

Application No: 2008/764

Application Type: Full

Proposal: Erection of indoor riding arena over existing sand paddock

Location: Land adj to 250 Burnley Road, Weir

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 20 January 2009

Applicant: Mr P Blott

Determination Expiry Date:
15 January 2009

Agent: Hartley Planning & Development Assoc Ltd

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

X

Name of Member:
Reason for Call-In:

Cllr J Eaton
To enable Members to consider the merits of the proposal, including changes to the previous submission.

More than 3 objections received

Other (please state)

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.

APPLICATION DETAILS

1. SITE

The application relates to an existing sand-covered riding arena next to stables at the side/rear of the applicants detached house, within the Countryside Area just beyond the Urban Boundary of Weir village. The horses kept here are used for hobby purposes.

The arena is enclosed by a timber fence and surrounded by open land on three sides. It is in an elevated position above Burnley Road (A671) and situated beneath high-voltage electricity cables. Trees have been planted including a belt parallel to the road.

A public footpath is shown on the footpaths map crossing the applicant's land but the actual line on-site does not encroach onto the paddock.

2. RELEVANT PLANNING HISTORY

2008/0604

A similar application to the current proposal was submitted in February 2008. It was refused on 10 October 2008 for the following reason:

The application site is located within the Countryside as defined by the adopted Rossendale District Local Plan, wherein development is restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. The proposed building does not constitute a small-scale building for outdoor sport and outdoor recreation, nor is it for the diversification of the rural economy. Consequently, the proposed building is not appropriate development. Furthermore, by reason of its siting/size/design/facing materials, it would detract to an unacceptable effect from the essentially open and rural character of the area, and the elevation of the site in relation to Burnley Road and the presence of public footpaths precludes the use landscaping to satisfactorily screen the development from public view. The proposed development is therefore considered to be contrary to PPS1/PPS7/PPG17, Policy DP7 & RDF2 of the RSS for the NW of England and saved Policies DS1 & DC4 and the criteria of saved Policy DC1 of the Rossendale District Local Plan (1995). The special circumstances have not been advanced to warrant an exception to policy in this instance.

3. THE PROPOSAL

The application is a resubmission following the refusal of application 2008/160 and proposes the erection of a portal frame building measuring 20 metres by 40 metres and a height of 5.5 metres to the ridge, covering the existing riding arena.

The new application seeks to overcome the previous reason for refusal by using for the walls natural stone and Yorkshire (timber) boarding, rather than rendered blockwork and cement fibre sheets. The roof would be dark-brown coloured cement fibre sheets, rather than natural grey. Additional tree planting to screen the building is also intended.

A letter from the applicant explains that they wish to enclose the sand-paddock because adverse weather conditions prevent proper schooling of the horses, making it impossible to enter competitions. Disappointment at the previous refusal is expressed. It is pointed out that the public footpath does not run through the site but is at least 15 metres away. The size of the arena is in accordance with the standards of the British Horse Society. It is claimed that the location is not open countryside and that the nearby Greenhead Farm has larger buildings. Aerial photographs of other indoor arenas which have obtained planning permission have been submitted.

The application is accompanied by a lengthy Design and Access Statement, which makes the following points. It is claimed that the development is not contrary to Countryside Policies and that it would not amount to the siting of a building in an isolated position. It is pointed out that there are no highway or neighbour objections. A submitted plan appears to show that the footpath would not be affected. A covered facility would ensure that floodlights are not required. Applications for other covered arenas are referred to.

4. POLICY CONTEXT

National

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPS17 – Planning for Open Space, Sport and Recreation (2002)

Development Plan

Regional Spatial Strategy for the North-West of England (2008)

DP1-9 Spatial Principles

DP7 Promote Environmental Quality

RDF2 Rural Areas

EM 1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 – Urban Boundary

DS5 – Development Outside the Urban Boundary and Green Belt

DC1 – Development Criteria

DC4 – Materials

5. CONSULTATIONS

RBC (Environmental Health)

No comments/objections.

LCC (Highways)

No comments

LCC (Rights of Way)

It is pointed out that a public right of way (no. 259) appears to be within or close to the application site. The right of way must not be obstructed either during the construction of the development or when it is completed. It is the applicant's responsibility to achieve the legal diversion of the right of way if required.

National Grid

The response to the consultation is awaited. On the previous application it concluded that the risk in respect of the gas and electricity distribution network from the completed building was negligible; it advised of regulations relating to construction in the vicinity of high-voltage electricity cables.

6 REPRESENTATIONS

A site notice was posted on 9 December 2008 as shown on the site plan and an additional notice identified the development as potentially affecting a public footpath. Neighbours were notified by letter on 9 December 2008 to accord with the General Development Procedure Order.

Three neighbours have sent similar letters expressing support for the application for the following reasons:-

- The site is an existing ménage and therefore brownfield not greenfield.
- The site is not conspicuous from the north and screened by Greenhead Farm.
- There are existing trees which will become more effective as a screen and additional trees will be planted.
- The building is not isolated.
- The proposed materials are sympathetic to the area.
- The proposal is for private use and there will be no extra traffic generation.
- The arena is the standard size recommended by the British Horse Society.
- It will ensure that floodlights are not needed.
- Planning policies support the development.
- Horse can be exercised and trained regardless of the weather.
- The applicant's investment in Weir should be encouraged.

7. ASSESSMENT

The previous application was refused, essentially because the proposed building was not considered to be appropriate in the countryside and because the siting/size/design/facing materials would detract from the essentially open and rural character of the area. The main issue is whether the reason for refusal has been overcome by the change in materials, the proposed tree planting and the additional information that has been submitted.

The building is in the same position and of the same floor area and height as before, although the materials have changed.

The application relates to land within the Countryside.

PPS1 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by (amongst other things) *“making suitable patterns of land available for development in line with economic, social and environmental objectives to improve people's quality of life; protecting and enhancing*

the natural and historic environment, the quality and character of the countryside, and existing communities; ensuring high quality development through good and inclusive design...”.

It goes on to say that *“The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both urban and rural areas. Planning policies should seek to protect and enhance the quality, character and amenity of the countryside and urban areas as a whole...Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” (paras 17 and 34)*

PPS7 and PPG17 amplify the provisions of PPS1, seeking to balance the need to protect and enhance the essentially open and rural character of the countryside and its opportunities for outdoor sport and recreation with the needs of individuals and enterprise. The RSS and Local Plan give local expression to this.

Compared with the previous application the size and location of the building has not changed and its impact on the countryside would not be significantly reduced. Its appearance would be improved with the use of different cladding materials but the additional landscaping would have little effect in screening the building, at least in the short to medium term. The Design and Access Statement has been considered together with the examples of other buildings and the letters of support but there is no reason to change the recommendation for refusal.

The building is large and prominently sited and for the applicant’s own private use. It is not a small building associated with outdoor sport and recreation. On the other hand it is not required for an equestrian business that would provide employment / contribute to the diversification of the rural economy. Whilst small scale stables and associated sand paddocks can be looked upon as acceptable in principle within the countryside, the erection of so large a building as that proposed, which is for private and not business use, is not appropriate in principle, being contrary to national and development plan policy.

For the most part, the indoor arenas permitted elsewhere in the borough are not to meet the needs of an individual with horses kept for hobby-purposes, but related to equestrian enterprises.

There are discrepancies between the route of the public footpath on the definitive rights of way map and on the ground. The proposed development will result of Public Footpath No 259. However, the proposed building will be viewable by the public at close quarters from this footpath, and also from other footpaths in the vicinity, as well as from Burnley Road.

8. CONCLUSION

The amendments to the previous application and additional information have been considered but, having regard to the proposed use of the building and its visual impact, I remain of the view that this proposal is contrary to national and development plan policies and should be refusal permission.

9 RECOMMENDATION

That the application be refused

10. REASON FOR REFUSAL

The application site is within the Countryside as defined by the adopted Rossendale District Local Plan, wherein development is restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. The proposed building does not constitute a small-scale building for outdoor sport and outdoor recreation, nor is it for the diversification of the rural economy. Consequently, the proposed building is not appropriate development. Furthermore, by reason of its siting, size and design, it would detract to an unacceptable extent from the essentially open and rural character of the area. The site is elevated and the existing and proposed landscape planting would not satisfactorily screen the building from public view either from Burnley Road or public footpaths in the vicinity. The proposed development is therefore considered to be contrary to PPS1 / PPS7 / PPG17, Policies DP1-9 / RDF2 / EM1 of the Regional Spatial Strategy for the North West of England (2008) and saved Policy DS5 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan (1995).

Contact Officer	
Name	John Hodkinson
Position	Consultant
Service / Team	Development Control
Telephone	
Email address	



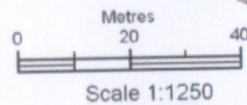
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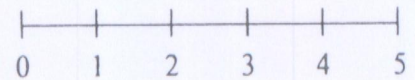
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