The Planning Inspectorate

Appeal Decision

Site visit made on 20 October 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/P4225/W/20/3256387
Land at Higher Birtle, Near junction of Birtle Rd and Scotlans Lane, Birtle, Rochdale (Easting: 831133, Northing: 413317)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Ms Donna Smith against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 19/01358/FUL is dated 14 November 2019.
- The development proposed is stables (for domestic use).

Decision

1. The appeal is allowed and planning permission is granted for the proposed stables (for domestic use) at Land at Higher Birtle, Near junction of Birtle Rd and Scotlans Lane, Birtle, Rochdale (Easting: 831133, Northing: 413317) in accordance with the terms of the application, Ref 19/01358/FUL, dated 14 November 2019 subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Ms Donna Smith against Rochdale Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's statement of case indicates that it would have approved the application subject to conditions had it been empowered to do so.

Main Issues

4. From the evidence I have before me, the main issues are:

    - whether or not the proposal would be inappropriate development in the Green Belt; and
    - whether or not adequate arrangements are made for the disposal of surface water from the site.

Reasons

Green belt

5. Policy G4 of the Rochdale Core Strategy (2016) (CS) defines the limits on development in the Green Belt by reference to the exceptions in national planning policy. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development. However, it lists certain exceptions which are not regarded as inappropriate.

6. The proposed stables are for domestic use only, are of a scale that appears proportionate to the size of the field and would therefore constitute appropriate facilities for outdoor recreation. As such, the proposal falls to be considered against the exception in paragraph 145 b) of the Framework, in terms of any effect on openness and the purposes of the Green Belt.

7. Although the proposal would introduce new structures within the Green Belt, the stables would be of a compact form, single storey and positioned on the lower portion of the field. As such, whilst visible in gaps and over the hedgerow, it would not be prominent in wider views. Moreover, the timber cladding would have a natural appearance and the location of other buildings nearby would ensure that the proposal would not be isolated.

8. The keeping of horses in the field would preserve the openness of the Green Belt and I do not doubt that the stables would be genuinely required to provide shelter for them, as well as the ancillary facilities. Consequently, the proposal would be commensurate with the keeping of horses on the scale proposed and would not have an adverse effect on the openness of the Green Belt. Nor, given its scale and location, would the proposal represent encroachment into the countryside, or conflict with any of the other purposes of including land within the Green Belt.

9. I therefore find that the proposal would not represent inappropriate development in the Green Belt. In this regard, there would be no conflict with Policy G4 of the CS or the relevant provisions of the Framework. As I have found that the proposal is not inappropriate development in the Green Belt, it is not necessary for me to consider whether any very special circumstances exist.

Surface water drainage

10. The Planning Practice Guidance (PPG) advises that whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. Although both the Framework and the PPG promote and recognise the importance of sustainable drainage systems, I have not been referred to any specific policies that require minor development, such as that proposed, to accord with the hierarchy in the PPG.

11. The submitted drainage scheme incorporates sustainable measures in the form of water butts and some permeable surfacing, with the concrete slab and overspill from the water butts proposed to drain to an existing manhole in the field.

12. Notwithstanding the scale of the proposal, there would be an increased rate of run off directed to the drain, the level of which is unquantified in the evidence

before me. Moreover, there is no detailed information regarding the drain provided, other than its location in the field. Nevertheless, there is no firm evidence that the proposed, or an alternative drainage scheme, are not feasible in principle.

13. In my view, the measures outlined would be appropriate and proportionate, in principle, to the nature and scale of development in this location. It would, nonetheless, be necessary to require full details by way of a condition to ensure that such measures, or an alternative, do not increase surface water flooding.

14. In this regard, I am satisfied that adequate arrangements would be made for the disposal of surface water from the site. The proposal would therefore accord with the requirements of Policy G8 of the CS, Policy EM/7 of the Rochdale Unitary Development Plan and the Framework. These stipulate, amongst other things, that development likely to pose an unacceptable risk to surface water will not be permitted.

Other Matters

15. Paraphernalia at the appeal site are matters that are beyond the scope of the operational development before me. Whilst noting speculation around an alternative future use and the suitability of other land owned by the appellant, I must consider the appeal proposal before me on its own planning merits.

16. The proposal would be modest in scale and of a type, form and appearance compatible with the wider agricultural and equestrian activities and character of the area. It would be visible from neighbouring properties and some additional activity and noise would be generated by the equestrian use. However, given the size of the proposal I am satisfied that this would not result in harm to the living conditions of the occupiers of neighbouring properties with particular reference to odour, noise or disturbance. Similarly, given the scale of development, the increase in use of the field access is unlikely to result in any significant highway safety issues.

17. The Council's Environmental Health Officer made no adverse comment and the Council would also be able to investigate any alleged statutory nuisance or other impact, such as vermin, using its separate Environmental Health powers.

18. Planning permission would not override any legal rights of access. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. It is a well founded principle that the planning system does not exist to protect private interests such as value of land or property. There is no substantive evidence that harm to wildlife or the electric supply in the area would occur.

Conditions

19. Where necessary, consent has been obtained from the appellant for the use of a pre-commencement condition. I have imposed a condition requiring the development to be carried out in accordance with approved plans as this provides certainty. Conditions requiring development to comply with details, first agreed with the Local Planning Authority, in relation to external materials and drainage are necessary in the interests of protecting the local environment.

20. I have adapted the Council's suggested conditions where necessary in the interests of precision and my findings in relation to surface water drainage. It is

necessary for the surface water details to be a pre-commencement condition as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details. Despite the uncertainty regarding the existing drain, there is no substantive evidence before me that the condition could not be complied with.

Conclusion

21. For the reasons set out, and having considered all other matters raised, the appeal is allowed and planning permission granted subject to conditions.

Robert Walker

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2 Ref IS.021219.B.1; Location Plan.1 Ref IS.021219.A.1; Existing Site Plan; and Proposed Plans and Elevations (Amended Plan dated 17.06.20).

3) No development shall commence on site until full details of the means of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

4) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

End of Schedule