

**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.