

<b>Application Number:</b>	2022/0006	<b>Application Type:</b>	Full
<b>Proposal:</b>	Manege for domestic use	<b>Location:</b>	Fold Head Farm Hall Fold Whitworth Rochdale Lancashire OL12 8XL
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	March 2022
<b>Applicant:</b>	Ms Michaela Hayhurst	<b>Determination Expiry Date:</b>	3 <sup>rd</sup> March 2022
<b>Agent:</b>	Mr Steven Hartley, Hartley Planning & Development Associates		

<b>Contact Officer:</b>	<b>Caroline Callow</b>	<b>Telephone:</b>	<b>01706 252432</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>No</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>Yes</b> Cllr Alan Neal Local residents concerns with regards to the impact upon the Spring-water Supplies given their concerns of cross contamination to their only access to clean drinking water within their local community at Hallfold, also given this planning application is located within the Green belt.
<b>3 or more objections received</b>	<b>No</b>
<b>Other (please state):</b>	<b>No</b>

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That planning permission be granted subject to the conditions set out in the report.

## **APPLICATION DETAILS**

### **2. SITE AND SURROUNDING AREA**

The site is situated within an area designated as Countryside and Green Belt. The site is surrounded by open fields to the north and west, scattered farm buildings in the countryside to the south and the settlement of Whitworth to the east. It is accessed from New Road which is a Bridleway (14-5-BW112) and Public footpath 14-5 FP 113 is immediately to the south.

The site where the manège is proposed is sloping in a west to east direction and work has commenced to level the site.

### **3. RELEVANT PLANNING HISTORY**

None

### **4. PROPOSAL**

The application seeks permission to construct a manège on the land to the west of New Road for domestic purposes only.

The proposed development is for the levelling of the land and the change of use to a manège measuring 20m by 40m. A post and rail fence measuring 1200mm high will be erected to the full perimeter of the manège. The surface will be rubber/bark on a terran membrane on 200mm of consolidated stone.

### **5. POLICY CONTEXT**

#### **National Planning Policy Framework**

- Section 2 Achieving Sustainable Development
- Section 9 Promoting sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment

#### **Development Plan**

#### **Rossendale Local Plan 2019-2036**

- SS: Spatial Strategy
- SD1: Presumption in Favour of Sustainable Development
- SD2: Urban Boundary and Green Belt
- ENV1: High Quality Development in the Borough
- Policy ENV3: Landscape Character and Quality
- Policy ENV4: Biodiversity, Geodiversity and Ecological Networks
- Policy ENV6: Environmental Protection
- Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality
- Policy TR2: Footpaths, Cycleways and Bridleways

### **6. REPRESENTATIONS**

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 6<sup>th</sup> January 2022 and a site notice was posted next to the site on 10<sup>th</sup> January 2022 and a notice placed in the Free Press on 14<sup>th</sup> January 2022.

Eight representations opposing the proposal have been received raising the following issues.

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Development too high
- Inadequate access
- Increase of pollution
- Information missing from plans
- Not enough info given on application
- Potentially contaminated land
- Strain on existing community facilities
- This piece of land has for over 200 years provided the hamlet of Hallfold only water supply including a working farm. The system has sustained damage from the ground works already undertaken resulting in the water supply of some properties being declared not fit for human consumption.
- Only water supply for over 9 properties and businesses
- Neighbours need to purchase a filtration system at significant cost. Applicant should correct damage already done and protect for the future the water supply.
- The well that provides the only water supply is located in the area of the development.
- Damage to natural culverts and pipework and holding tanks of the spring water system when work was undertaken with heavy machinery to level the land.
- A full ground survey should be provided to address the drainage of the site.
- High concentration of clay in soil which could pose a risk to the storage tank for the spring water and a flood risk to lower properties of Hallfold/Hall Street.
- Millers Gutter that is essential for drainage of water coming from higher ground needs to be protected and significant run off already occurs in heavy rainfall.
- Access is via an unclassified road which is in a poor state of repair such that refuse collection team have refused to use the access for the past 18 months. Further damage will occur as a result of the works.
- Request a condition that the applicants need to be responsible for the decline in the state of the road.
- The surface should be ungraded to support the intended deliveries.
- Large vehicles required during work could block access to residential properties for work and emergency vehicles
- Owner of Haulage and aggregates firm will not deliver as the road is not suitable.
- No one takes responsibility for the road.
- Use of the road is essential. Access and egress to domestic properties and 3 working farms.
- Tractors pass close to the site which could spook the horses.
- A condition not allowing any lights should be included on any permission.
- Site will become even higher when subsurface and surface materials brought in. Should lower the height and provide planting.
- Applicant could have put the manege on land adjoining their farm and stable with their own private access.
- Manege should only be used only for residents and not for customers.
- Development site should not be used for the parking of vehicles as this would impact on the visual amenity and openness of the Green Belt.

- People have objected are those most affected by the proposal. Many of the supporters are not resident in the area.

Approximately 47 representation supporting the proposal have been received (Not including ones from applicant and immediate family) and are summarised below:

- No concerns over damage to the road and confidence that the applicant will make good.
- Road no worse than it has been for the last 50 years.
- Less water on access road since work began.
- Few vehicles use the road.
- Improvements to property and bridleway
- Area has improved significantly.
- Good to see the old farm being upgraded.
- Applicants have spent time on money on improving the water supply. Same water supply serves applicants property therefore also in their interest to protect it from contamination
- Not overlooked or in close proximity to others.
- Good idea to keep children and horses safe.
- Roads in area busy dangerous for horses.
- Neighbouring dogs on the loose have chased children, horses and horse riders therefore safer to use manege
- In keeping with rural feel of the area.
- The Community and Council are always in support of creating more space for outdoor activities
- Need for manege to allow young boy to practice for competitions.
- Would be used by many
- Good for use in winter

Whitworth Town Council has no objections to the proposal.

## 7. CONSULTATION RESPONSES

RBC Environmental Health:- See below

LCC Highways:- No objections

Public Rights of Way:- No comments received

Contamination:- No objections

United Utilities – No comment

Environment Agency- No need to consult unless contaminated materials imported to the site

## 8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access, Parking and Highway safety
- 5) Water supply
- 6) Contamination

### Principle

The application relates to land within the Countryside and Green Belt. Policy SD2 of the Local Plan states that:

*“All new development in the Borough will take place within the Urban Boundaries defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.”*

Paragraph 147 of the National Planning Policy Framework (NPPF) states that:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.*

*Paragraph 148 advises:*

*“ When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.*

Paragraph 149 provides advice to Local Authorities that the construction of new buildings is inappropriate however paragraph (b) advises that an exception is:

*“(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*

The proposed manege would not however fall within the definition of a “building”

Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

*(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

In principle the construction of an outdoor riding-arena is appropriate development in the Green Belt in accordance with Paragraph 150 of the NPPF provided it preserves the openness of the Green Belt. It is also considered that the provision of a manège in the countryside would be in accordance with the aims of Policy SD2 of the Local Plan.

It is therefore necessary to assess the impact of the manège on the openness of the countryside / visual amenity, residential amenity and access/parking.

### Visual Amenity / Character of the countryside

The proposed riding-arena is well away from public highways. It would however be visible from a number of public footpaths in particular New Road. The site has been already flattened to facilitate the construction of the manege with the area closest to the road being increased in height with a steeper gradient when viewed from New Road Whilst this inevitably has some impact on the

character of the area it will not unduly impact on the openness of the countryside. Overall the manege has dimensions and design appropriate for a riding-arena intended for use by horses kept for hobby-purposes and will be in accordance with Policy ENV1 of the Local Plan in this respect.

### Neighbour Amenity

Policy ENV1 of the Local Plan states that all proposals should take account of the following:

*“The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being overbearing or oppressive, overlooking or resulting in an unacceptable loss of light:- nor should it be adversely affected by neighbouring uses and vice versa.”*

The proposed riding-arena will not be visible from any neighbouring buildings and will not therefore have an impact on residential or neighbour amenity in respect of outlook, light or noise. It would therefore be in accordance with Policy ENV1.

It is appropriate to Condition that the riding-arena not be provided with any system of external illumination or sound-amplification to protect the character of the countryside and amenity of nearby properties and to ensure that the development complies with Policy ENV1.

### Access, Parking and Highway Safety

The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Although the road is a bridleway and Public Right of Way the level of traffic generation associated with the development will be such that the development will not adversely affect the use or amenity of them and would be in accordance with Policy TR2 of the Local Plan. The proposal is therefore considered acceptable in respect of highway safety.

The applicant has advised in support of the application that *“...it's the safest place for my son and myself to exercise our horses. Taking into consideration the business of the roads we have to cross to gain access to some of the bridleways. My biggest concern is the high speeds of motorists and the fact it only takes a second to run in to horses crossing when not seen at such high speeds. Our horses are used to heavy farm machinery e.g. tractors trailers and quads as we have our own which we use daily in the same fields to which the horses graze”*.

The road is not adopted and any damage to the road caused by building works is a private issue and not a planning matter. The applicant has however carried out some repairs to the road and advised that he will make good any damage to the road caused as a result of work undertaken during the construction of the manege. However, given that the road is not within the applicant's ownership, this cannot be secured by planning condition.

Whilst the Council have advised residents that they will not collect refuse from their properties this reflected the state of the road prior to works to create the manege and not as a result of the work.

The applicant has also created a separate access to the manege to avoid vehicles needing to pass around 1 Fold Head. She has also advised that future deliveries to the site will be undertaken with relatively small vehicles.

### Water Supply and Drainage

Government guidance contained within Water supply, wastewater and water quality published 23<sup>rd</sup> March 2015 states that water supply is unlikely to be a consideration for most planning applications. The exceptions detailed in the Government guidance would not cover the possible contamination of private water supplies from works being undertaken.

Local Authorities act as the regulators for private water supplies. The Private Water Supplies Regulations place a duty on local authorities to conduct a risk assessment of each private water supply within their area and to undertake monitoring to determine compliance with drinking water standards (except those to single dwellings unless requested). Local authorities have powers under the Regulations to require that a supply is improved by the relevant persons. In this case Environmental Health have visited the site and tested the water. They consider that the work undertaken by the applicant to improve the water supply is beneficial overall including the provision of a water pipe where the supply previously flowed above ground. They have served notice on some local residents to improve the standard of their water supply.

The manege will have a porous surface and together with work already undertaken to Millers Gutter it is considered that the proposal will not result in significant runoff from the site.

### Contamination

The Council's contaminated land advisor has been consulted and raises no objection. He advises that the applicant should be reminded that Millers Gutter watercourse runs to the south and it should be kept free from obstruction or pollution. The applicant has undertaken work such that Millers Gutter now flows beneath the road. This will reduce the level of water on the road.

He also noted that historical maps show there was a former tramway which ran off-site to the south (beyond Millers Gutter) in connection with the former colliery. These are potential sources of contamination which could have been spread around when features were demolished/decommissioned. He further notes that the planning statement advises there was evidence of former quarrying at the application site. It would be prudent for the applicant to employ a watching brief for any potential contamination during earthworks and recommends an informative in this regard.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle within the Countryside and Green Belt, subject to the conditions, it is not likely to detract to an unacceptable extent from visual and neighbour amenity or highway safety. It is considered that the proposed development accords with Policies SD1, SD2, ENV1, ENV4, and ENV9 of the Council's adopted Local Plan 2019-2036.

## **10. RECOMMENDATION**

That planning permission be granted subject to:

- a) The Conditions set out below.

## **11. CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Proposed site Plan	FHF-18-12-21-PROP	05/01/22
Location Plan	MH.201221.A	05/01/22

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. The manege hereby approved shall be used solely for private purposes and not, at any time, for any commercial purpose including use for, or in connection with, livery stables or to hold equestrian events.

Reason: In the interests of highway safety, to safeguard the character of the countryside and to protect the amenity of nearby properties.

4. At no time shall any form of external illumination or sound amplification be erected or used in association with the development hereby permitted.

Reason: To safeguard the essentially open rural character of the countryside and in the interests of visual and neighbour amenity.

5. Construction works shall not be permitted outside the following hours-

Monday to Friday 08:00 to 18:00

Saturday 08:00 to 13:00

No construction shall not be permitted on Sundays or Bank or Public Holidays.

Access and egress for construction delivery vehicles shall be restricted to the working hours indicated above.

Reason- to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

## 12. INFORMATIVES

1. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. Millers Gutter watercourse runs to the south at it should be kept free from obstruction or pollution.



3. The applicant is advised that they shall take all practicable steps to prevent any contamination of the private water supply system ranging from protecting the integrity of the source to securing the holding tank. They shall ensure that the holding tank is secure to eliminate the risk of any contamination, for example from surface water runoff, during both the construction phase and future use of the ménage and ensure that the pipe work is not damaged during the construction phase.

4. During the period of construction, should suspected contamination be found, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.

5. The applicant is advised that any materials imported to the site must be suitable for the use proposed and free from unacceptable levels of contamination. Crushed demolition material, for example, may contain asbestos and other unwanted contamination.

6. The applicant is advised they should:

Take all practicable steps to prevent the noise from the site activities giving rise to a nuisance.

Take all practicable steps to prevent any dust from the site activities giving rise to a nuisance.

Take all practicable steps to prevent any fumes from site plant/vehicles/activities giving rise to a nuisance.

And there should be no burning of materials at the site