condition specifying the plans to which the permission relates would be necessary. Also, it would be necessary in the interest of visual amenity to secure an alternative roofing material to that shown on the submitted plans. Whilst the suggested condition requires that the steel sheets proposed be substituted with fibre cement sheets, it was agreed at the Inquiry that some other material might provide an acceptable alternative. I have altered the suggested wording to reflect this. It is also necessary to secure an alternative to the roller shutter doors shown on the submitted plans. I have included this in the same condition. The consultation response from the Environment Agency [25] provides the justification for the requirement for a scheme for the containment and storage of manure.
52. A number of other conditions were discussed at the Inquiry. It would be necessary to ensure that the building was not used for competitive events, or for the exercising or training of horses other than those stabled at the site, in the interest of highway safety, given that access to the building would be via a narrow, unmade track and having regard to the relatively remote location of the site. There was some suggestion at the Inquiry that, if permitted, the building might also be used by local youngsters who could possibly ride to the site via the recently constructed bridleway. In my opinion however, any condition allowing such a use would be difficult to monitor and enforce and would not meet the tests set out in the Circular. In the event that the First Secretary of State should come to a different view, I have suggested an alternative condition to reflect this wider use at Annex B.
53. It would be necessary to control the installation of external lighting at the site, including security lighting, in the interest of visual amenity and, for the same reason, it would be necessary to ensure that details of any fences, gates, walls or other means of enclosure were to be submitted to and agreed by the local planning authority.
54. Mention was made during the Inquiry of three storage containers that had been erected at some time in the past next to the house at Pigsaw Farm [6]. I was advised that they are used for the storage of haylage and feed etc. On the basis that the building proposed would include space for food and tack storage, it was agreed that a condition securing removal of the containers would be reasonable, to safeguard the visual amenity and openness of the Green Belt.

OVERALL CONCLUSION

55. The various sections of my conclusions cover all the matters on which the First Secretary of State wished to be advised. I have found that, in part, the development proposed complies with the development plan and national guidance. Furthermore, other than Green Belt considerations, I consider the site to be suitable in principle for the development proposed. However, there is significant conflict with national and local Green Belt policy in that the development is inappropriate and would substantially reduce the openness of the Green Belt. There is also conflict with advice in PPG17 in this respect. In my opinion, the very special circumstances argued by the applicants are not sufficient to outweigh the harm by reason of inappropriateness and the other identified harm. The fact that the building would be well screened by the walls of the quarry within which it would be sited does not overcome those concerns.

56. I appreciate that the applicants may well find this harsh but Green Belt policies are applied very stringently with a strict presumption against almost all forms of development. It would be wrong to ignore the implications of the development proposed on the integrity of the Green Belt if the application were to succeed.

RECOMMENDATION

57. For the reasons above and having regard to all other matters raised, I recommend that planning permission be refused.



INSPECTOR

Annex A: Suggested Planning Conditions

- 1) Approval of the details of landscaping of the site (hereinafter called "the reserved matter") shall be obtained from the local planning authority in writing before any development is commenced. Application for approval of the reserved matter shall be made to the local planning authority before the expiration of three years from the date of this permission, and the development permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the reserved matter to be approved, whichever is the later. The development shall be carried out in accordance with the approved details.
- 2) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following first use of the building or completion of the development, whichever is the sooner; any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 3) This permission relates to the amended details received by the local planning authority on 19 February 2004.
- 4) Notwithstanding the details shown on the approved plans and on the application form, no consent is granted or implied for the use of profiled steel cladding for the roof or for the use of roller shutter doors. Prior to commencement of development, details of an alternative roof treatment for the building hereby permitted and details of sliding doors shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence until a scheme for the containment and storage of manure has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the building hereby permitted is first brought into use and shall thereafter be retained.
- 6) The indoor arena hereby permitted shall not be used for competitive events, or for the exercising or training of horses other than those stabled at the site.
- 7) No external lighting, including security lighting, shall be installed or used at the site other than in accordance with a scheme that shall previously have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.
- 8) Prior to commencement of development, full details of any fences, gates, walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.
- 9) On or before first use of the building hereby permitted, the three storage containers currently located to the south of the house at Pisgah Farm shall be removed and the land restored to its former condition in accordance with a scheme of work that shall previously have been submitted to and approved in writing by the local planning authority.

Annex B: Alternative version of condition 6 should the First Secretary of State come to the view that use of the facility by local riders is acceptable.

- 6) The indoor arena hereby permitted shall not be used for competitive events, or for the exercising or training of horses other than those stabled at the site, or those ridden to the site.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

N Birtles BA(Hons), MRTPI Senior Planning Officer with Rossendale Borough Council

FOR THE APPLICANTS:

Councillor R A Neal Willow Cottage, 50 Tonnacliffe Old Road, Whitworth,
Lancashire OL12 8SS
Mr and Mrs M Williams Applicants

DOCUMENTS

- Document 1 List of persons present at the Inquiry
- Document 2 Council's letters of Notification
- Document 3 Responses to Notification
- Document 4 Extract from the Joint Lancashire Structure Plan 2001-2016 (adopted 2005)
- Document 5 Rossendale District Local Plan – Statement of Non-Conformity with the adopted Joint Lancashire Structure Plan 2001-2016
- Document 6 Copy of Local Plan policies C.1 and C.11
- Document 7 Copy of planning application, location plan and Decision Notice in relation to the erection of an indoor arena and associated works at Rising Bridge (Application No 14/1998/299)
- Document 8 Photograph of appeal site taken from Cowm Park Way North
- Document 9 Council's Statement of Case
- Document 10 Supporting statement that accompanied the planning application and applicants' statement of case
- Document 11 Trainer's supporting letter submitted with the planning application
- Document 12 Consultation responses in relation to the planning application

PLANS

- Plan A Application plans (1:1250 location plan and 1:200 plan showing siting, elevations and internal layout) and two photographic montages
- Plan B Plan showing extent of land in applicants' ownership
- Plan C Extracts from Definitive Rights of Way Map
- Plan D Extract from Proposals Map with application site and Rising Bridge site highlighted