

Officer Report

Case Reference: PL/2026/0157
Location: Land adjacent to 1 Gorses, Bury, BL9 6UD
Proposal: Change of use of agricultural land to form a private equestrian sand paddock with associated fencing and muck trailer together with the erection of a stable block and creation of ancillary hard standing for parking
Recommendation: Refuse
Officer: Luke Rigby

SITE DESCRIPTION AND CONTEXT

The application site refers to an open parcel of land located south of Bury and Rochdale Old Road and adjacent to 1 Gorses. The existing site comprises open land with mature vegetation to the site eastern and southern site boundaries. The site is located entirely within the Green Belt.

PROPOSAL

The application seeks planning permission for a Change of Use of the land to form a private equestrian sand paddock with associated fencing and muck trailer together with the erection of a stable block and creation of ancillary hard standing for parking.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

None relevant.

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional Guidance

Saved Rochdale Unitary Development Plan (UDP) 2006:

Policy G/D/2 Green Belt

Adopted Rochdale Core Strategy (CS):

Policy DM1 General Development Requirements

Policy P1 Improving Image

Policy P3 Improving the Design of new Development

Policy G4 Protecting Green Belt

Policy SD1 Delivering Sustainable Development

Policy T2 Improving Accessibility

Appendix 5 Schedule of Parking Standards

Sub-Regional Guidance

Places for Everyone Joint Development Plan (PfE):

Policy JP-P1 Sustainable Places

Policy JP-G9 Green Belt

Supplementary Planning Documents (SPD):

None relevant

PUBLICITY

Site Notice: N/A

Press Notice: N/A

Neighbour notification letters: In accordance with the Council's adopted Statement of Community Involvement, notification letters were sent to immediate neighbours.

ASSESSMENT

Principle

The application site is located entirely within the Green Belt as defined by saved UDP Policy G/D/2. Chapter 13 of the National Planning Policy Framework (henceforth, the Framework) affords substantial weight to the protection of the Green Belt. This is echoed in Policy G4 of the adopted Rochdale Core Strategy which seeks to safeguard the Green Belt from inappropriate development.

At Paragraph 153, the Framework makes clear that development within the Green Belt is inappropriate and should be resisted unless it falls within one of the defined exceptions, or the applicant can demonstrate 'very special circumstances' which are sufficient to outweigh the harm the development would cause by reason of its inappropriateness.

The application proposes a Change of Use of the land to form a private equestrian sand paddock with associated fencing and muck trailer together with the erection of a stable block and creation of ancillary hard standing for parking. Paragraph 154(b) of the Framework makes

clear that *"the provision of appropriate facilities [...] including buildings, for outdoor sport, outdoor recreation [...] as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*.

Paragraph 154(b) of the Framework is therefore considered to be engaged. Furthermore, the proposal includes a material change of use of the land (to an equestrian arena) and engineering operations (the formation of hardstanding and the paddock sub-base). Paragraph's 154(h)(ii) and 154(h)(v) are therefore also considered to be engaged. These exceptions are conditional on an assessment of whether the proposed development would preserve the openness of the Green Belt and not conflict with the purpose of including land within it.

It is well established in recent case law (*R (Samuel Smith Old Brewery) v North Yorkshire CC [2020]*) that openness has both spatial and visual dimensions and that this is a matter of planning judgement on the merits of the case and to what extent visual effects are relevant. Both dimensions are discussed insofar as they are relevant below.

The existing site is currently an open, undeveloped parcel of land and reads as such from several nearby vantage points. The proposed development would introduce a linear form of development that extends across approximately 85sqm that includes a building which approaches 250 cubic metres of volume, an engineered sand paddock of some 800sqm enclosed by post-and-rail fencing, and an unquantified area of hardstanding for vehicular parking. A semi-permanent muck trailer is also proposed. When taken cumulatively, in excess of 1000sqm of land would be changed from the current, undeveloped pasture to developed/engineered equestrian use which would feature buildings, boundary treatments and associated paraphernalia. This represents a material loss of spatial openness which is not marginal in character and would materially impact on how the parcel of land is viewed in relation to its surroundings and the wider Green Belt.

Furthermore, the application site is highly visible from Bury and Rochdale Old Road (the B6222), a public highway located to the north of the application site. The land is separated from the public highway by a low metal railing which lies adjacent to the public footpath, but provides no visual screening or buffer against the background of the application site. The Design and Access Statement relies on the "substantial backdrop of mature trees" and asserts that the development would be "visually contained within the landscape structure of the site". Such landscape structure is located to the east and south of the application site along the boundary, however, and forms a backdrop to the proposed development and would do very little to screen it from view or provide a visual buffer. The 22.5m long, 3m high structure, taken together with the post-and-rail enclosure to the 40x20m paddock would be clearly legible from the public highway and surrounding street scene and would therefore result in a material loss of openness in both a spatial and visual sense.

Having regard to the above and both the spatial and visual dimensions of openness, it is considered that the proposed development would fail to preserve the openness of the Green Belt. Paragraphs 154(b) and 154(h) therefore do not apply and the development constitutes inappropriate development within the Green Belt.

Inappropriate Development in the Green Belt will only be supported by the Council where, in line with Paragraph 153 of the Framework, very special circumstances can be demonstrated that would outweigh the harm caused to the openness of the Green Belt by virtue of its inappropriateness. No very special circumstances have been demonstrated in this instance that demonstrably outweigh that harm. The Design and Access Statement states that reasons

for the development include reducing ongoing costs, improve daily oversight, and to bring home the applicants horses for private management; these reasons relate to almost exclusively private benefits and are clearly insufficient to amount to very special circumstances in this instance. The proposal therefore is considered inappropriate in principle and would be harmful to openness. Both matters are afforded substantial weight,

Design and Appearance

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Rochdale Core Strategy Policies DM1 and P3 also seek proposals to demonstrate high quality design. Policy P2 also states that the Council will protect and enhance the Borough's character, including the quality of its countryside. New development is required to integrate successfully.

At Paragraph 139, the Framework makes clear that development which is not well designed, should be refused. Particularly where this fails to raise the standard of design more generally within the area.

The application proposes a linear stable block constructed of timber cladding, whilst the sand paddock would be bounded by simple post-and-rail fencing. Assessed strictly in isolation— notwithstanding the sites location within the Green Belt—the proposed materials and utilitarian form are traditional and generally typical of this sort of equestrian development.

However, whilst the architectural design and material palette is typical of this kind of development, the introduction of a 22.3m long structure and a formalised, engineered sand paddock into an otherwise undeveloped, open field fundamentally alters the visual character of the site. As noted in the Green Belt assessment above, the site is highly visible from the public highway and associated vantage points. Despite the traditional materials, the development would a distinctly built up appearance and engineered appearance which is incongruous within the prevailing open and undeveloped character of the immediate landscape.

As such, whilst there is no objection in relation to the specific materials or proposed design, the overall massing, scale, and spread of the development causes unacceptable harm to the visual character and amenity of the area. The proposal is therefore contrary to Policy DM1 and P3 of the adopted Rochdale Core Strategy, Policy JP-P1 of the Places for Everyone Joint Development Plan, and the design guidance of the NPPF.

Amenity

Policy DM1 of the Core Strategy seeks to ensure that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing, or loss of privacy. Impacts including noise, air, dust, light, and odour should be mitigated where necessary.

As discussed above, the proposed developments would primarily be constructed along the rear and eastern application boundary. These boundaries benefit from significant and mature vegetative screening which would screen much of the development from view.

The closest residential dwellings are located north east of the proposed development adjacent to the access road which runs parallel to the site along the eastern boundary. This separation distance, combined with the mature vegetation, is considered sufficient that the development is not considered to appear significantly overbearing or overshadowing for the adjacent residential dwellings. Furthermore, it would be sufficiently removed enough from the highway that – whilst it would still be readily visible and an incongruent feature within the landscape – it is not considered to appear significantly overbearing or overshadowing for those utilising the public highway and adjacent footpath.

Notwithstanding the above, insufficient information has been provided in relation to odour control in order for the Local Planning Authority to assess impact of odour—particularly horse manure—on the residential dwellings nearby. Given the modest scale of the proposal, however, it is considered that this matter could be adequately controlled. Had the application been considered acceptable in principle, and recommended for approval, a condition would have been attached to any approval requiring the submission of a waste management plan prior to the development being brought into use in the interest of protecting the amenity of neighbouring dwellings.

The Case Officer consulted with the Council's Environmental Health Officer, however at the time of writing this report, no response has been received.

Ecology

Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

PfE Policy JP-G8 also states that through local planning and associated activities a net enhancement of biodiversity resources will be sought where relevant. In particular, development will be expected to achieve a measurable net gain in biodiversity of no less than 10%.

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

The application submission indicates that this 10% uplift can be achieved on site, and BNG planting is accounted for. The Case Officer consulted with GMEU's Ecology Officer who raised no objection in principle to the development. The Ecology Officer notes that the the BNG Plan states that *"the Biodiversity Gain Plan says that the on-site enhancements are not considered to be 'significant' (section 4.7), however as per BNG guidance, the habitat enhancements proposed for this site would fit into the 'on-site significant enhancements' category"* and *"section 4.12 of the gain plan states that a Habitat Management and Monitoring Plan (HMMP) has not been provided. Whilst this isn't an issue at this stage, we would expect a 30-year HMMP to be conditioned and provided at that stage."*

The Ecology Officer recommends that a Section 106 Agreement be used to secure the BNG gains, and notes that the statutory BNG Condition should be applied to any permission. Notwithstanding this, however, the proposed development is considered unacceptable in principle and therefore the Council has not engaged with the applicant in respect of securing this via Section 106.

In respect of ecological impacts, GMEU indicate that the site is of limited ecological value. The application site, however, does lie adjacent to the Tack Lee & Gristlehurst Woods SBI; GMEU is satisfied that, provided that only native species are proposed in the BNG, that the proposal would not impact on the SBI.

Furthermore, GMEU indicate that the proposal is unlikely to impact on protected species and recommends an informative reminding the applicant that grant of permission does not negate the legal requirement to safeguard biodiversity. Had the application been recommended for approval, this informative would have been added to the decision notice.

Having regard to the above, the proposed development is considered acceptable in ecological terms, in accordance with Policy G7 of the Core Strategy and Policy JP-G8 of the Places for Everyone Joint Development Plan and Paragraph 187 of the Framework.

Highways and Parking

The development is not considered to have an adverse impact on highway safety and would not generate a significant level of additional traffic which would have a detrimental impact on the safe and efficient operation of the immediate local highway network, or strategic routes. The Council's Highway Department as Local Highway Authority were consulted on the proposal and raise no objection to the development.

The Highway Department, however, raise concerns regarding the access lane which is shared by the neighbouring dwellings. Concerns are raised regarding the impact of construction traffic on this road and note that it would not be fair for the other dwellings to have to pay for remedial works for any damage. A dilapidation survey is therefore recommended. Whilst this is acknowledged, damage to the road—which is not adopted by the Council—is a civil issue and is not a material consideration in the determination of this planning application. It is therefore considered unreasonable in this instance for the Council to request a dilapidation survey.

A hardstanding area would be provided on site for vehicular parking which is considered sufficient to accommodate the transient traffic generated by the proposal. The proposal is therefore considered to accord with CS Policies T1 and T2, Policy JP-C8 of PfE and the Framework.

Other Matters

Concerns have been raised from neighbouring dwellings regarding the proximity of the development to No. 3 the Gorses; these objections primarily relate to the impact on amenity, loss of privacy, and odours. These concerns have been addressed above in the relevant sections.

Concerns were also raised in relation to impact on trees given the close proximity of the development to trees. Had the application been recommended for approval, a Arboricultural Method Statement would have been secured by way of condition to protect these trees from harm during development.

Concerns have been raised in relation to drainage. Whilst it is acknowledged that the application provides no details in relation to surface run off or drainage, had the application been recommended for approval, details of such would have been secured by way of pre-commencement condition to ensure that the development does not impact on neighbouring land. It is prudent to note that the site itself is not susceptible to flooding as defined by the Environment Agency's Flood Risk Map.

Several objections were received in relation to lighting. The Design and Access Statement indicates that no lighting is proposed. To safeguard the rural area of the application site, however, having regard to the site location in the Green Belt, and the amenity of neighbours, a condition would have been attached to any permission restricting the erection of lighting without prior written consent of the Local Planning Authority.

Further concerns were raised regarding further developments in the future and the application beginning a precedent for such. The Local Planning Authority must assess each application on its own merits. Any future applications must be assessed independently on their own merits also. This is therefore not a material consideration in the determination of this application.

The representation regarding water supply is acknowledged. This is a private utility and is not a material consideration in the determination of this application.

CONCLUSION

The application seeks planning permission for the change of use of the land and erection of a private stable block, formation of a sand paddock arena and the creation of associated hardstanding in the Green Belt.

Whilst it is acknowledged that the proposal is for private, non-commercial use, the transition of this undeveloped pasture of land into a built up equestrian use fundamentally alters the character of the site. The cumulative scale and spread of the stable block, the fenced sand paddock and the vehicular hardstanding would result in a material and detrimental loss of both spatial and visual openness. Consequently, the proposal constitutes inappropriate development within the Green Belt which should only be approved where very special circumstances exist which are sufficient to outweigh the harm the development would cause to the Green Belt by virtue of this inappropriateness.

Paragraph 153 of the Framework makes clear that inappropriate development will only be acceptable in the Green Belt where very special circumstances exist. The applicant has outlined personal benefits and reasons for the development, such as reduced costs and

improved oversight of their horses. These reasons, however, do not amount to very special circumstances and are insufficient to outweigh the harm caused to the openness of the Green Belt.

No very special circumstances therefore exist, and the proposed development is therefore contrary to Policy G4 of the adopted Rochdale Core Strategy, Policy JP-G9 of the Places for Everyone Joint Development Plan, and the aims of Chapter 13 of the National Planning Policy Framework. It should therefore be refused.

RECOMMENDATION: REFUSE

SUMMARY OF THIRD-PARTY REPRESENTATIONS

3No objections received which can be summarised as follows:

- Concerns that the stables and menage are sited too close to neighbouring boundaries which would result in unacceptable smells, noise and loss of privacy.
- Concerns that building in close proximity to trees will damage the root protection areas of mature trees. Furthermore, the fencing will disrupt wildlife and will negatively affect local ecology.
- Concerns over the existing site being waterlogged and the proposed menage area is uneven. Concerns that the site will require levelling and larger amounts of hardcore than stated.
- Concerns over lighting and impact on amenity.
- Concerns regarding the development starting a precedent for further development and mission creep.

SUMMARY OF CONSULTATION RESPONSES

Highways Department: No objection to the proposal. Once the construction phase is over the development will not give rise to significant traffic. Concerns over damage to the shared access lane and cost of repairing this. Recommends a dilapidation survey.

Greater Manchester Ecology Unit

No objection to the proposal. BNG uplift can be secured by way of S106 or any other way that the Local Planning Authority sees fit. Statutory BNG condition should apply. 30-year HMMP should be secured by way of conditions, and informatives in relation to protected species.

PROCEDURAL STATEMENT

The development does not comply with the development plan and therefore does not comprise sustainable development. The proposed development is unacceptable in principle and therefore there were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Recommendation: Refuse

Refusal(s) (1)

- 1 The proposed development, encompassing a change of use of the land, construction of a stable block, and engineering operations required to form a sand paddock and associated hardstanding for vehicular parking would be harmful constitute inappropriate development within the Green Belt. The proposed development would introduce a built-up character to an otherwise undeveloped parcel of land, thereby failing to preserve the spatial and visual openness of the Green Belt. Furthermore, by reason of its engineered, utilitarian appearance and prominent siting, the development proposals, taken both individually and cumulatively, would not be well-designed and would be unduly harmful to the verdant and agrarian character of the site and its surroundings. No very special circumstances have been identified which would otherwise outweigh the harm caused by reason of the developments inappropriateness, the harm to openness and the harm to the character and appearance of the area. The proposed development is therefore contrary to Policy G4

of the adopted Rochdale Core Strategy and conflicts with the aims of Chapter 13 of the National Planning Policy Framework.

- 1 The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

- 2 For the avoidance of doubt, this decision relates to the following plans and documents:

- Location Plan
- Biodiversity Pre-Commencement Plan (received by the Local Planning Authority 13.04.2026)
- Biodiversity Post-Development Plan (received by the Local Planning Authority 13.04.2026)
- DWG No. ML/MC/6512 (Proposed Elevations and Plans)
- Design and Access Statement
- Biodiversity Gain Plan