

Application Number:	2012/249	Application Type:	Full
Proposal:	Erection of replacement double garage and retention of stables & associated feed/tack store	Location:	1 Fold Head Cottage Hallfold Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	16 October 2012
Applicant:	Mr M Conway	Determination Expiry Date:	17 September 2012
Agent:	Mr M Illsley		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	<input checked="" type="checkbox"/>
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.

1. RECOMMENDATION

That the application be approved for the reasons set out in Section 10 of the Report

2. SITE

The applicant resides at 1 Fold Head Cottage, a property located in the Countryside/Green Belt to the west of the Urban Boundary of Whitworth, accessed off New Road.

The application relates to a rectangular parcel of land to the west of the house, to the other side of New Road and has upon it a flat-roofed double garage and, of more recent construction, a stable

block with 3 loose-boxes and a tack room to the rear/side with gated access leading onto an area of hardstanding.

The garage and stables face towards 1 Fold Head Cottage, where there is an existing timber stable block. To the north side, at a higher level, is a small parcel of land that is grassed. To the south side is garden land of Fold Head Cottages.

The applicant has an additional 15 acres of land approximately 380m to the north west of the site, separated by fields not within the applicant's ownership, accessed via a mix of public footpaths and bridleways.

3. RELEVANT PLANNING HISTORY

None

4. THE PROPOSAL

The applicant seeks retrospective permission for the timber stables and tack room to be seen on the site and permission for the erection of a replacement garage.

The stables building is constructed in timber under a profile sheet roof and measures 11.8m wide with a depth of approximately 4m. It has a pitched roof to a height of 2.9m to ridge. The garage would be constructed in timber and occupy the same footprint as the existing garage and would have a pitched roof to a height of 3.4m, a maximum of 1.3m higher than the existing garage.

The applicant has also provided additional information as summarised below:

- Two of the stables that permission is being sought for were constructed in 2007 with the land excavated by approximately 1m at the most to reduce impact of stables and to form a level base.
- A further two stables and a feed store are housed in the stone building adjacent the dwelling which is too small to accommodate large horses.
- They own 7 horses, 2 miniature Shetland Ponies, 1 retired Pony, 1 semi retired Pony and three 13+hand horses, kept for hobby purposes.
- The stables are cleaned out daily in winter, the waste is stored adjacent to the stables until a full trailer load is ready for collection by a local farmer, or spread on the grazing land owned by the applicant.
- The horses are exercised on the 15 acres of moorland they own, not on the land adjacent the stables.
- They own three cars and a horse transporter (the latter is garaged in Milnrow and brought to the site approximately once per month between April and September, to transport haulage and transfer horses to shows).

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 1 Building a Strong Competitive Economy

Section 3 Supporting a Prosperous and Rural Economy

Section 4 Supporting Sustainable Transport

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities
Section 9 Protecting Green Belt Land
Section 11 Conserving and Enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP 1-9 Spatial Principles
RDF2 Rural Areas
RDF4 Green Belts
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets

Rossendale Core Strategy DPD (2011)

AVP5 Area Vision for Whitworth, Facit and Shawforth
Policy 1 General Locations and Principles
Policy 23 Promoting High Quality designed Spaces
Policy 24 Planning Application Requirements
Policy 9 Accessibility
Policy 17 Rossendale's Green Infrastructure
Policy 18 Biodiversity, Geodiversity and Landscape Conservation
Policy 23 Promoting High Quality Designed Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Landscape Strategy for Lancashire (2006)
British Horse Society Guidelines for Keeping Horses: Stable Sizes, Pasture Acreages and Fencing

6. CONSULTATION RESPONSES

RBC Environmental Health

No Objection

LCC (Highways)

No objection

Whitworth Town Council

No objection.

7. REPRESENTATIONS

A site notice was posted on 29/08/12 and 6 neighbours were notified by letter on 01/08/12.

Ten objections and sixteen letters of support have been received.

Points raised by the objectors :

- Applicant's name is incorrect
- The parcel of land to the east of their house is not owned by the applicant
- The applicant owns a large horse transporter which is not referred to
- New Road is a public right of way and is used frequently by other farmers in the area.
- There has been a large amount of excavation taken place to the land

- The applicant already has four separate stables to the rear of the dwelling which already provide stabling for four horses
- The grazing land is not next to the stables and therefore the applicant 'drives' the horses down passed neighbouring properties and is a health and safety concern for residents and the general public.
- Eight horses are excessive in this area.
- Horses are left to roam without supervision
- Concern about potential commercialisation of the stabling activity and its effect on traffic and parking in the area
- The eight horses produce a considerable amount of waste and the applicant has repeatedly disposed of this waste on the surrounding common land or the small field adjacent. This has resulted in excessive smells during warm weather and a noticeable increase in vermin activity.

Points raised by those in support :

- Replacement of the existing garage with that proposed would enhance the appearance of the area
- The stables are essential to provide the owners' ponies/horses with the best possible care
- The garage and stables are in-keeping with the local surroundings
- The stables are not prominent and are close to the applicant's house so as to provide security and readily available care
- We have never experienced any noise or smell from the existing stables. There are cattle in the adjoining field. The route which passes the stables is a continuation of the United utilities concessionary route through Cowm Reservoir area and links in eventually via the rear of Wallbank Estate to the Pennine Bridleway at Springmill. The stables are visible from the route and appear in-keeping with the surroundings. There have never been any problems reported to the Wardle and District Bridleways Group concerning access or any other issues.

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity/Countryside Impact; 3) Neighbour Amenity; 4) Highway Safety.

Principle

In accordance with Section 9 of the NPPF new buildings for the provision of appropriate facilities for outdoor sport and outdoor recreation do not constitute inappropriate development as long as they preserve the openness of the Green belt and do not conflict with the purposes of including land within it. It also states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces does not constitute inappropriate development.

The number of loose-boxes within the stables building is not considered inappropriate for outdoor sport and recreation in relation to the size of the land holding and the private use intended. The replacement garage would not be materially larger than the one it replaces and would be used for the parking of vehicles associated with the adjacent house.

Accordingly the scheme is not considered to constitute inappropriate development and, as such, is considered acceptable in principle.

Visual Amenity

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The size/design/facing materials of the stables are appropriate for its function and to a countryside area; it sits comfortably within the site without appearing unduly prominent or intrusive. Likewise, the replacement garage, although of increased height owing to its pitched roof, would not be unduly prominent or intrusive. The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The siting and separation distances of the stables are such that the scheme would not detract from the amenities of neighbours in terms of outlook, light or privacy. With respect to noise and smells, there has been no objection from the Council's Environmental Health Section.

The increase in height of the garage would be modest and would not affect the light and outlook of the nearest neighbour at Fold Head Cottage.

Highway Safety

There has been no objection from the Highway Authority. There is hardstanding for parking within the site and the local area is not heavily trafficked such that vehicles manoeuvring/turning in New Road would cause a particular highway safety concern.

Objectors have expressed concern that the owners use the public rights of way to take the horses up to the fields. However, the applicant has provided information demonstrating that they have legal rights to use the rights of way.

9. SUMMARY REASON FOR APPROVAL

It is considered that the development for which permission is sought is acceptable in principle within the Countryside/Green Belt and would not unduly detract from the essentially open and rural character of the area, neighbour amenity or highway safety. The development is considered to accord with the advice given in the National Planning Policy Framework (2012), Policies RDF2 / RDF4 / RT2 / RT4 / EM1 of the Regional Spatial Strategy (2008) and Policies Policies 1 / 23 / 24 of the Council's Core Strategy DPD (2011).

10. RECOMMENDATION

That the application be permitted subject to the following conditions:

CONDITIONS

1. The replacement garage hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the drawing numbered 01 dated 30 July 2012 by the Local Planning Authority, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.
3. All materials to be used in the development hereby permitted shall be as stated on the application forms and approved drawings and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and to preserve the visual amenities of the Green Belt, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

4. The stables hereby approved shall be used for stabling of horses for private domestic use only and the garage for domestic use only and neither shall be used for any commercial purpose(s) whatsoever.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents by the establishment of a commercial concern and to comply with Policy 1 and 24 of the adopted Core Strategy DPD (2011).

5. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the adopted Core Strategy DPD (2011).