Land at Birtle Riding Centre

Planning and Heritage Statement
on behalf of: Birtle Riding Centre
September 2020

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1 Introduction

1.1 This Planning and Heritage Statement has been prepared on behalf of Birtle Riding Centre in support of an application for full planning permission at land at Birtle Riding Centre, Higher Elbut Farm, Elbut Lane, Bury BL9 7TU[1].

1.2 The proposal seeks consent for:

'Demolition of the indoor and outdoor manège and the redevelopment of the site (including the areas of hardstanding and curtilage) for a mixed 4 and 5 bed residential development, landscaping, car parking and access arrangements.'

1.3 The purpose of this Statement is to provide details of the application proposals, describe the site, surroundings and set out the current use of the site, review the planning policy framework; identify key benefits of the application, consider the site's suitability for the proposed development when assessed against planning policy and draw conclusions as to the appropriateness of the development. Detailed research and investigations have been carried out by a professional team of consultants on behalf of the Applicant.

1.4 In addition to this Statement, the other documents submitted in support of the planning application in accordance with the relevant national and local validation requirements are set out in Table 1.1 below.

Table 1.1 Application Submission Documents

Document	Author
Application forms, certificates and covering letter	CJ Partnership
Planning and Heritage Statement	
Design and Access Statement	CJ Partnership
Phase 1 Ground Investigations	Scott Hughes Design
Surface and Foul Water Drainage Strategy	Scott Hughes Design
Arboricultural Impact Assessment	Urban Green
Transport Statement	Highways Advice Ltd
Phase 1 Ecology Assessment	Bowland Ecology

1.5 The plans set out in the table below have also be prepared by CJ Partnership to accompany the application.

[1] Hereafter referred to as 'the site'.

Structure of the Planning and Heritage Statement

1.6 The remainder of this Statement is structured as follows:

- Section 2 provides details of the application site and surroundings, reviews the current use of the site and provides a summary of the relevant planning history;
- Section 3 provides the background to the current application submission, details of the proposed development, the general design principles which have been applied and the key benefits of the application scheme;
- Section 4 sets out the planning policy context, having regard to the National Planning Policy Framework (NPPF), the development plan and other material considerations;
- Section 5 considers the proposal's impact on the Green Belt;
- Section 6 provides a proportionate Heritage Statement;
- Section 7 assesses the application details against relevant development plan policy and demonstrates that the proposed development accords with those policies; and
- Section 8 sets out the conclusions.

2 Site, Surroundings and Planning History

Application Site and Surrounding Area

2.1 The site lies to the west of Birtle Road accessed off the B6222; the Bury and Rochdale Old Road. To the south of the site lies the suburban residential estate off Elbut Lane and Weythorne Drive and to the north, the recently developed Birtle Brook Village together with older terraced cottages. To the west, the site abuts open land used for grazing of horses and to the east beyond Birtle Road is also open land predominately used for agricultural purposes. Within the area generally there are a number of isolated traditional farmsteads which are a distinctive feature of the wider Pennine landscape.

2.2 The site is washed over by Green Belt and is included within the Birtle Conservation Area. There is a Listed Building; Elbut Farmhouse and attached Stable and Barn which lie some 60m to the south of the application site.

Figure 2.1 Aerial view of application site



2.3 The application site extends to approximately 0.7 hectares and comprises operational land in relation to Birtle Riding Centre, an established equestrian centre and British Horse Society (BHS) approved livery yard. The centre caters for beginners to advanced riders, hosting regular competitions and shows throughout the year.

2.4 The site is linear in form with the southern part (excluded from the site edged red) comprising the main house; a Grade II listed farmhouse, attached stable and barn, the livery yard which includes a number of stable buildings for the 39 horses and ancillary storage buildings. In addition, there is a 6 space horse walker and an outdoor manège to the south east of the buildings.

2.5 The northern part of the site (the application site) comprises a large indoor manège with cushion track surface, and spectator gallery. The building is typically constructed in aluminium sheeting. Adjacent there is a fenced outdoor manège which is a substantial structure constructed of built up ground and is lit by eight 7m external lighting columns. In addition, there is an extensive area of hardstanding used for car parking and turning (Figures 2.2 and 2.3).

2.6 The open land to the west of the built complex is also within the applicant's ownership and is used for grazing during the summer months.

Figure 2.2 View of indoor manège



Figure 2.3 View of outdoor manège



2.7 The indoor manège is enclosed on the eastern boundary and part of the northern boundary by mature, dense vegetation comprising hedgerows and self-seeded trees. This allows only limited, glimpsed views of the indoor arena from the southern approach along Elbut Lane and Birtle Road. On approaching from the north, it is possible to see the upper part of the outdoor manège at times when the trees are not in leaf. (Figure 2.4). Whilst views from the site west are largely open and unfettered.

2.8 There are a number of known constraints within the site including a Public Right of Way (PRoW) which runs through the site from the edge of the hardstanding on the western boundary, across the livery yard to join up with Birtle Road. In addition, there is a United Utilities pipeline which bisects the southern part of the site. The route of this is and an easement is to be maintained free of development. Finally, there is a notable change in the levels of the site with a fall of some 4.5m from the western to the eastern boundary. There is also a change in ground levels from north to the south of some 2m.

2.9 The applicant owns additional land to the west of the application site and built complex (which contains a pond) and rents a further field to the north which is used in association with the equestrian centre.

2.10 Access to the site is off Birtle Road. Birtle Road becomes Elbut Lane to the south of the site and continues to join a priority-controlled junction between Elbut Lane and the B6222 Bury and Rochdale Old Road. The carriageway is approximately 5 – 6 metres wide along much of its length (although narrower for a short section to the south of the entrance) with a 30mph speed restriction in place.

2.11 Whilst the site lies on the edge of the urban area it is nonetheless well related to nearby services and facilities including a hospital, school, pubs/restaurants, and convenience stores. The site has good accessibility to local bus services (395m to two bus stops on Rochdale Old Road) with regular services to Bury and Rochdale. Elbut Lane is recognised as a suitable road for cycling on the TfGM Cycle Map with plans for a cycle lane on Old Rochdale Road.

Current Use of the Site

2.12 At present the site forms both and equestrian centre and livery business. Current use of the site includes the following activities;

- provision of livery facilities for 39 horses;
- weekend competitions/shows (3 weekends out of every 4 throughout the year) with some 60 horses competing and up to 30 horse boxes parked on the site and Birtle Road / Elbut Lane;
- hiring of both of the manège from 8 am to 8.30 pm 3 days a week and 8 am to 5.30 4 days (including the use of the floodlights);
- ride outs / lessons with up to 8 in a group, throughout the day (around 15 pupils per day); and
- use of the manège for the dog club 5 nights a week.

2.13 This results in a significant amount of traffic and levels of activity throughout the day both within the site and on adjoining roads (horse movements and vehicles).

2.14 The business employs some 5 staff who work on a shift basis with 3 at the site during opening hours.

Planning History

2.15 The site has a long history associated with its use as an equestrian centre (Class D2 use). The table below provides a summary of the key applications over recent years.

Table 2.1 Application Site Planning History

Application Ref.	Description of Development	Decision and Date
77/D05845	Change of use from a farm to riding stables and erection of eight stables and provision of car parking area.	Approved
88/D22744	Erection of building for use as an indoor horse-riding facility for disabled persons.	Approved 02.02.89
89/D23805	Indoor riding paddock	Approved 14.09.89
94/D30872	Erection of stable block	Approved 22.11.94
95/D32053	Singe storey extension to existing riding centre	Approved 08.08.95
99/D46095 99/D36096	Planning and Listed Building Consent for conversion of part of existing barn to additional living accommodation	Approved 19.03.99
08/D50642	Extension to existing riding arena including redraining and resurfacing work.	Refused 04.06.08
09/D51769	Construction of outdoor horse-riding arena, installation of land drains extension of car parking and erection of lighting columns	Approved 03.06.09
17/00384 17/00385	Planning and Listed Building Consent for change of use and conversion of existing barn to living accommodation	Withdrawn 26.09.17

3 The Proposed Development

Background and Pre-Application Discussions

3.1 The preparation of the current application scheme for the redevelopment of Birtle Riding Centre has been subject to a significant number of design changes to produce a scheme which reflects discussions with Council officer's and now meets their aspirations.

3.2 The applicant has had three pre-app meetings and various email exchanges with officers from the Council prior to submission. In the pre-app responses, officers helpfully acknowledged that the site constitutes previously developed land and that residential development can be considered acceptable in principle. Additional guidance was provided in terms of the scale of the development, the overall appearance of the built form, the use of materials, landscaping requirements, ecology considerations and highway matters.

3.3 Originally, it was intended to submit an outline application for a custom-build development of 9 houses. However, officer's expressed concern that such a form of development would not achieve the necessary design standards, would have an adverse impact on the Green Belt and surrounding countryside and would potentially present problems in terms of the delivery of the scheme. The applicant has embraced these comments and the scheme that is now proposed is a full planning application, architect led with a traditional built development of up to 8 dwellings, removing the southernmost dwelling from the scheme to retain open views and provide a courtyard style development as preferred by officers.

3.4 In addition, following the receipt of the pre-application advice, the applicant has engaged a technical consultant team to deliver a full application in order to demonstrate that the development addresses the matters raised by officers and fully responds to the surrounding context of the site.

3.5 We are grateful for the Council's proactive engagement with the applicant up to submission. Attached is the summary explaining why the application was withdrawn and the amendments the council required before the application was resubmitted.

Pre-Application Community Engagement

3.6 In early March 2020, a two-page public consultation leaflet was distributed to surrounding properties and nearby businesses informing them of the applicant's proposals.

3.7 The leaflet invited comments on the proposals, setting out a number of ways to get in touch with any questions, comments or queries relating to the development scheme. During the course of the public consultation exercise, positive comments were received from nearby residents who initially indicated their support for the scheme.

3.8 A copy of the consultation leaflet is included at Appendix 1 for reference.

Description of the Application Scheme

3.9 This application is seeking full planning permission for the redevelopment of the site for 6 residential dwellings. The principal elements of the scheme comprise:

- demolition of indoor and outdoor manège;
- erection of 6 individually designed dwellings comprising 3 x 4 bed and 3 x 5 bed;
- access alterations and car parking to serve the dwellings and the retained livery business; and
- provision of hard and soft landscaping.

Figure 3.1 Proposed Site Layout



3.10 The proposed access into the site is to be retained and widened to 6m. A 2m footway is to be included to provide access into the site and south along a short section of Birtle Road. There will also be a 2m footway to the turning point within the site. The footway will follow the line of the PRoW and then turn into the site becoming a shared surface with vehicles.

3.11 The access road will not only serve the new residential development but also a dedicated new livery car park located to the south of the site. The car park is to be created on the site of the two stables to be demolished, surrounding hardstanding and land adjacent to the horse walker. Provision is to be made for 11 car spaces and space for 2 horseboxes to serve the livery business. The area will be landscaped and defined as a separate part of the development.

3.12 Given the sensitive location of the site and the numerous site constraints which exist, careful consideration has been given to the overall design and appearance of the site. It is the applicant's intention to create a development which integrates into its surroundings and as discussed with officer's, the development seeks a Pennine farmstead feel which will sit comfortably within the surrounding countryside.

3.13 The proposed development provides a mix of house type and size as demonstrated in the table below. All properties have a driveway to accommodate 2 cars and some with additional integral garages.

Table 3.1 House Details

Plots	House type	Bed numbers	Footprint GEA m2	External hardstanding area associated with each dwelling m2	Volume m3
Plot a	3	5	203	155	1450
Plot b	4	5	165	181	1075
Plot c	2	4	140	375	875
Plot d	1	4	144	273	825
Plot e	5	4	177	243	1203
Plot f	6	5	180	273	1225
Total			1009	1500	6653

3.14 The properties are individually designed and all different. The properties have been designed around a central courtyard, to create a sense of place within the development but respectful of the relationship to other properties. Whilst of varied design, the materials are consistent throughout to provide cohesion and integrity to the development. The buildings are to be constructed in natural stone with some timber panelling to add variety and interest to the elevations. The roofs are to be natural blue slate. The windows are to be powder coated aluminium-dark grey or high-performance timber-painted/stained. Stone mullions are to be included to the doors and windows.

3.15 Externally, it is intended that the Pennine farmstead appearance will continue with the landscaping. It is proposed some of the curtilages to the properties be defined by low dry-stone walling (1m in height) whilst the remainder of the boundaries marked by native hedgerows and post and timber fencing. Provision is made for limited paving around the dwellings to provide outdoor amenity space the remainder of the curtilages will be laid to lawn and with soft landscaping to include shrubs and native plants. The driveways are to be in stone sets whilst the access road and livery park in permeable hard surface. Additional native tree and shrub planting is proposed throughout the development to create soft landscaping and enhance the appearance of the site.

3.16 As part of the development and the removal of the manège, all of the activities associated with this element of the business will cease. This includes the hire of the manège, the hosting of competitions and shows along with rides out and lessons. This will result in a significant reduction in vehicular and equine movement within the site and on local roads (the impact of this loss is considered later in the statement). The use of the site for stabling will continue although at a slightly reduced level (32 horses rather than the 39). The 5 part time staff will not be affected by the proposals.

Benefits of the Application Scheme

3.17 Prior to assessing the application schemes compliance with both national and local planning policy and given the advice contained in paragraph 11 of the NPPF, that plans, and decisions should apply a presumption in favour of sustainable development, we consider it important to highlight the key benefits associated with the proposed scheme, namely:

- the reuse and regeneration of an underused previously developed site that is considered to detract from the quality of the surrounding environment
- making efficient use of a brownfield site in a sustainable location within the semi-rural area;
- provision of a mixed development of 6 dwellings providing a valuable windfall contribution to the housing supply, adding to the mix of residential development in the area
- meet specific housing objectives of providing quality, higher value houses;
- provision of a traditional Pennine type development which is visually attractive and innovative scheme but one which is sympathetic to the character and appearance of the area;
- the removal of a large outdoor and indoor manège and its replacement with a small bespoke residential scheme which will enhance the appearance of the area;
- the significant reduction in vehicular and horse activity associated with the riding centre as a result of the removal of the manège;
- the retention and addition of new landscaping to provide an appropriate setting for the new development; and
- replacement parking to serve the retained livery business.

3.18 It is asserted that the above present a clear and compelling suite of scheme benefits.

4 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. This section therefore considers the relevant planning policy context and any other material considerations.

National Planning Policy & Guidance

4.2 The revised NPPF was published by the Government in February 2019. It is a key material consideration in all planning decisions and sets out the overarching policy priorities for the planning system, against which local plans will be prepared and decisions made on planning applications.

4.3 The NPPF makes it clear at Section 2 (achieving sustainable development) that there should be a presumption in favour of sustainable development. To achieve this the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways (paragraphs 7 and 8).

4.4 Paragraph 11 confirms that decision taking means approving development proposals that accord with the development plan without delay. It notes that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

4.5 Paragraph 38 states that there is an expectation that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In particular, that decision-makers at every level should seek to approve applications for sustainable development where possible.

4.6 The main elements of NPPF policy that are relevant to the determination of the planning application are summarised below.

- Section 5 – delivering a sufficient supply of homes;
- Section 9 – promoting sustainable transport
- Section 11 – making effective use of land
- Section 12 – achieving well-designed places;
- Section 13 – protecting Green Belt land;
- Section 15 – conserving and enhancing the natural environment; and
- Section 16 – conserving and enhancing the historic environment.

Section 5 – delivering a sufficient supply of homes

4.7 It is noted at paragraph 59 that to support the Government's objective of significantly boosting the supply of homes it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

4.8 The document notes at paragraph 68 that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities are encouraged to adopt various strategies including supporting the development of windfall sites through their policies and decisions and giving great weight to the benefits of using suitable sites within existing settlements for homes.

4.9 With regard to rural housing provision, the NPPF notes at paragraph 78 that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Section 9 – promoting sustainable transport

4.1 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.2 Within this context, paragraph 110 confirms that applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and secondly – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of good and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.3 With regard to parking standards the NPPF advises at paragraph 105 that policies for residential development should take into account:

- the accessibility of the development;

- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Section 11 – making effective use of land

4.4 Paragraph 117 confirms that both planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.5 Paragraph 118 adds that planning policies and decisions should amongst other things give substantial weight to the value of using suitable brownfield land within settlements.

4.6 Further emphasis is placed on making efficient use of land at paragraph 122 through achieving appropriate densities for development by taking into account:

- the identified need for different types of housing and the availability of land for accommodating it;
- local market conditions and viability;
- the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area's prevailing character and setting; and
- the importance of securing well-designed, attractive and healthy places.

Section 12 – Achieving well-designed places

4.7 Paragraph 124 of the NPPF confirms that the Government attaches great importance to the design of the built environment and that it forms a key aspect of sustainable development.

4.8 Paragraph 127 emphasises that planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

4.9 Paragraph 130 notes that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, it notes that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

4.10 Further with regard to design it is noted at paragraph 131 that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.

Section 13 – Protecting Green Belt land

4.11 Paragraph 133 of the Framework stipulates that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

4.12 Paragraph 134 sets out the five purposes of Green Belt designation:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and

  To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.13 In terms of the control of development in the Green Belt, paragraph 143 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 expands on this, setting out that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.14 Paragraph 145 is clear that, apart from a list of exceptions, the construction of new buildings should be regarded as inappropriate development in the Green Belt. One of the specified exceptions includes at (g);

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need with the area of the local planning authority.*

4.15 In Annex 2, the Glossary, 'previously developed land' is defined as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

Section 15 – Conserving and Enhancing the Natural Environment

4.16 Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels od soil, air, water or noise pollution or land instability.

Section 16 – Conserving and Enhancing the Historic Environment

4.17 This section considers the conservation and enhancement of the historic environment.

4.18 Paragraph 189 places a duty on the LPA to require applicants to describe the significance of any heritage assets affected by a proposal to a proportionate level of detail to enable an understanding of the potential impacts of the proposed development on the significance of heritage assets. Paragraph 190 requires local planning authorities to identify and assess 'the particular significance of any heritage asset'. This should be taken into account when considering the impact of a proposal.

4.19 It is noted at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.20 At paragraph 194 the guidance advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and at paragraph 195 local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

4.21 At paragraph 196 the guidance notes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.22 Finally, paragraph 200 notes that that Local Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably

Planning Practice Guidance

4.23 The Government launched the Planning Practice Guidance (PPG) on 6 March 2014, which is an online national planning guidance resource. This streamlined planning practice guidance does not replace the NPPF but is intended to make planning guidance more accessible and easier to keep up to date.

Design

4.24 The PPG stresses the importance of good design and states that planning should drive up standards across all forms of development. As a core planning principle, plan makers and decision takers should always seek to ensure high quality design through creating places, buildings or spaces that work well for everyone.

Conserving and Enhancing the Historic Environment

4.25 In respect of non-designated heritage assets, the PPG advises that when considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the NPPF at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.

Local Development Plan

The development plan for Rochdale Borough Council comprises the adopted Core Strategy (2016) and relevant saved policies of the Unitary Development Plan (UDP) (2006). Work on the Rochdale Allocations Plan is progressing which proposes detailed planning policies, area designations and site allocations for specific types of development up to 2028. Regulation 18 consultation of the draft Allocations Plan concluded late 2018. When adopted, the Allocations Plan will support the Core Strategy and together will replace the UDP.

Core Strategy

4.26 At the outset, the Core Strategy outlines its spatial vision for Rochdale Borough through to 2028 as being a more desirable place to live in with attractive housing and strong communities.

4.27 **Policy SO2 - Strategic Objective**, the premise on which to create a successful and healthy community will focus on:

- delivering sufficient housing to meet demand;
- improving the range of housing to meet everyone's needs and aspirations, including affordable housing and more high value housing;
- creating well designed desirable housing areas to retain and attract residents;
- focusing housing growth where it helps to deliver regeneration and economic growth;
- ensuring that new housing is supported by community facilities, service infrastructure, open space etc.; and
- improving the general health and quality of people's lives through better access to health facilities and services, education, community and cultural facilities and open space.

4.28 **Strategic Objective SO3 - Improving design**, **image and quality of place** recognises that some areas have a poor visual image and that in order to enhance developments, the Council will encourage:

- Protecting and enhancing the best aspects of the borough's character and heritage;
- Making development more attractive and sustainable, with a cleaner, greener and safer environment;

- Improvements to the borough's image; and
- Taking a positive role in the promotion of better design.

4.29 **Strategic Objective SO4 – promoting a greener environment** recognises the need make the environment greener, help to tackle climate change and protecting and enhancing the natural environment and resources which is vital element of delivering the Council's vision for the borough.

4.30 **Policy SD1 - Delivering sustainable development** confirms that when considering development proposals, the Council will take a positive approach that reflects the presumption on favour of sustainable development contained in national policy. Planning applications that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise.

4.31 **Policy SP1 - Rochdale Borough's role in the city region** states that the borough will contribute to the success of the Manchester city region and the North West by playing its part in the delivery of sustainable development and investment that meets national and sub regional objectives for housing and employment growth.

4.32 The policy goes on to assert that in order to do this the Council will look to provide improved housing quality and choice by working with providers and public sector partners.

4.33 **Policy SP2 - The spatial strategy for the borough** expands on this further by advising that in the 'Pennine fringe, north of the borough' the Council will promote a scale of new housing, employment and commercial development appropriate to the accessibility and character of the area.

4.34 Evidence taken from Figure 6 of the Council's Spatial Strategy Key Diagram confirms that the application site falls within the 'Pennine fringe visitor economy and heritage areas', washed over by 'Strategic Green Infrastructure.

4.35 **Policy C1 - Delivering the right amount of housing in the right place** confirms that the Council will provide sufficient land to deliver at least 460 net additional dwellings per year up to 2028 to assist in the creation of successful, inclusive and mixed communities and meet the housing needs of the borough. The Council commit to fulfilling this obligation through the following means:

- ensuring that there is always a deliverable five-year supply of land for new homes;
- maximising the potential of previously developed sites; and
- ensuring that sites are sustainable with good access to local services, facilities, green infrastructure, shops, jobs, schools and public transport.

4.36 In the north of the borough, the Council will commit to delivering an overall scale and density of development that reflects the accessibility and character of the Pennine fringe.

4.37 **Policy C3 – Delivering the right type of housing** confirms that the Council will will deliver the right types of homes, well designed and built to appropriate densities, to meet the overall needs and aspirations of the borough. This will be achieved by:

- Ensuring new development provides housing types that take account of local needs and aspirations;
- Ensures that the supply of larger and higher value housing in the borough is improved;
- Require a high standard of design and layout that produces attractive places and takes account of energy efficiency and climate change;
- Promote densities that make efficient use of land whilst delivering a range of housing to widen choice in the borough and reflect local character; and
- Support the provision of housing on appropriate sites to meet the needs of specific groups including older people and other vulnerable groups.

4.38 The policy notes that in the north of the borough there will be a focus on providing a range of higher value housing to attract and retain residents. This will be achieved by supporting a lower density development (including providing detached and semi-detached dwellings) if it delivers higher value dwellings of a type and size that are currently in short supply across the borough.

4.39 In the explanation to the policy it is noted that making efficient use of the land available for residential development is important by building at appropriate densities, taking account of housing need, location and local character. Well-designed housing can deliver the right type of homes and create attractive living environments whilst making efficient use of land.

4.40 **Policy C6 – Improving the health and wellbeing** notes that the Council will seek to improve people's health and wellbeing and reduce health inequalities through a variety of measures including seeking high quality design of buildings, streets and spaces to create neighbourhoods that are safe to use, easy to move through, adaptable and sustainable (Policy P3) and encouraging development that promotes active living by making places more accessible by walking, cycling and public transport (Policy T2).

4.41 **Policy P1 – Improving image** relates to the Council's desire to ensure that all new development is of a high quality. This requirement will be achieved through a variety of means including:

- requiring that design is of a high standard, demonstrating innovation and originality; and
- promoting the development and re-use of under-used land and buildings, maximising the potential for heritage assets to provide a sense of place and image.

4.42 **Policy P2 - Protecting and enhancing character, landscape and heritage** states that the Council will protect and enhance the borough's character, including housing areas and countryside, and the qualities of its landscapes. In response, new development will be required to:

- integrate successfully with the key natural features of the borough;
- take opportunities to protect and open up important views which are recognised as being part of the borough's unique character; and
- conserve and enhance townscape character.

4.43 The policy goes on to outline how the Council will look to protect the borough's heritage:

- through conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings;
- using heritage assets positively and intelligently to strengthen identity and image; and
- prioritising the conservation of heritage assets at risk from decay, giving special attention to designated heritage assets in this regard.

4.44 **Policy P3 - Improving design of new development** confirms that the Council will require all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design. The following design principles should be adhered to:

- Enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout and landscape, materials and access of surrounding buildings and areas in general;
- Ensure that buildings contribute positively to the townscape, and are well proportioned
- Incorporating design measures that design out crime and ensure developments and spaces are safe to use and access;
- Provide an appropriate mix of uses and consider the needs of all sections of society;
- Ensure a development is easy to move through and get around;
- Ensure that the intended functions of buildings and spaces are easily understood, and their entrances appropriately located and visible;
- Ensure buildings can be easily adapted to meet future/alternative needs of occupants;
- Minimise impact upon the environment, and help adapt to the impacts of climate change, including by re-using existing buildings and materials and utilising sustainable drainage;
- Design buildings and spaces so that quality and appearance can be maintained over time; and
- Reduce the monotony and visual impact of car parking areas by using substantial and well-integrated landscaping.

4.45 The policy goes on to state that supporting design and access statements and design briefs must include demonstration of how these design principles have been take into account in the design of development proposals.

4.46 **Policy G4 - Protecting Green Belt land** asserts that the Council will restrict development to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.

4.47 The Council will actively encourage the continued operation of major developed sites in the Green Belt and support limited infilling and redevelopment where this maintains beneficial uses and does not harm the Green Belt.

4.48 **Policy G6 - Green infrastructure** advises that the Council will sustain and enhance a green network to support growth and regeneration in the borough and provide a high-quality environment that meets the needs of the community and visitors to the borough.

4.49 **Policy G7 - Increasing the value of biodiversity and geodiversity** states that the Council will ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection. Opportunities for enhancing biodiversity and geodiversity, creating new sites and features of interest and improving opportunities for public enjoyment will be supported. No development should result in a net loss of biodiversity interest in the borough overall.

4.50 The Policy advises that in respect of upland farmland areas, the Council's focus will be to ensure that the biodiversity interest of farmland including its value for birds, woodland and grassland is protected and opportunities for enhancement and the creation of new interest maximised through land management improvements and appropriate development activities.

4.51 The Council will routinely expect development proposals to:

- Protect and include existing biodiversity within new developments;
- Protect and enhance existing features;
- Take opportunities to promote biodiversity and create new habitats through new development;
- Improve access where appropriate to new or existing biodiversity interest; and
- Enhance strategic wildlife corridors.

4.52 **Policy G8 – managing water resources and flood risk** notes that the Council will ensure that new development (including flood risk mitigation measures) does not lead to any form of increased flooding locally or further downstream, does not impede natural water and flood risk management, is not detrimental to existing or potential flood storage areas, contributes where possible to alleviating existing flood risk, is itself well protected from flood risk and ensures prudent use of water resources.

4.53 **Policy G9 - Reducing the impact of pollution, contamination and land instability** confirms that the Council will guard against developments that lead to unacceptable increases in air, water, noise, light or other pollution. In addition, new development must not be affected by existing sources of pollution such as roads, and certain types of industry.

4.54 **Policy T2 - Improving accessibility** seeks to ensure that development offers good access to public transport and appropriate provision for cyclists, pedestrians and people with impaired mobility. Policy dictates that a site-specific Transport Statement (TS) will be required for smaller developments, including appropriate provision for parking standards and access arrangements.

4.55 **Policy DM1 - General development requirements** states that all development proposals will be expected to demonstrate that they:

- Are of high-quality design and take the opportunity to enhance the quality of the area;
- Are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents;
- Do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy;
- Mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary;
- Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements;
- Demonstrate the availability of nearby service and community facilities;
- Minimise opportunities for crime;
- Take account of ground conditions; and
- Incorporate, where appropriate, high quality landscape schemes.

4.56 **Policy DM2 – Delivering planning contributions and infrastructure** and notes that residential developments may be required to contribute to the cost of providing any physical and social infrastructure that is needed as a result of the development or mitigate the impact of the development.

Unitary Development Plan

4.57 Although the saved policies remain extant, the Plan is nevertheless somewhat out of date (2006) and therefore limited weight should be attributed to the UDP policies identified below:

- Policy G/SP/2 - Rural protection and regeneration: states that development will be encouraged on previously developed sites outside the urban area where the development will contribute to rural regeneration.
- Policy G/D/2 - Green Belt: notes that the Green Belt will be protected from inappropriate development.
- Policy D/4 - Control of development in the Green Belt: reiterates nationally set Green Belt exceptions.

- G/BE/9 – conservation of the built heritage: seeks to provide protection to the Borough's built heritage

Supplementary Planning Documents (SPDs)

4.58 SPDs expand on and interpret policies in development plans to provide additional guidance. Relevant SPDs are discussed in turn below:

Guidelines & Standards for Residential Development (June 2016)

4.59 The purpose of this SPD is to assist in the process of ensuring high quality design for residential development throughout the borough and to supplement the development management policies.

Biodiversity and Development (January 2008)

4.60 The objective of this SPD is to ensure that no net loss of ecological interest or assets occurs and that opportunities to enhance such interest are incorporated within development proposals where possible.

Urban Design Guidance (September 2007)

4.61 This guidance expands on local planning policies and sets design principles for all types of development with the Borough. It aims to encourage high quality design of places, buildings and landscapes that meet the current and future needs of the communities that use them.

Provision of recreational open space in new housing (adopted 2008 and updated 2017)

4.62 The aim of this SPD is to ensure the provision of detailed guidance in respect of planning policy for recreational open space. It specifies that all developments of more than 10 dwellings (and those of 10 dwellings or less with a combined gross floorspace of more than 1000 square metres) with less than 100 bedrooms in total will be expected to make financial contributions in respect of the offsite provision / improvement of recreational open space.

Council's Housing Strategy 2017-2022

4.63 This document sets out the Council's vision for the 5 year period. It identifies three priorities;

- People – to safeguard and protect our most vulnerable residents, ensuring equal access to housing within the Borough;
- Place – to increase the numbers of high quality and aspirational homes, ensuring the right types of housing are available in the right areas. Make better use of the existing homes and ensure sustainability in terms of flood resilience and energy efficiency.
- Prosperity – to build new homes and regenerate areas that increase prosperity and empower communities.

4.64 The document sets goals of providing good quality homes to attract people to live in the Borough, to increase the number of high value homes and to maximise the development of new homes on brownfield land.

Summary

4.65 In this Section, careful consideration has been given to the planning policies and relevant material considerations that apply to this site and the proposed development. The key issues insofar as they are relevant to the determination of this application are as follows:

- Green Belt: how the proposed development is consistent to section 11 of the NPPF and constitutes an exception to Green Belt policy under paragraph 145 (g) and Core Strategy policy G4 and saved polices G/D/2 and D/4.
- Heritage: the extent to which the application proposals are consistent with Section 16 of the NPPF and in particular paragraph 196 together with Core Strategy policy P2 and saved policy G/BE/9.
- Sustainability: the extent to which the policies meet sustainable objectives set out in Section 2 and 13 of the NPPF and Core Strategy policies SD1 and SP1.
- Housing: the extent to which the proposals meet the housing objectives set out in the NPPF in section 5 and within the Core Strategy at policies SO2, C1 and C3;
- Design: the extent to which the design of the proposed development is consistent with Section 12 of the NPPF and Core Strategy policies SO3, C6, P1, P3 and DM1.
- Protection of the natural environment: the extent to which the development seeks to address issues relating to climate change, protecting and enhancing the natural environment and is consistent with section 15 of the NPPF and Core Strategy policies SO4, G6 and G7

4.66 In the remainder of this statement with reference the above planning policies, supporting plans and documents, it is explained how these planning issues are addressed and why the application is entirely consistent with the development plan NPPF and other policy documents.

5 Planning Assessment – The Principle of Development

Introduction

5.1 The application site lies wholly with the Green Belt, as defined under Policy G/D/2 of the Rochdale UDP and Policy G4 of the Core Strategy. The proposed development involves the demolition of existing structures associated with Birtle Riding Centre and construction of up to 6 residential dwellings; it is a form of development that meets one of the prescribed exception tests as set out in paragraph 145(g) of the NPPF, and is therefore not 'inappropriate development'.

Previously Developed Land

5.2 As noted in the previous section, previously developed land (PDL) is defined as being land which is or was occupied by a permanent structure, including the curtilage of the developed land (although not necessarily the total curtilage) and any associated fixed surface infrastructure. Whilst certain sites are excluded from the PDL classification, equestrian facilities fall within. Thus, the land forming part of the application site and comprising the indoor and outdoor manège and associated hardstanding area used for car parking and ancillary activity unequivocally constitutes PDL.

5.3 There have been a number of recent appeal decisions which clarify what should be included within a PDL assessment in the context of equestrian facilities. Two decisions are briefly discussed in below and copies of the appeal decision notice, aerial photograph and site plans are included at Appendix 2.

Land to the rear of Castle Road, Milton Keynes:

5.4 This proposal sought permission for 14 dwellings on a roughly triangular piece of land which lay outside the village boundary. The site was mainly laid to grass and was used for grazing and the keeping of horses. It contained a manège and stable on part of the site. The development was refused by the authority and was subsequently allowed on appeal in November 2017.

5.5 In the Inspector's assessment as to what constitutes PDL, he determined at paragraph 13 that;

> *'although only the northern part of the site contains development, the paddocks that extends to the south is part of the use of the site for equestrian purposes. I find this to be an integral part of the site that is within the curtilage of the manège and stable building. Thus, the site is considered PDL.'*

Lower Timber Hill Lane, Burnley:

5.6 This proposal related to the erection of 4 dwellings on land used for keeping and exercising of horses. The application was refused and allowed at appeal in May 2014.

5.7 In the decision notice the Inspector made reference to the disagreement between the applicant and Council as to the extent of the PDL. At paragraph 7 the Inspector noted that;

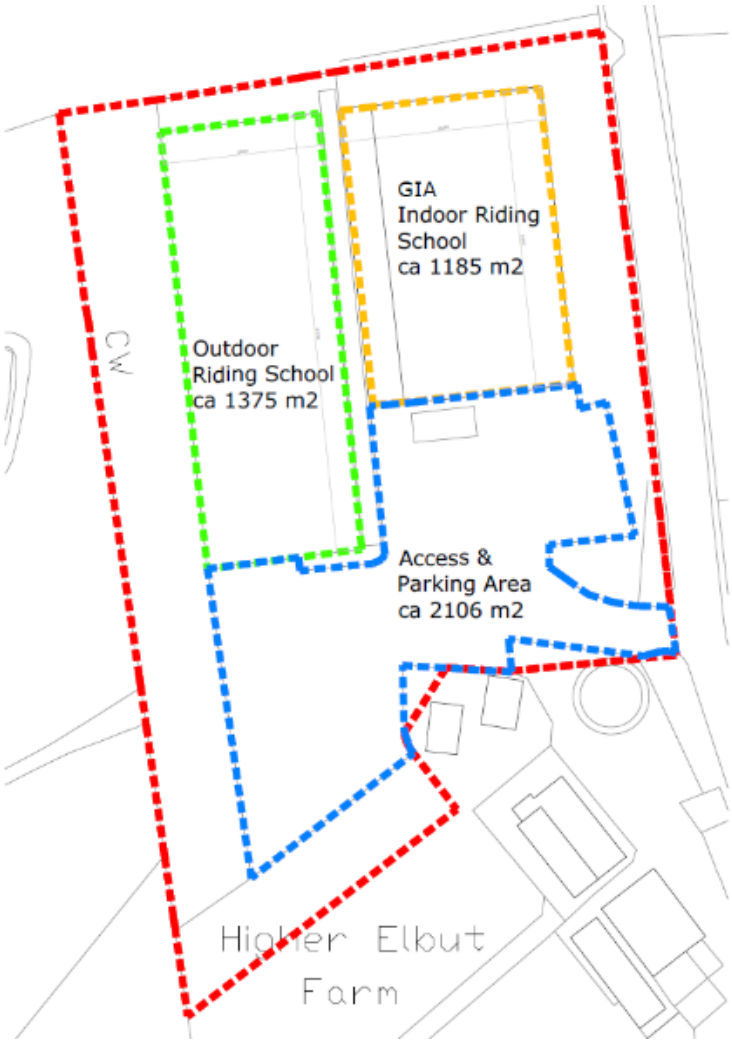
> *'Whilst I appreciate the Council's comments regarding the relative size of the stables, the riding arena is clearly a facility for horses based at the site. It is a man-made, purpose-built form of development close to, and clearly used by the resident horses. As a result, I consider that it falls within the curtilage of the stables …. In addition, the grassed area adjacent to Timber Hill Lane in front of the stables is also used as the access to the site and for horses to move between the stables and the and paddock. Given its proximity and use I agree with the appellant that this area is an integral part of the site and is also within the curtilage of the stable block.'*

5.8 The Inspector concluded that both the manège and grassed area adjacent to the stable should be included along with the stable as part of the extent of the PDL.

5.9 It is clear from the Inspector's decisions that in an assessment of the extent of the PDL that it is appropriate to include any stable, manège and hardstanding associated with the equestrian facilities (used either for vehicular movement or access by the horses). Therefore, applying these principles to the application site, it is appropriate to include the indoor and outdoor manège together with the associated access and parking area and ancillary land used in association with the riding centre as the extent of the PDL.

5.10 As part of the pre-app discussions the plan below was submitted and agreed with the Council to comprise PDL. Indeed, officers considered that a larger area should be included comprising the landscaped boundary abutting Birtle Road, but we have excluded this area as part of the calculations. The plan below identifies the extent of the land to be included which amounts to a total area of 4,666m2 and was confirmed by officers to comprise PDL on 25th October 2018 in the written response following the pre-application meeting.

Figure 5.1 PDL area (agreed as part of the pre-application discussions)



5.11 The submitted application, however, includes a slightly amended site edge red to enable the inclusion of land within the livery yard which is now to be used to provide parking. An amended PDL area is therefore now included to reflect this change. This additional land forms part of the existing equestrian facilities comprising land around the horse walker and stables which are to be demolished. These areas fall within the definition of PDL and can rightfully be included within the area assessment. Thus, the total area of PDL now included as part of the application amounts to 5,830m2 and the revised details are set out on the plan below and summarised in the table.

Figure 5.2 Amended PDL area (as submitted and reflects the site edged red)



Table 5.1 Summary table of the relevant areas and volumes

Existing hardstanding areas forming PDL	**m2**
Outdoor manège	1375
Indoor manège	1185
Open ended structure	35
Stables x2	54
Additional land used for car parking, access and ancillary land associated with the equestrian facilities	3181
Total PDL	**5830**
Existing volumes	**m3**
Indoor manège (including the open ended structure)	7162
Stables	160
Total	**7322**
Other Land	**m2**
Land currently PDL to be grassed (coloured yellow)	1040
Garden land outside of the PDL (coloured pink)	748
Roads and carparking associated with the development (livery included)	1436
Proposed Houses (6 dwellings)	
Volume of houses	6653 m3
GEA of houses (footprint)	1009 m2
External hard standing area associated with each dwelling	1500 m2

5.12 It is also relevant to consider the planning history of the site to provide further evidence that the site comprises PDL. In 2009 planning permission was granted for the construction of outdoor horse-riding arena, installation of land drains, extension of car park and erection of lighting columns (ref 09/D51769). Through granting planning permission, the Council acknowledged that the development of the arena constituted operational development under section 55 of the Town and Country Planning Act 1990. This permission was implemented in accordance with the decision notice and therefore must be included as PDL in the context of the NPPF.

5.13 The proposed development reflects the extent of the PDL with all the built development contained within the defined boundary of the currently developed site. Similarly, the access road and associated hardstanding to the properties are also contained within the boundary. The development therefore accords with the requirements set out in the NPPF in terms of defining the PDL boundary.

5.14 It is acknowledged that part of 3 of the gardens (plots a – c) are contained within currently open land, beyond the outdoor manège. No development is proposed on this land it is simply to be grassed and enclosed with a low stone wall and subtle use of shrubs and trees (the patio area to serve the houses fall within the PDL). It is considered that this is not inappropriate for the following reasons:

- the current proposals seek to exclude a considerable area of existing PDL from any built development. This land comprises the rear part of the indoor and outdoor manège and also a substantial part of the existing hardstanding used for parking (as demonstrated at Fig 5.2 with the land coloured yellow). This land to the north will be grassed and form part of the gardens to the properties 'c, d and e' whilst the land to the south will provide an attractive green route for the PRoW and enhancing the setting for the development; and
- the strip of land has a visual and functional relationship to the riding centre. It is a small, definable area enclosed by fence and provides access to the field lying to the north which is rented by the applicant (and has been for some 30 years) providing additional land to graze and exercise the horses.

5.15 Therefore, in area terms, some 1040m2 of current PDL is to be grassed (as indicated yellow) and some 748m2 is to form the gardens to 3 properties (indicated pink). Both areas are to remain open and free of development. The use of a small area of land beyond the PDL for gardens is more than compensated for by returning a significant part of the current PDL site to grass. Overall, it means that there some 18% of the current PDL will be open following the development or if account is made for the garden land there would still be a net gain of open land by some 5%. It is therefore considered that the requirements of PDL are not compromised and offers an enhancement to the visual appearance of the site and an improved environment for users of the PRoW.

5.16 In addition, when comparing the extent of the existing built PDL to that proposed, the benefits of the development are also apparent. The current extent of PDL amounts to 5830m2. The total combined footprint of the proposed dwellings is 1009m2 (GEA) with a further 1500m2 of hardstanding/patios associated with the dwellings. In addition, there will be a further 1436m2 of communal roads/ footpaths and livery parking providing a total of 3945m2 of developed land. This figure is substantially less than the established area of the PDL demonstrating that a significant proportion of the current PDL is now to be grassed and landscaped. The proposed development when assessed on this basis offers a significant reduction of 32% in the extent of developed land within the Green Belt to what is currently at the site.

Green Belt – Extent of Harm

5.17 As a starting point for our assessment, it is first necessary to form a view on the extent of the potential harm to the Green Belt that would be caused by the proposed development, before going on to assess the other considerations which weigh in favour of the scheme, together with any non-Green Belt harm that could arise. A balancing exercise can then be performed to reach an overall judgement on whether these considerations would outweigh the potential harm to the Green Belt and other harm.

5.18 Paragraph 134 of the NPPF identifies five purposes of Green Belt land. In our assessment, the development of the application site would have the following implications in relation to each of the purposes:

- *'to check the unrestricted sprawl of large built-up areas'* - the application proposal would result in some expansion of the built-up area of Birtle, but new defensible boundaries of development would be created;

- *'to prevent neighbouring towns merging into one another'* – the parcel of Green Belt does not protect a gap between settlements;
- *'to assist in safeguarding the countryside from encroachment'* - The proposal would not constitute encroachment into the countryside given that the site is an established area of previously developed land and would not impact adversely upon the openness of the Green Belt land in this area;
- *'to preserve the setting and special character of historic towns'* - An assessment of the development's impact on the setting of Higher Elbut Farm and Birtle Conservation Area is provided at section 6 of this Statement. The impact on the setting of the listed assets is found to be of negligible change; and
- *'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'* – the site does not have a specific role in supporting urban regeneration or any regeneration priority areas.

Impact on the Openness of the Green Belt

5.19 In recognition of the fact that the fundamental aim of Green Belt policy is to prevent urban sprawl. It is necessary to establish impact on openness.

5.20 There has been much case law regarding how proposals should be tested in relation to their impact on the openness of the Green Belt.

Turner vs. Secretary of State for Communities and Local Government

5.21 A planning application (LPA ref 3/13/0950/FUL) was made by Mr John Turner for the replacement of an existing mobile home and commercial vehicle storage yard with a 3 bedroom bungalow in September 2013. This application was refused by East Dorset District Council in February 2014.

5.22 Mr Turner lodged an appeal (PINS Ref: 2222356) against the Council's decision which was dismissed in December 2014. The appeal decision was challenged in the Court of Appeal and Lord Justice Sales in his judgement concluded:

> *"The concept of 'openness of the Green Belt' is not narrowly limited to volumetric approach suggested Mr Rudd. The word 'openness' is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these factors will be factors relevant to how built up in Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.*
>
> *The question of visual impact is implicitly part of the concept of 'openness' of the Green Belt.*
>
> *The visual dimension of the openness of the Green Belt does not exhaust all relevant planning factors relating to visual impact when a proposal for development in the Green Belt comes up for consideration. For example, there may be harm to visual amenity for neighbouring properties arising from the proposed development which needs to be taken into account as well. But it does not follow from the fact that there may be other harms with a visual dimension apart from harm to the openness of the Green Bely that the concept of openness of the Green Belt has no visual dimension itself.*
>
> *… The openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion does not in itself means that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there…"*

Goodman Logistics (UK) Ltd vs. Secretary of State for Communities and Local Government

5.23 The Goodman Logistics Developments (UK) Ltd vs. Secretary of State for Communities and Local Government Court of Appeal decision also covers the issue of openness. Mr Justice Holgates judgement concluded:

> *"It is plain from Turner, which is binding on this court, that visual impact, as well as spatial impact, is relevant to the assessment of the effect of a*

> *development on openness. The absence of visual impact is insufficient to found a conclusion that there is no impact on the openness of the Green Belt, but there is nothing in Turner to support SSCLG's proposition that on a correct interpretation of the NPPF, an assessment of the visual impact of a development cannot ameliorate the harm to openness attributable to the spatial impact of that development…*
>
> *(ii) I conclude that there is nothing in Mr Buley's analysis of the case law to justify the proposition that on true interpretation of Green Belt policy, the visual effect of a development cannot be taken into account as reducing the spatial or physical harm that a development would cause to the openness of the Green Belt. I agree with Goodman that the principles on Green Belt policy laid down in Turner support their contention that it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt."*

5.24 It is therefore correct that the impact of the application proposals on the openness of the Green Belt should be assessed in terms of both spatial and visual impact considerations.

Spatial Impact

5.25 Firstly, in quantitative terms, it is appropriate to consider the volume of the existing development which is to be lost as a result of the development; the outdoor manège, indoor arena, open ended structure and the two stables and to compare to the proposed dwellings.

5.26 The indoor arena is a substantial structure constructed with a concrete base and profile aluminium walls and roof. It has a floor area of 1185m2, ridge height of 7.5m and a volume of 7162m3. In addition, the two stables to the south of the application site are to be removed and have a collective volume of 160m3 whilst the open-ended structure some 35m3.

5.27 Therefore, the existing structures to be demolished have a total volume of 7322m3 compared to the combined volume of the houses; 6653m3. Therefore, the proposed development of 6 dwellings would result in a decrease in volume of 669m3 or 9% from that currently at the site which is significant.

5.28 Recent proposals for a nearby site, Tack Lea Works proposed a similar form of development (LPA ref 17/00359/FUL). An application was submitted for the redevelopment of a vacant site with partially derelict buildings for 14 dwellings. The site was identified as a major existing developed site within the Green Belt. The scheme proposed a 7% increase in the volume of the new dwellings compared to that on site. This increase was considered to be acceptable with the planning officer stating in the report to committee that the increase was 'unlikely to be noticeable to the eye.' On this basis it is reasonable to conclude that a 9% decrease would be favorable.

5.29 The massing created by the development will, however, be viewed in a different way; the volume would be split into smaller elements separated by space in between the buildings rather than one large, imposing building. The spaces in between the houses would create vistas through to the countryside, the courtyard or existing buildings. Views of development will still be possible, but it will be of a collection of buildings of varied ridge height / profile and of design more sympathetic design in keeping with the area.

5.30 As well as a decrease in the overall volume of the proposed development, there would also be a reduction in the footprint of the proposed buildings when compared to the footprint of the buildings to be demolished. The combined footprint of the existing indoor manège, open ended structure and stables is 1274m2 whilst the 6 dwellings would have a combined footprint of 1009m2. Therefore, there would be a reduced built floor area of approximately 20%.

5.31 The adjoining outdoor manège measures 1,375m2 and comprises built up ground (with retaining walls due to the fall in the ground level) and which is lit by eight 7m external lighting columns. Whilst there is no massing to take account of, the structure is nonetheless a prominent feature on the landscape and its removal would have a noticeable impact on the landscape.

5.32 Given the above, there is a quantitative justification as to the reduced impact that the development will have on the landscape.

Visual Impact

5.33 As illustrated in case law, there is an important visual dimension to the purposes of Green Belt and 'greenness' is an important quality in ensuring that the 'eye' is relieved from sprawl. The proposed development involves the removal of a number of buildings most notably the large indoor manège.

5.34 At present as one approaches the site from the north, the existing outdoor manège is visible elevated on the horizon and set behind the boundary trees. The proposed houses would also be set behind the tree boundary but would be less prominent since they are set further within the site and additional planting is proposed along the northern boundary.

5.35 At present, the outdoor manège is some 5m from the boundary of the site but the house on plot c (north west corner) would be 6m from the boundary whilst the dwelling on plot d (north east corner) would be 9m from the boundary. A further difference will be evident in that the profile of the proposed development since the height of the proposed buildings along the northern boundary differs by some 1.5m and there will be breaks in between the dwellings. This will create variety and interest in the roof line profile rather than one continuous mass. Overall, the views of built form will be lessened as one approaches from the north and therefore the sense of openness enhanced.

Figure 5.3 3D visual of the outdoor manège and the proposed dwellings viewed from Birtle Brook



5.36 As one approaches from the south, views northwards to the site are largely dominated by the Listed Building which lies at an angle to the road together with dwellings to the west of Birtle Road and with open views to the east. Views of the indoor manège are limited and are seen against the backdrop of the existing livery buildings. This position will not change in respect of the proposed development. Views of the development will be similarly restricted due to the existing buildings and the houses would form a collection of buildings, grouped together on the horizon.

5.37 Closer to the site, there is an established hedge and tree boundary along Birtle Road which restricts views into the site. At the entrance existing views are of the access road rising up to the car parking area and of the outdoor manège. This will change little as a result of the development but will include low stone walls and glimpses of the dwellings on the edge of the courtyard. The open views westward along the line of the footpath will be retained over the newly created landscaped land.

5.38 As one approaches the site from the west along the public footpath, views are dominated by the large structure of the indoor manège, the raised topography of the outdoor manège, the lighting columns and the large expanse of hardstanding occupied by horse trailers, other vehicles and associated paraphernalia.

5.39 The proposed development will change this view and replace the mass of the outdoor manège with a group of attractive, stone buildings. Whilst the built development will appear marginally more visible, it will remain contained within the area defined as PDL. In addition, the extent of built development will be offset by the significant loss of hardstanding to the south of the application site which is currently used for parking, and other associated activities. Instead, this area will be soft landscaped and will represent a welcome contribution to the open aspect of the site.

Figure 5.5 View of the application site from the PRoW



5.40 In summary, the proposed development involves the replacement of the substantial manège, structures and hardstanding associated with the equestrian centre with 6 bespoke, sensitively designed dwellings. The houses are to be positioned in a close grouping around a courtyard to create the feel of a farmstead which is a regular feature in the Pennine landscape and Green Belt. The gardens have limited boundary enclosures plots to retain the open aspect to the countryside beyond. The overall scale of the built development is commensurate with the existing but significantly, large areas of the site are to be kept free from development which will ensure that the overall open aspect of the site is not harmed and the purposes of keeping the land within the Green Belt is not compromised.

5.41 Given these facts it is considered that the development would not result in any greater impact on the openness of the Green Belt than the existing development and therefore the proposal complies with paragraph 145 of the NPPF, policy Core Strategy Policy G4 and saved polices G/D/2 and D/4.

6 Heritage Statement

6.1 This section of the Statement considers the significance and impact of the development proposals on the Grade II Listed Building Higher Elbut Farm and attached Stable and Barn and the Birtle Conservation Area. A proportionate assessment of the developments impact on the identified designated heritage assets is provided drawing on an understanding of their significance.

Statutory Provision, Policy and Material Considerations

6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special regard to the desirability of preserving the setting of Listed Buildings. Preservation in this context means the avoidance of harm.

6.3 This objective is of considerable importance and the particular approach to be taken in discharging this duty has been clarified by the Court of Appeal in the 2014 'Barnwell Manor' case. This judgement confirms that any development in the setting of a listed building which causes harm to that building's significance requires clear and convincing justification.

6.4 Recently there have been two conflicting cases on how the Courts should approach the duty in Section 66 of the Act.

6.5 In R (Williams) v Powys CC [2017] EWHC Civic 427 the Court of Appeal looked specifically at how the setting of a listed building should be defined. Although Lindblom LJ recognised that a Court should not set down universal principles for defining setting he did set out some guiding factors. The keystone to whether a development was in the setting of a listed building is that:

> '… *there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape.'*

6.6 Physical proximity was not held to be essential. The case set out the distinction between 'inter-visibility' and 'co-visibility'. The former being where the listed building and (in this case) the wind turbine could see each other, the latter being where the two could be seen together from a third view. It was not just inter-visibility that had to be engaged with under Section 66 but also co-visibility; and two buildings could be physically apart but share co-visibility.

6.7 Separately, the High Court handed down judgement in Steer v SSCLG [2017] EWHC 1456. This concerned two planning permissions for developments in the setting of Grade I listed Kedleston Hall. Here the Inspector had found that setting should be defined on a narrow basis as requiring a visual connection only. However, this was overturned by Lang J on the basis that the Inspector had placed too much emphasis on the requirement for a visual connection, and had ignored the existing historic, cultural and economic connections that existed between the locations. At [64]:

'whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the surroundings in which a heritage asset is experienced. The word 'experienced' has a broad meaning, which is capable of extending beyond the purely visual.'

6.8 Historic England make it clear that 'setting' is not an asset in its own right and a change to setting may be unimportant unless the result is some harm to significance to the heritage asset.

6.9 In terms of Conservation Areas, Section 72 of the Act requires that Local Authorities pay special regard to desirability of preserving or enhancing the character or appearance of that area.

6.10 Relevant additional guidance contained at section 16 of the NPPF has been included at section 3 of this statement along with reference to relevant adopted local planning policy set out in the Rochdale Core Strategy comprising policy P2 together with saved policy of the Rochdale Unitary Development Plan comprising policy G/BE/9.

Identification of the Heritage Assets and Impact Assessment

6.11 The site lies within the Birtle Conservation Area and some 60m from the Grade II listed Higher Elbut Farm and Attached Stable and Barn. Each of the assets are considered in turn below.

a) Birtle Conservation Area

6.12 Birtle Conservation Area was designated in 2008 after the adoption of the Rochdale UDP and therefore is not reflected on the proposals map. The Council have not prepared a character assessment of the area.

6.13 The Conservation Area extends from the Grade II listed Higher Elbut Farm and attached stable and barn in the south, northwards to include the retirement complex, known as Birtle Brook Village, various cottages beyond and the Pack Horse Inn pub. All of the application site is included within the Conservation Area.

6.14 Buildings within the Conservation Area are of a mixed age and style spread out along a short section of Birtle Road. In the south are the oldest buildings comprising the Grade II farmhouse constructed in stone and part lime washed with stone flagged roof. Whilst beyond lies the numerous stable buildings forming Birtle Riding Centre. The indoor arena is functional and constructed in steel with a concrete/aluminium profile roof and arguably detracts from the character of the area.

6.15 Further north is the Birtle Brook Village; the redeveloped former bleach works. This development retains some of the original brick and stone buildings along with contemporary additions positioned in a courtyard setting and constructed of similar materials. The development is set within attractive landscape grounds which adds cohesion to the 'village'. Beyond Birtle Brook Village are further groupings of dwellings comprising a terrace of brick-built houses (The Ormrods) and a further stone terrace (White Ash Terrace). The Pack Horse Inn marks the northern extent of the Conservation Area.

6.16 Overall, the Birtle Conservation Area has a semi-rural character with sporadic groups of buildings set back along Birtle Road. The road is partly bordered by mature hedging and trees which restricts views to the buildings and countryside beyond. Birtle Brook Village has a more open, contemporary appearance, reflective of the original built form and the age of the scheme.

6.17 The proposed development seeks to remove two manège, various ancillary structures and hardstanding used in association with the equestrian centre. Whilst these elements are not inappropriate uses within the local environment, in visual terms the buildings and structures do not make a positive contribution to the landscape. A significant factor in the design process was to create a development which complemented existing buildings within the Conservation Area, creating a development reminiscent of the isolated Pennine farmstead, which is evident within the local area, but with a contemporary feel reflective of Birtle Brook Village.

6.18 The buildings have been designed around a courtyard with simple plan form and detailing. They are to be constructed in stone and slate reflecting that of nearby buildings with additional timber detailing to add interest to the façade and provide a further agricultural feature. However, the elevations also include large glazed windows to provide a modern element to the design and to take advantage of the views over the countryside.

6.19 It is considered that the proposed removal of equestrian facilities and their replacement with a bespoke architectural led residential development that is reflective of the local vernacular and materials and set within a sympathetically designed landscaped setting will complement nearby development, improve the appearance of the site and enhance the character of the Conservation Area.

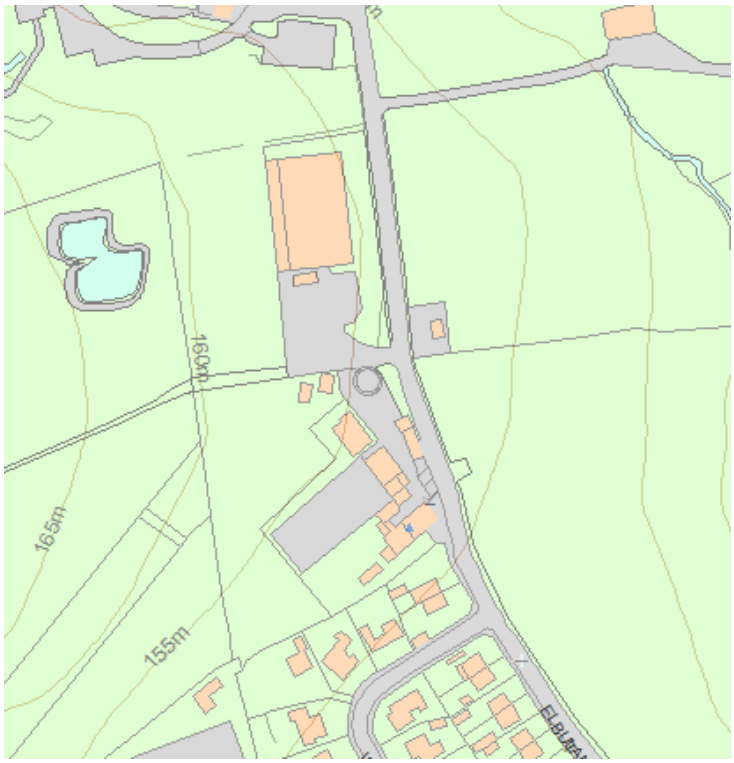
b) High Elbut Farmhouse and attached Stable and Barn

6.20 Historic England's listing of the property is provided below.

Figure 6.1 Historic England Listing

Listed Building Grade: II
List Entry Number:1084291
Date first listed:15-Dec-1967
Date of most recent amendment:12-Feb-1985

Statutory Address: HIGHER ELBUT FARMHOUSE AND ATTACHED STABLE AND BARN, ELBUT LANE



Details
SD 81 SW HEYWOOD ELBUT LANE (west side) 5/16 Higher Elbut Farmhouse and attached stable and barn. (formerly listed as Higher Elbut 15.12.1967 Farmhouse Elbut Lane Birtle (with adjoining buildings)) II

Farmhouse, barn and former stable. Late C17. Coursed stone with stone slate roof. 2-unit, 2-storey plan with central entrance, former stable addition to left and barn added to right, all under one continuous roof. The central door has square-cut jambs and lintel, to the left an 4-light (with one mullion removed) and to the right a 2-light window with double chamfered mullions and headmoulds; the first floor has one 4-light (with one mullion removed) and one 2-light flush chamfered mullion windows. The axial ridge stack is to the left. The stables are of one bay and the barn of three with large opposed cart openings with timber lintels, the rear one having been bricked in. The entire group has been lime-washed.

Listing NGR: SD8359112116

6.21 As noted in the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The aim being to demonstrate that the development proposed at the least does not harm the heritage asset and ideally makes a positive contribution to its long-term protection and enhancement.

6.22 The Listed Building lies on a different plane to Birtle Road being on an east west axis. The western part of the building is used as a dwelling having been converted in early 2000 whilst the eastern part remains as a barn being used in association with the adjoining livery. The barn retains the distinctive cart door on the southern elevation reflecting its historic use for agricultural purposes and is a prominent feature travelling north on Birtle Road.

6.23 The rear of the building abuts the livery yard to the north whilst to the south there is a cobbled drive and path and separated from the adjoining 1960s house by a small area of planting.

6.24 In assessing the impact of the development, it is appropriate to consider views from the Listed Building to the site and vice versa. As the photographs below demonstrate, the inter-visibility is limited. There is a separation distance of some 60m between the Listed Building and the application site. The land gently rises up towards the site and as a result only the upper parts of the manège and lighting columns are visible on the skyline with the foreground of the livery yard and further outdoor manège.

Figure 6.2 Views of the application site from the Listed Building





6.25 Views of the Listed Building from the manège are similarly limited and largely confined to the stone flagged roof. The building is seen against the foreground of the livery yard and the backdrop of the residential development off Weythorne Drive.

Figure 6.3 views of the Listed Building from the application site





6.26 Views of the Listed Building and the proposed application site from public vantage points are limited. The only view of the application site and the Listed Building together is when approaching from the south. As noted before, these views are greatly restricted due to the separation distance, the presence of other built form, existing vegetation and the topography of the land. For these reasons, it is considered that there is no strong visual or physical relationship between the two and the application site does not form a clear part of the setting of the Listed Building.

6.27 The proposed development will not change this position. The massing of the indoor manège will be broken down into smaller elements and whilst the development will be spread over a greater area, the footprint from the development will be less and still wholly contained within the PDL. Building heights are varied but similar to that of the indoor manège. Therefore, as at present the roofs of the proposed development will be glimpsed in the distance as the manège is now. It is therefore considered that the development will be no more prominent from this view and the site will continue to have negligible impact on the setting of the Listed Building.

Summary

6.28 It is a requirement of the NPPF that planning proposals contribute to the achievement of sustainable development. This planning objective is, therefore, to ensure that the development near heritage assets continue to contribute to the stimulation of a thriving historic environment. This has required a clear and proportionate evaluation of the significance of the affected assets, as has been outlined previously.

6.29 In this context, the analysis of the nearby listed buildings and Conservation Area has led to an informed and sensitive development proposal which avoids and minimises conflict with the heritage assets, ensuring that the application clearly meets the requirements of the NPPF (paragraph 189 and 190) and adopted policy.

6.30 The proposals will make an appreciable contribution to the vitality of this part of Rochdale and will contribute to the character and distinctiveness of the setting of the heritage assets. As a result, the proposed development will not cause substantial harm to the significance of the listed buildings or the Conservation Area.

6.31 It is asserted that in the context of the above, the proposals would constitute less than substantial harm to the significance of the designated heritage assets. As such, in accordance with the advice contained within paragraph 196 of the NPPF, the harm should be *'weighed against the public benefits of the proposal.'*

6.32 These benefits are judged to be:

- boosting the supply of new housing within the settlement of Birtle;
- making efficient use of a previously developed site in a sustainable location;
- providing a type of development which meets an identified need providing higher value housing;
- returning current developed land to the open countryside and providing an attractive setting for the public footpath; and
- removing development which detracts from the Conservation Area and thereby enhancing the character of the area.

6.33 Overall, it is considered that the proposed development will make a positive contribution to the appearance of this part of the Conservation Area, enhancing its character and local distinctiveness. Further, it will not cause impact on the significance or setting of Higher Elbut Farm and attached Stable and Barn.

6.34 For the reasons discussed above it is taken that the special interest of the listed building is preserved such that the application discharges the Section 66(1) duty. Accordingly, all consequent NPPF policy is satisfied.

6.35 There are therefore no sustainable reasons to refuse this application on heritage grounds, particularly when considered in line with the clear public benefits as advocated at paragraph 196 of the NPPF.

6.36 In addition, it is considered that the proposed development is also compliant with policy P2 of the Core Strategy and saved policy G/BE/9 since it;

- would integrate successfully with the key natural features of the locality;
- would not compromise views of the Listed Building and would enhance the character and appearance of the Conservation Area creating a development with a strong identity and a positive feature; and
- conserve and enhance the landscape of the area.

7 Planning Assessment – Other Considerations

Introduction

7.1 The two preceding sections considered the principle issues relating to the development of the application site for residential development; development within the Green Belt and its impact on the heritage assets comprising the Conservation Area and Listed building. It has been demonstrated that both issues can be satisfactorily addressed, and the proposals are policy compliant in this regard. It is therefore considered that the acceptability of the scheme, in planning terms, depends upon site specific and contextual issues. The relevant detailed issues are discussed within this section.

7.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, the issues are assessed against relevant development plan policy and other relevant material considerations. Reference is also drawn upon the documents prepared by other consultants. The following matters are considered:

- design, appearance and impact on the character of the area;
- highways, parking and servicing;
- housing provision;
- ecology;
- geo-environmental considerations;
- flood risk and drainage strategy;
- residential amenity;
- energy and sustainability; and
- S106 contributions

Design and Appearance and impact on the character of the area

7.3 The scheme has evolved considerably in response to comments made by officers at the pre-application meetings. Originally, a larger scheme was proposed utilising houses which are of a generic modular design and manufactured off site and brought to site readymade. Officers were concerned about the quality of the design, the proposed layout and the potential impact on the Green Belt.

7.4 In response the scheme is now architect led, providing individually designed houses, using materials local to the area, of a style which is sympathetic to the character of the area and a layout which ensures a close relationship of the buildings and a form of development which reflects farmstead developments within the locale. Further, the number of units has been reduced to ensure that views over the southern part of the site and particularly along the footpath are maintained.

7.5 The proposed development comprises 6 contemporary homes, arranged to form a traditional Pennine farmstead courtyard. The design, massing and selection of materials have been carefully considered to compliment the site context and setting. As set out in the Design and Access Statement, the design has drawn upon the local vernacular and particular design features including:

- gabled end elevations;
- varying eaves heights and larger openings for access relating to agricultural processes;
- L-shaped plans and buildings grouped to create a sheltered accessible courtyard;
- elongated rectangular building forms along with irregular opening placement and sizes; and
- mullioned and non-mullioned windows with doors positioned alongside each other in a functional rather than regular sequence.

7.6 The elevations have been designed to evoke the aesthetic of traditional Pennine rural structures, whilst embracing a fresh contemporary appeal. Double height entrances and large window openings are proposed to provide a strong, simple detailing appropriate to the rural vernacular of the area and provide a contemporary feel. A varying roof-scape is included to provide interest from distant views and takes a reference point from local rural agricultural building clusters. Gaps are included in between the buildings to provide views to the countryside beyond and create a feeling of spaciousness within the scheme.

7.7 The properties have been designed to take advantage of the natural fall change in level of the land across the site, stepping the buildings down to reflect the change in ground levels. The changing site levels together with the different heights of the buildings provides a variety in the ridge heights of the buildings and allows the development to ‘sit’ within the wider landscape. It provides variety and interest to the appearance of the houses adding to the farmstead feel.

7.8 It is proposed that a simple landscaping scheme be embraced which complements the built fabric and surrounding planting. Garden boundaries will comprise dry-stone walls, native hedgerows, and low-level timber post and rail fences. The courtyard will be constructed in stone sets of different tones to delineate areas. External paved areas will be limited in extent and constructed in stone. Native planting will be included throughout to strengthen the existing planting.

7.9 Overall, it is considered that the proposed development will meet the objectives of policy P1, P2, P3 and DM1 of the Core Strategy and paragraph 127 of the NPPF namely;

- it respects site context paying due regard to the scale, density, massing and height of surrounding buildings and those within the general vicinity. The design is of a high quality with an innovative design which will enhance the appearance of the site, creating a distinctive place to live;
- is an appropriate use of a brownfield site and would contribute positively to the semi-rural character for the area through the removal of two manège and hardstanding areas and is respectful of the Birtle Conservation Area and nearby listed Elbut farmhouse, barn and stables;
- is designed around a courtyard providing good natural surveillance and meeting the relevant standards for accessibility;
- provides a mix of house types and styles and meets a particular identified demand for higher value housing;
- incorporates a simple plan design and detailing providing functional, efficient dwellings which are readily adaptable to accommodate changing needs;

- designed to minimise the impact upon the environment through the layout of the building and use of materials;
- uses traditional materials of a high quality which reflect the local buildings and can be readily maintained and will endure over time; and
- provides sufficient parking and manoeuvring space to meet the needs of the development and seeks to remove an extensive area of existing hard standing used for parking;
- would not have an adverse impact on the amenity of neighbouring residents; and
- provides a well-designed landscape strategy which is sympathetic to the character of the area.

7.10 Given the above is it considered that the proposed development offers a high-quality residential development which would be in keeping with the semi-rural setting and is meets planning policy set out at a national and local level.

Highways, Parking and Servicing

7.11 The application is accompanied by a Transport Statement prepared by Highways Advice Ltd. The report notes in terms of the layout of the proposed development:

- the proposed development site is in an accessible semi-rural location within a short walking distance (395m) from bus stops on the B6222 Old Rochdale Road offering a regular service to Bury and Rochdale;
- the proposed site access incorporates appropriate levels of visibility at the site access junction with Birtle Road providing 2.4m x 4m in each direction. Adequate visibility can also be incorporated within the site to serve the livery car park (2.4m x 22.52m appropriate for vehicles travelling at speeds less than 10mph);
- the proposed level of car parking provision accords with Rochdale Council's maximum car parking standards for residential dwellings and makes appropriate provision for all car parking demand associated with the continuing livery business. There is also sufficient space for cycle parking within the curtilage of the dwellings;
- swept path assessments demonstrate the proposed site access arrangements can safely accommodate two large cars passing, a large 11.34m length refuse vehicle, and a 10.5m length horsebox turning on site; and
- the proposed pedestrian access arrangements to the site will represent an improvement over existing pedestrian access arrangements and ensure safe footway provision is being made for existing users of the Public Right of Way, and pedestrians walking between the site and Birtle Road.

7.12 In terms of changes in traffic generation as a result of the removal of the equestrian centre, the report notes that there will be a significant reduction in movements. Currently, the business generates some 89.4 vehicle movements per day or some 626 trips per week. The proposed loss of the two manège will mean that there will be no competitions, shows, the hiring of the manège or lessons and rides out. Only the livery provision for a reduced number of horses (32) will be available. As a result, this will reduce the daily traffic generation from staff and livery visitors to 21.14 vehicles and 148 per week. This equates with a 76% reduction in traffic for the livery yard.

7.13 Overall, therefore in terms of the removal of activity associated with the equestrian facilities but allowing for the retention of the livery business will result in a 76% reduction in trip rates.

7.14 The report advises that the development of 6 properties will result in a daily average trip rate of 25.63. Thus, with the two activities combined will be 55.31 trips per day compared to the existing 89.4 offering an overall reduction in vehicular movements of 47% or 42.63 trips per day or 298 vehicle trips per week which is a significant improvement for the benefit of the local community and highway safety

7.15 The report notes that there will be other important benefits to traffic movement and highway safety through the removal of regular shows and competitions which generate some 40 horseboxes and additional vehicles on 3 weekends out of every 4 in a month. In addition, there will be significantly less horse-riding activity on Birtle Road / Elbut Lane and other public roads and bridleways. This will improve the free flow of traffic, particularly on Elbut Lane. This will be of benefit to highway safety and residential amenity.

7.16 With regards to parking provision, the report confirms that the proposed development accords with the Rochdale's parking standards in respect of the residential provision. In addition, the properties have sufficient garden area and some with garage space to provide for cycle parking. Further, that whilst the standards do not specify the parking requirement for livery uses it is nonetheless considered that sufficient space has been provided for visitors and staff.

7.17 The report concludes that the proposed development will result in a substantial and noticeable beneficial impact on the local highway network and is acceptable in respect of transport and highways matters and can therefore be recommended for planning approval.

7.18 The development is consistent with the objectives set out in NPPF section 9 and Core Strategy policy C6 and T2 regarding promoting sustainable transport and improving accessibility since the site is well related to the nearby residential areas offering access to a range of services and facilities including public transport, by foot and cycle. The development provides sufficient parking to meet the needs of the development and enhances the route of the public footpath.

Housing Provision

7.19 Policy CS1 seeks to ensure that at least 460 additional dwellings are provided each year during the plan period 2012-2028. The proposed development of 6 dwellings would contribute to the Council's proposals to maximise the potential of previously development sites on the edge of the urban area to achieve a target of 80% of new housing on previously developed land.

7.20 In addition, the development would deliver 6, individually designed, detached houses of varying size. This would boost the supply of larger, higher value housing within the Borough which reflects market demand. This would accord with Core Strategy policy CS3 and the Council's Housing Strategy 2017-2022 and would provide a form of development in keeping with the character of the area and in an accessible location.

Ecology

7.21 The application is accompanied by an Ecological Survey prepared by Bowland Ecology. The conclusions in the report have been informed by a desk study, and Extended Phase 1 Habitat survey, and Environmental eDNA Survey and a Dusk Emergence Survey.

7.22 A number of recommendations are included in the report.

7.23 Enhancement measures are proposed comprising the following:

- Additional plating of native trees in suitable locations on site;
- Installation of bird nest boxes on suitable trees/buildings around the site; and
- Creation of wood piles/brash piles from cleared vegetation to attract invertebrates and fungi, providing a good local food source for hedgehogs and possible nesting sites.

7.24 Such biodiversity enhancement measures are noted and can be included as part of any forthcoming scheme in compliance with the requirements of Core Strategy G7.

Geo-Environmental Considerations

7.25 A Phase 1 Geo-Environmental report has been prepared by Scott Hughes to assess the potential contamination of the site.

7.26 A review of the history of the site indicates that there is a potential of contamination due to the site's proximity to sites with a history of industrial uses. Additionally, the presence of infilled land may give further rise to environmental risk including the possibility of asbestos. Overall, the potential contamination risk is considered to be moderate.

7.27 The report recommends that further investigative work; Phase 2 Site Investigation be carried out prior to any development at the site. Details of the additional work are included within the report. The principle requirements of policy G9 of the Core Strategy are satisfied and the details of further work required can be subject of a condition.

Drainage and Flooding

7.28 A Drainage Strategy report has also been prepared by Scott Hughes. It proposes that the site will discharge into Tack Lee Brook with flows limited to the greenfield runoff rate for Qbar. The restricted discharge rate will require the need for surface water attenuation which are to be provided in the form of geo-cellular storage crates prior to connection.

7.29 With regard to flood risk, the report notes that the development will not increase the risk of flooding to other adjacent neighbourhoods. Out of chamber or gully flooding for the extreme 100 year plus climate change event may occur within the development site and is classed as exceedance flows. It is noted that flood water from this event will be contained within the development site and directed away from the properties to the external hard and soft landscaping areas.

7.30 In terms of foul water disposal, the report notes that the closest combined sewer is over 30m away. Therefore, two options are proposed to deal with foul water generated by the development. Option 1 includes the provision of a package treatment plant located within the livery car park which would connect into the surface water drainage and discharge into Tack Lee Brook. The second option proposes a new foul rising main from the site which connects into the existing combined sewer in Elbut Lane to the south. On this basis the foul discharge would not present an increased flood risk to the surrounding district.

7.31 The above proposals demonstrate that policy G8 of the Core Strategy would be met in principle and the details of the proposed drainage strategy can be dealt with by way of condition.

Residential Amenity

7.32 The site lies on the edge of the built-up area. It is enclosed by landscaping and the adjoining livery yard. The western boundary abuts open countryside. As a result, there are no particular amenity considerations with adjoining residential properties.

7.33 The residential scheme has been designed around a courtyard setting which necessitates a close relationship between buildings to create a sense of place. Care has been taken to ensure that privacy distances are not compromised through the careful design of habitable windows and their relationship with adjoining properties. Due regard has been given to the Council's adopted Residential Design SPD and the requirements of Core Strategy policy P3.

Energy and Sustainability

7.34 There is an overriding objective at all levels of planning policy to create development which is sustainable to ensure social, economic and environmental wellbeing is achieved. The site is currently used as an equestrian centre and the principle of residential development is in accordance with policy for the following reasons:

- it forms previously developed land and the current proposal seeks to make efficient re-use of the site and in a sustainable location, well related to residential areas, services and facilities;
- the site is accessible by modes of transport other than the car; local facilities are accessible on foot, cycle and bus;

- the proposed dwellings will be sustainably built and use modern techniques to reduce carbon emissions. It is proposed to embrace the 'Fabric First' design with the careful selection of external materials which will ensure that the building is energy efficient. Energy losses and gains will be addressed by a significant increase in the performance of external materials in comparison to that required by building regulations;
- the building has been designed to provide an efficient use of space, natural ventilation and high levels of natural lighting providing pleasant views out onto the courtyard and open countryside beyond. Good levels of natural surveillance are provided;
- level thresholds, obvious entrance identification assist in creating an inclusive and accessible design; and
- the proposed scheme will incorporate SuDS through the incorporation of surface water attenuation in order to reduce the impact of flooding.

7.35 Given the above design features it is considered that the proposed development is in accordance with sections 2, 11 and 12 of NPPF and Core Strategy key strategic policies.

S106 Contributions

7.36 Core Strategy policy DM2 requires that developments provide or contribute towards the cost of providing any physical and social infrastructure that is needed because of the proposed development.

7.37 In the case of the proposed residential development it is acknowledged that contributions are required towards open space provision and maintenance (policy G6) in accordance with the standards set out in the Provision of Recreation Open Space in New Housing SPD. Contributions are required since whilst below the threshold of 10 dwellings the floorspace will be in excess of 1000m2. A contribution of £28304.46 is anticipated which in respect of the offsite provision and improvement of recreational open space.

7.38 It is proposed that this be secured by way of a S106 legal agreement prior to the issuing of any decision notice.

8 Summary and Conclusions

8.1 This Planning and Heritage Statement has been prepared on behalf of Birtle Riding Centre, for demolition of the existing indoor and outdoor manage and subsequent redevelopment of the site for up to 6 residential dwellings (Class C3 use) on land at Birtle Riding Centre, Higher Elbut Farm.

8.2 The proposed development has been informed by a comprehensive analysis of the site's characteristics and constraints. The design solution responds positively to the site and surrounding landscape context, creating an attractive and sympathetic development. The proposal has no adverse impacts on the characteristics of the local area, or on the setting of nearby heritage assets.

Overall Conclusion

8.3 The development will result in a number of positive benefits, including:

- the reuse and regeneration of an underused previously developed site that is considered to detract from the quality of the surrounding environment;
- making efficient use of a brownfield site in a sustainable location within the semi-rural area;
- provision of a mixed development of 6 dwellings providing a valuable windfall contribution to the housing supply, adding to the mix of residential development in the area;
- meeting specific housing objectives of providing quality, higher value houses;
- provision of a high-quality development with a traditional Pennine farmstead courtyard layout and a contemporary appeal which reflects the character of the Conservation Area and built development nearby;
- the removal of a large outdoor and indoor manège and its replacement with a small bespoke residential scheme which will enhance the appearance of the area;
- the significant reduction in vehicular and horse activity associated with the riding centre as a result of the removal of the manège;
- the retention and addition of new landscaping to provide an appropriate setting for the new development; and
- replacement parking to serve the retained livery business.

8.4 This Statement has demonstrated that the proposals achieve demonstrable accordance with the overall objectives of the NPPF, in particular notions of sustainability thus invoking the 'presumption in favour of sustainable development'.

In line with paragraph 11 of the NPPF, there are no significant reasons that outweigh the benefits proposed by this application. Rochdale Borough Council is therefore respectfully requested to approve this application.

Appendix 1

Public Consultation Leaflet

Proposed New Residential Development

Birtle Riding Centre, Birtle Road

Introduction

We are pleased to tell you about our plans to redevelop part of Birtle Riding Centre for 8 bespoke 3, 4 and 5 bedroom character properties.

This leaflet provides you some details about the proposed development and the future of Birtle Riding Centre and livery yard.



About the site

The site lies to the west of Birtle Road within the village of Birtle accessed off the B6222; the Bury and Rochdale Old Road. To the south of the site lies post war residential properties off Elburt Lane and Weythorne Drive and to the north, the recently developed Birtle Brook Retirement Village. The site is accessible to a range of services and facilities including schools, a hospital, pubs/restaurants and convenience shops.

The application site extends to approximately 0.8ha and comprises land and buildings associated with Birtle Riding Centre, an established equestrian centre and livery yard. The site includes a large indoor manège and elevated outdoor riding arena that is lit by eight 7m external lighting columns. There are also extensive areas of hardstanding used for car parking and turning.

The Proposal

The application proposes the demolition of the indoor and outdoor arenas, along with 2 stables and subsequent redevelopment of the site for up to 8 bespoke, character properties, plus associated landscaping, access and car parking to serve the houses and the livery yard.

It is the applicant's intention to create a development which integrates into its surroundings. Careful attention has been given to scale of the development, the appearance, use of material and landscaping, to create a development which has a 'Pennine farmstead' feel reflecting the character of the local area.

The integrity of Higher Elbut Farm, a Grade II Listed Building and adjoining land will not be compromised and the existing livery business will continue to operate, albeit on a reduced scale. The riding centre as it is currently known will no longer be available for competitions, shows or for hire. As a result, it is expected that there will be a notable reduction in vehicular traffic and horse movements on the local roads associated with the business.

The existing public footpath that runs through the site will not be affected as a result of these proposals.

The proposed development promotes the effective reuse and regeneration of a previously developed, brownfield site. The proposals offer a unique opportunity to create a sustainable community in which to live in and will improve the visual appearance of the site.



The benefits of the scheme

The proposed development will bring a number of benefits, including:

- The development of a bespoke, residential development in an appealing and sustainable location.
- The removal of an unsightly building and outside manège and its replacement with a residential scheme which will enhance the appearance of the area.
- A significant reduction in vehicle movements along Elbut Lane as a result of the removal of the manège and activities associated with them.
- An architecturally designed development which is sympathetic to the character of the area.

What happens next

We hope to submit a planning application for the new scheme within the next few weeks. Assuming planning permission is granted, we intend to make a start on site late 2020 / early 2021.

Your views

If you have any questions on these proposals or would like to make comments about the scheme before the application is submitted, please do get in touch. You can:

- Email us at paul.c@cjpartnership.com, or
- Write to us at CJ Partnership, Blue Pit Mill, Queensway, Castleton, Rochdale, OL11 2PG.

CJ PARTNERSHIP
ENVIRONMENTAL ARCHITECTS

Appendix 2

Relevant Equestrian Appeal Decisions

(a) Milton Keynes

Proposed site layout



Aerial photograph of the site



Appeal decision notice

The Planning Inspectorate

Appeal Decision

Site visit made on 9 October 2017

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th November 2017

Appeal Ref: APP/Y0435/W/17/3178790
Land to the Rear of Castle Road and North of The Glebe, Lavendon, Olney MK46 4JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Gray against the decision of Milton Keynes Council.
- The application Ref 16/01630/OUT, dated 15 June 2016, was refused by notice dated 12 May 2017.
- The development proposed is 21 new dwellings and associated development on land rear of Castle Road, Lavendon.

Decision

1. The appeal is allowed and outline planning permission is granted for "Outline planning permission including means of access (all other matters reserved) for erection of 14 new dwellings at Land to the Rear of Castle Road and North of The Glebe, Lavendon, Olney MK46 4JE" in accordance with the terms of the application, Ref 16/01630/OUT, dated 15 June 2016 subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs Gray against Milton Keynes Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A third party claim they own part of the access to the site and have provided a number of land registry titles. The appellant states that they signed Certificate of Ownership 'A' in good faith on the basis that they consider the land to be in their ownership. It is not for me to resolve matters of land ownership and the issue has no bearing on the planning merits of the case before me. Moreover, if the appellant is incorrect, nothing in my decision affects the rights that any other owner may enjoy.

4. The application sought outline planning permission with only access for consideration. A layout has been provided detailing how the site could be developed with the dwellings. I have treated this as an illustrative drawing for the purposes of the appeal.

5. The application initially sought permission for 21 dwellings. Following negotiations with the Council this was reduced to 14 dwellings. As a result, the description of the development changed from that in the header above to "Outline planning permission including means of access (all other matters

reserved) for erection of 14 new dwellings". The Council dealt with the proposal on that basis and so shall I.

6. The application form identifies the site as "Land to Rear of Castle Road Lavendon". For clarity I have included reference to "The Glebe", the postal town of Olney and postcode.

Main Issues

7. The main issue are:

- Whether the appeal site is an appropriate location for new housing having regard to the provisions of the development plan; and
- Whether the site constitutes previously developed land and the implications that flow from a conclusion on that matter.

Reasons

Appropriate Location

8. The appeal site forms a roughly triangular parcel of land that is currently used for grazing and keeping of horses. The site is mainly laid to grass and contains a manege and stable buildings to the north with the land rising gently from the south to the north. The site lies to the east of Castle Road and to the north of The Glebe. Further east and north are mainly open agricultural fields. The site lies outside of the development boundary for Lavendon and therefore, for the purposes of planning policy, lies within the countryside.

9. Policy S10 of the Milton Keynes Local Plan 2001-2011 (adopted 2005) (the Local Plan) defines the open countryside as all land that is outside the development boundaries. It is a deliberately restrictive policy which states that in the open countryside permission will only be given for development that is essential for agriculture, forestry, countryside recreation or other development which is wholly appropriate to a rural area and cannot be located within a settlement.

10. Policies CS1 of the Milton Keynes Core Strategy (adopted 2013) (the Core Strategy) sets out the settlement hierarchy whereby Lavendon is defined as an "other village" with a settlement boundary whereby small scale redevelopment and infill development will be permitted. Policy CS9 of the Core Strategy sets out the strategy for the rural area and states that appropriate infill development and conversions will be allowed in villages with development boundaries.

11. Therefore, as the proposed development would be sited beyond the settlement boundary of Lavendon and is therefore within the open countryside. The development would conflict with Policy S10 of the Local Plan and Policies CS1 and CS9 of the Core Strategy which seek, amongst other things, to restrict development to land within defined settlement boundaries.

Previously Developed Land

12. A stable building, hardstanding and manege are located in the northern part of the site, with the remainder used as grazing areas for horses. Annex 2 of the National Planning Policy Framework (the Framework) defines previously developed land as, "Land which is or was occupied by a permanent structure,

including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure".

13. From my visit it is clear that although only the northern part of the site contains development, the paddocks that extends to the south is part of the use of the site for equestrian purposes. I find this to be an integral part of the site that is within the curtilage of the manege and stable building. Thus, the site is considered previously developed land.

14. Paragraph 17 of the Framework identifies 12 core principles of sustainable development, one of which is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Paragraph 111 of the Framework reiterates the point that planning policies and decisions should encourage the use of brownfield sites. I therefore attach significant weight to the fact that the site is brownfield land.

15. The Council confirm that although the site is designated as "open countryside" it is not designated as an "Area of Attractive Landscape". Moreover, Policy CS10 of the Local Plan clarifies that the term "open countryside" applies to all land outside the development boundaries of settlements. From my visit the site does not have a high environmental value.

16. Paragraphs 7 and 8 of the Framework tell us that the three dimensions of sustainable development are economic, social and environmental which should not be considered in isolation. Paragraph 55 of the Framework also tells us that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

17. Lavendon contains a number of amenities and facilities such as a shop and post office, two public houses/restaurants, a primary school and a nursery. The key Settlement of Olney lies some 5 kilometres to the west of the site and can be reached by public transport where one can access a wider range of amenities and facilities. The larger towns of Northampton and Bedford are also accessible via public transport which provide a wider range of services and transport links.

18. The site adjoins the settlement boundary for Lavendon and has access to a variety of facilities, but it is acknowledged that occupiers of the dwellings are likely to use the private car to access services further afield. However, public transport is provided close to the site which provides an alternative to the private car.

19. The provision of 14 dwellings themselves would provide a social benefit. Moreover, the provision of houses would also enhance and maintain the vitality of rural communities by supporting services in a nearby village, such as Olney, which can be accessed by public transport. There would also be an economic benefit though the construction and subsequent maintenance of the dwellings. Turning to the environmental dimension of sustainable development, it is clear that the Framework seeks to promote the reuse of brownfield land. It seems to me that as a core planning principle, it is far better to bring forward development on acceptable brownfield land than build on undeveloped green fields.

20. The appeal must be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies within the Framework are current Government policy and are a material consideration to which I attach significant weight. The reuse of the brownfield site for the development constitutes a significant environmental benefit and I consider that the Framework is a material consideration of sufficient weight to justify a decision other than in accordance with the development plan.

Other Matters

21. Interested parties have raised the issue that the Council can currently demonstrate a 5 year supply of deliverable housing sites. As a result, there is no need to provide additional houses. Moreover, the policies within the development remain up-to-date. The fact that a Council can demonstrate a 5 year supply of deliverable housing is not in itself a reason to restrict more housing developments. Moreover, the Framework places an emphasis at paragraph 47 that to boost significantly the supply of housing, local planning authorities should identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.

22. I have not seen any evidence that local services, such as schools and doctors, could not cope with the additional demands of 14 dwellings. Concerns regarding highway safety and traffic congestion have also been raised. However, I note that the local highway authority did not object to the development. From my site visit, I see no reason to disagree with the local highway authority.

23. With regard to flooding, I note that following negotiations with the Local Lead Flood Authority (LLFA) to reduce the development from 21 units to 14 and the provision of a flood meadow area, they no longer raise an objection to the development. I see no reason to disagree with the LLFA. The Council have also confirmed that trees on the site are not the subject of a Tree Preservation Order. The site is not within the Green Belt. As stated earlier, land ownership is a private matter between those parties involved and has not had a material bearing on my assessment of the planning merits in this appeal.

24. The Council have demonstrated that there is a need to mitigate the impacts of the proposed development on local infrastructure including primary education, leisure, recreation and sports, social infrastructure and carbon neutrality. The appellant's have agreed to the contributions sought by the Council and to that end, have provided an executed planning obligation.

25. The Council's committee report states that the contributions flow from the Core Strategy, the Local Plan and other relevant Supplementary Planning Documents/Guidance. The Council are also satisfied that the contributions meet the tests at paragraph 204 of the Framework and are in accordance with Regulation 122 and 123 of Community Infrastructure Levy Regulations 2010. However, I have not been presented with any evidence to demonstrate that that is indeed the case. Although the obligation has been entered into and would come into effect on the grant of planning permission, I cannot reach a finding on it and it plays no part in my decision.

(b) Burnley

Proposed site layout



Aerial photograph of the site



The Planning Inspectorate

Appeal Decision

Site visit made on 17 March 2014

by Matthew Birkinshaw BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 May 2014

Appeal Ref: APP/Z2315/A/14/2212311
Land off Lower Timber Hill Lane, Burnley, Lancashire, BB11 2RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Mary Jo Pinder against the decision of Burnley Borough Council.
- The application Ref APP/2013/0367, dated 8 August 2013, was refused by notice dated 24 October 2013.
- The development proposed is the erection of four dwellings.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of four dwellings on land off Lower Timber Hill Lane, Burnley, Lancashire, BB11 2RH in accordance with the terms of the application, Ref APP/2013/0367, dated 8 August 2013, subject to the conditions in the schedule at the end of this decision.

Procedural Matter

2. The application was submitted in outline with only the access for consideration at this stage. I have therefore dealt with the appeal on this basis, taking into account the layout, scale, landscaping and appearance of the scheme as indicative.

Main Issue

3. The main issue is whether or not the proposal would provide a suitable site for housing, having particular regard to local planning policy which seeks to prioritise the reuse of previously developed, brownfield land.

Reasons

4. Policy GP1 of the *Burnley Local Plan Second Review* seeks to locate all new development, except that appropriate to a rural area, within the defined urban boundary. Where development is proposed in the urban boundary Policy GP1 states that it will be permitted, provided that it follows a sequential approach by prioritising the reuse of previously developed land. Local Plan Policy H2 also states that greenfield sites will only be released when completions, brownfield allocations and windfalls cannot meet the five year housing land requirement.

5. In this case both parties agree that the stables consist of previously developed land within the urban boundary. However, there is disagreement regarding the remainder of the site, which includes a riding arena and grassed areas.

6. The most up to date definition of previously developed land is contained within the National Planning Policy Framework ('the Framework'). Annex 2 defines this as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

7. Whilst I appreciate the Council's comments regarding the relative size of the stables, the riding arena is clearly a facility for horses based at the site. It is a man-made, purpose built form of development close to, and clearly used by the resident horses. As a result, I consider that it falls within the curtilage of the stables, and is not akin to a recreation ground which typically comprises of publically accessible open space. In addition, the grassed area adjacent to Timber Hill Lane in front of the stables is also used as the access to the site and for horses to move between the stables and the sand paddock. Given its proximity and use I agree with the appellant that this area is an integral part of the site and is also within the curtilage of the stable block.

8. For the purpose of the Framework both of these areas are therefore within the curtilage of the developed land. Based on the evidence provided I consider that, when combined with the stable block, they take up the majority of the site. As a result, the proposal would predominantly reuse previously developed land within the urban boundary. I therefore conclude that in principle it would be a suitable site for housing consistent with Local Plan Policies GP1 and H2. In this regard there would also be no conflict with the Framework which seeks to encourage the effective reuse of previously developed land.

9. I recognise that the appeal site also contains a grassed area leading up from the side of the riding arena to the western site boundary. With no convincing evidence to suggest that this also forms part of the curtilage of the stables the scheme would therefore involve some development of greenfield land, contrary to the development plan. However, the majority of new development would be contained to the stable block and its curtilage. Moreover, aside from the disagreement regarding the classification of the site no actual harm has been identified by the Council or any conflict with other policy requirements. In the absence of any identified harm, and given that the majority of the scheme would be located on previously developed land within the urban boundary, this partial conflict does not justify refusing planning permission.

10. In reaching this view I have taken into account representations concerning highway safety and traffic. However, no objections have been raised by the County Council's Highways Officer. Moreover, no information has been provided to demonstrate why the visibility from Lower Timber Hill Lane onto Moseley Road is inadequate, or to substantiate that this has directly led to accidents in the past. Whilst recognising comments that Moseley Road may be used as a short-cut by speeding motorists, I find no persuasive evidence to suggest that the scale of development proposed would exacerbate this situation, or significantly increase congestion in the vicinity of the site.

11. Likewise, I note from my site visit that Timber Hill Lane is a relatively narrow, quiet, unadopted route used as a bridleway and public footpath. However, as only four houses are proposed there would not be a significant increase in traffic on this historic and frequently used route. Moreover, because the site access is relatively close to Moseley Road, lengthy or hazardous reversing manoeuvres are also unlikely to be required. In the absence of any objections from the Highways Officer I am therefore not persuaded that the scheme would

severely prejudice safety along Timber Hill Lane either, subject to providing adequate off-street car parking spaces as part of the reserved matters stage.

12. I have also considered comments that the appeal site is not the most sustainably located. However, the Council has not raised any concerns in this regard and the site is within the urban boundary where development is encouraged. During my site visit I also saw that despite part of the route being uphill the nearest bus stop referred to by the appellant is only a relatively short walk away. Whilst this may not provide connectivity with some local schools, it would nonetheless provide potential future occupiers with access to the surrounding area without having to rely solely on the use of a private car.

13. The Council also confirm that there are no protected species on the site and in view of its previous use there would be no detrimental ecological impacts. Furthermore, the Council confirm that it would be possible to achieve a development of four houses on the appeal site without adversely affecting the living conditions of neighbouring residents, and no concerns have been raised in relation to the character or appearance of the area or drainage. Based on the evidence provided, I see no reason to disagree with these conclusions. Although it has been suggested that the type of housing proposed is not needed, the details provided are only indicative with matters of the scale, layout and appearance for future consideration. Similarly, issues regarding boundary treatments and the replacement or reinstatement of fences and gates would be appropriately considered at the reserved matters stage.

14. I have also taken into account that the Council has a five-year supply of deliverable housing land and that additional dwellings are not needed in the area due to the declining population. However, the need to provide five years worth of housing land is a minimum requirement, and not a ceiling which cannot be breached. In the context of the Framework which seeks to boost significantly the supply of housing, this does not justify dismissing the appeal.

15. Concerns regarding the future of the neighbouring paddock and comments regarding access rights and infrastructure provided to the site under a covenant are also noted. However, the disconnection of any existing pipework, potential for reimbursement and issues relating to rights of access would be a matter for the landowners outside of the planning process. Any planning application submitted on the adjoining land would also have to be assessed on its own merits, taking into account the relevant circumstances at that time. Consequently, I am satisfied that my findings in relation to this appeal will not set an undesirable precedent for other development on Timber Hill Lane.

16. Local residents have also raised concerns regarding house prices, construction traffic, that the owner does not live in the area and had previously stated they did not intend developing the site, and that it is used by a charitable trust. However, no details have been provided to substantiate concerns regarding property values, the effects of construction traffic would only be temporary in duration and the Council has not cited any concern regarding the loss of an equestrian facility in this area. As result, despite previous assurances from the site owner, these factors do not justify dismissing the appeal either.

17. Finally, I have also considered the publication of national Planning Practice Guidance. However, in light of the facts in this case its content does not alter my conclusions on the classification of the appeal site as brownfield land or the suitability of the site for housing in the context of local planning policy.

Conclusion and Conditions

18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.

19. Aside from the standard time limit conditions it is also necessary to list the reserved matters for which approval must be sought prior to the commencement of development. However, I have reworded the Council's suggested condition to include landscaping which was also reserved for future consideration.

20. Although not suggested by the Council, for the avoidance of doubt and in the interests of proper planning it is also necessary to list the site location plan and the scheme drawing insofar as it relates to the approved access. To ensure its appropriate construction a condition is also necessary requiring the final details to be agreed, albeit I have amended the Council's suggested condition to ensure that the approved scheme is also implemented.

21. In addition the interests of the character and appearance of the area necessitate conditions requiring the approval of material samples and site levels. Finally, given the topography of the site a condition is also necessary in relation to the management and disposal of both foul and surface water.

Matthew Birkinshaw

INSPECTOR