

**TITLE: 2006/046  
ERECTION OF BUILDING FOR USE AS A PRIVATE INDOOR RIDING  
ARENA  
LAND ADJ TO LOWER BOARSGREAVE BARN, COWPE ROAD,  
COWPE**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 5 APRIL 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MR N TURNER**

**DETERMINATION EXPIRY DATE: 30<sup>TH</sup> MARCH 2006**

### **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.

### **Site and Proposal**

The applicant resides at Lower Boarsgreave Barn, a converted agricultural building forming part of the sporadic development in the countryside to the south of the settlement of Waterfoot.

The applicant owns two horses that are kept for hobby-purposes. They are turned-out on the field immediately to the west of the applicants dwelling. Due to the condition/slope of the field they wish to construct an all-weather undercover facility in which to exercise these horses.

Permission is sought to erect at the western side of the field a building for use as a private indoor riding arena. The proposed building is to be clad in dark-green profiled metal-sheeting (unless the Council would favour another colour) and will measure 12m x 18m, with a gutter-height of 3.5m and a ridge-height of 5.25m.

The proposed building will stand approximately 40m from 1 and 3 Cowpe Cottages and approximately half this distance from the nearest of three dwellings presently being created by conversion of the building attached to them. A terrace of houses to

the other side of Cowpe Road faces towards the application site, trees bounding the intervening watercourse.

### **Notification Responses**

A letter of objection has been received from the occupier of 3 Mill Cottages, with an accompanying petition bearing the signatures of residents of 3 other properties. The letter raises the following objections :

- The proposed building is not in keeping with the Green Belt/surrounding area/neighbouring buildings.
- The proposed building would spoil the view from neighbouring properties, and there is a site nearer to the owners property that would be less intrusive.
- The proposed building will increase the rodent population.
- The land drains in the field are ruptured and the proposed building may pollute the adjacent watercourse.

An objection has been received from the owner of the building presently being converted to 3 dwellings. They object for the following reasons :

- The proposed building would look out place in this attractive and open countryside setting, its design and materials paying no attention to the surrounding buildings.
- By virtue of its size and positioning the proposed building would unacceptably impact on outlook from existing and proposed dwellings.
- There are other residential amenity/pollution issues to consider including the odours, noise and disturbance associated with housing horses in a building so close to residential properties.
- The proposal does not accord with national or local plan policy.
- The applicant has made no attempt whatsoever to examine alternative sites, there being many available to them which would have a less intrusive impact on the character and appearance of the countryside and neighbours.

### **The Applicants Case**

The agent has responded with the following comments:

- PPS7 is positively disposed towards equestrian development in the countryside and Policy 5 of the Structure Plan facilitates development outside urban areas which is of a scale and nature appropriate to its location.
- The objector refers to policies of the Rosendale Local Plan but as it was adopted in 1995 and is over ten years old the policies therein are out of date and superseded by those in the Lancashire Structure Plan, and Planning Policy Statement 7.
- Whilst Policy DC4 indicates that natural local stone/slate (or a good substitute) will normally be required for the construction of new buildings in the countryside, there are numerous examples across the Borough where the terms of this policy have been interpreted flexibly, particularly in the context of agricultural and equestrian developments.
- The objector refers to the fact that the building will be seen from nearby properties and infers that this in itself is sufficient to conclude that the proposal would be harmful to residential amenity. Clearly, that is a flawed approach and it is a well established tenet of planning law that a particular individual's view is not a material planning consideration. Having regard to

these factors, together with the limited height of the building, it is surely evident that the amenities enjoyed by the occupants of those properties will be preserved.

- In relation to Mill Cottages, and dwellings being created by conversion of the attached building, it is difficult to envisage how their outlook is compromised by the proposed building given both the separation distances and the fact it is offset to one side of those properties. The proposed building is quite some sited some distance (about 20 metres) from the cottages on Cowpe Road and separated from them by a dense belt of trees
- The assertion that the proposal would give rise to odours and noise and disturbance fundamentally misunderstands the nature of the application since the horses will simply be *exercised* and not *housed* in the building. In short, there is simply no basis whatsoever to conclude that the amenity of nearby residents would be compromised.
- Alternative sites were considered at the pre-application stage and it was concluded that this visually discrete location at the foot of the slope and adjacent to a substantial tree belt represented a more benign location than an elevated position at the top of the field.

### **Consultation Responses**

#### **RBC Environmental Health**

No objections.

#### **RBC Drainage Engineer**

No objections, subject to the inclusion of a condition.

### **Development Plan Policies**

#### **Rossendale District Local Plan**

Policy DS1 (Urban Boundary)  
Policy DC1 (Development Criteria)  
Policy DC2 (Landscaping)  
Policy DC4 (Materials)

#### **Joint Lancashire Structure Plan**

Policy 1 (General Policy)  
Policy 5 (Development Outside Of Principal Urban Area, Main Towns And Key Service Centres (Market Towns))

### **Other Material Planning Considerations**

PPS7: Sustainable Development in Rural Areas

### **Planning Issues**

The location for the proposed development is outside of the urban boundary and therefore, the proposal is contrary to Policy DS1 of the Rossendale District Local Plan. However, the proposed development and the proposed use are considered to

be appropriate to a rural area and therefore, is in accordance with Policies 1 and 5 of the Joint Lancashire Structure Plan and government guidance in the form of PPS7.

The proposed development will be barely visible from the occupiers of Moor View and Mill cottages as the proposed building will be set into the hillside. The result of which being that only 2 metres of the proposed building will be visible from the former canteen and store, adjacent to Mill Cottages, which are currently undergoing renovation to a residential use. It is considered that any adverse impact upon the adjoining residents can be ameliorated by adequate landscaping of the site. Therefore, it is considered that the proposed development will not have a significantly adverse impact upon the character of the countryside and is in accordance with Policies DC1 and DC2 of the Rossendale District Local Plan.

The proposed building will be over 30 metres away from the dwellings on Moor View and 20 metres from the former canteen and store. Therefore, it is considered that the proposed development will not cause any significant loss of amenity to these properties and therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

One issue raised during the consultation process relates to odour, noise and disturbance to the neighbouring residents. In terms of noise and disturbance to the neighbouring residents, it is considered that the proposed indoor riding arena will reduce this impact to an acceptable level. In terms of odour, it is estimated that there will be a minimal amount of manure, if any, present within the proposed building, as the horses will be housed in stables located near to the Lower Boarsgreave Barn. It is considered that the minimal amount of waste that may be present within the barn will not have a significantly adverse impact upon the amenity of the neighbouring residents and its' removal can be controlled via condition. It should be noted that the Council's Environmental Health department have no objections to the proposed development. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed development is located within the countryside and is an appropriate use for the land. The proposed development will have no significant adverse impact upon the amenity of the neighbouring properties and will not look out of place within the locality, subject to conditional control. Therefore, the proposed development is in accordance with Policies DC1 and DC2 of the Rossendale District Local Plan and Policies 1 and 5 of the Joint Lancashire Structure Plan.

### **Recommendation**

That planning permission is granted subject to the following conditions:

### **Conditions**

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. 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 nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

3. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme containing details for the proposed drainage of the site. This scheme shall be implemented prior to the first use of the building hereby permitted.

REASON: To ensure a satisfactory form of development and in the interests of land drainage.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

REASON: In the interests of residential amenity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.

REASON: In the interests of visual amenity.

7. The building hereby permitted, shall not be brought into use, until a scheme for the removal and storage of manure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the building.

REASON: In the interests of visual amenity.

### **Local Plan Policies**

DS1

DC1

T4

S4

