

6<sup>th</sup> April 2017

Ms Moya Phillips  
High Peak Borough Council  
Planning Department  
Buxton Town Hall  
Market Place  
Buxton  
Derbyshire  
SK17 6EL

Dear Ms Phillips

**Re: Application HPK/2016/0610 – Change of Use of Land for the Siting of Marquees between April (week 15) to November (week 47) annually at Hargate Hill Equestrian Centre, Hargate Hill, Glossop, SK13 6JL**

Brimble, Lea & Partners has been instructed by the applicant, Mike Tyldesley and David Ervine, to provide further information in support of this application in advance of its consideration by the Planning Committee on 8<sup>th</sup> May 2017.

The main focus of our representation is to demonstrate that there are very special circumstances relating to this case as yet not fully presented to the Local Planning Authority (LPA) which when taken collectively should be considered to outweigh harm to the Green Belt by reason of inappropriateness and any other harm.

Additionally, these representations will provide further background information with respect to the application site and deal with a number of site specific matters arising as a result of the consultation process – in particular visual impact and noise.

### **Introduction**

Brimble, Lea & Partners is a multi-disciplinary practice which specialises in planning. Although based in the West Country we undertake work throughout England and have dealt with numerous Green Belt cases. One of the Practice's planning specialisms is travelling showpeople's sites. Last year we secured approval at appeal for a large site within the Green Belt on the outskirts of Wakefield, near Leeds.

### **Planning Application Background**

Hargate Hill has developed into an important equestrian centre over the last thirty-seven years within Glossopdale. Prior to 1973, as a farm, it was very run down with buildings in poor condition and the topsoil stripped from most of the fields by the previous owner, including the area where the marquee is proposed. The landowner has brought the land back to life as productive meadows. It is

an important recreational facility on the outskirts of Glossop and Tameside and relied upon both by many local owners of horses who use it for private livery and the education authorities of Stockport, Kirklees and Derbyshire for courses in equestrianism, small animal management, countryside management and conservation.

Over the last fifteen years, the land owner has brought back to life waste land that extends between the west boundaries of the equestrian centre as seen in the image below. The land has been improved by way of extensive belts of trees being planted and management of watercourses. He has encouraged the public to use the public rights of way which cross his land. This demonstrates his commitment to enhancing environmental quality and retaining countryside character.



Fig 1. Viewing from the equestrian centre toward Simmondley housing estate

Planning permission was originally granted for the riding school and livery stables at Hargate Hill in 1982. In 2008 permission was granted by the LPA for three holiday cottages.

The business is now in need of further diversification in order to ensure its future. The proposal to allow marquees to be utilised on the land for eight months of the year for events will bring in an important additional income stream.

### **Planning Application**

The proposal is to erect two marquees, a short distance to the east of the existing sizeable complex of buildings and other facilities at Hargate Hill within a natural hollow. Further details of the main marquee and relaxing area/connection to portable toilets (separate marquee) are attached as items 1 and 2. It is proposed that the main marquee will be oriented approximately north – south with a catering marquee to the rear (west). It is proposed to introduce additional tree planting (to supplement the extensive landscaping already undertaken by the landowner) which will help integrate the structure into the surrounding landscape and ensure that the limited views of it from the public rights of way are well screened.

The intended use of the marquee will be for weddings and other corporate events. There is a strong tradition of successful event management at Hargate Hill with the owner working with the Council and local community which has ensured that there has been no adverse impact as a result of traffic or noise.

It is important to recognise that the marquee will only be in situ from week 15 (April) to week 47 (November) when existing and proposed trees and hedges will provide optimal screening. There will be no structures remaining on site through the winter months.

### **Fallback Position**

Erecting a marquee does not constitute “development”. Putting up and taking down such a structure is not a building operation and, as such, under the terms of the General Permitted Development Order a marquee can be erected and utilised on open land for 28 days within any calendar year as “permitted development” without the requirement to obtain planning permission. It is understood that the LPA has accepted this position and confirmed that a calendar year commences on 1<sup>st</sup> January. As such, the landowner is entitled to use the land for events or weddings for up to 28 days per calendar year without there being *any* control from the LPA.

Rather than have marquees put up and taken down on each occasion when an event is planned, it is far less disruptive and commercially sensible to have a marquee on the land throughout the “season”. For this reason, an application for planning permission is submitted and this provides the LPA with the ability to impose appropriate (necessary) conditions with respect to the number of events undertaken or the hours of operation etc.

### **Planning Policy Context**

The proposal falls to be assessed against relevant policies within the Adopted High Peak Local Plan (2016). The policies of the Adopted Plan will reflect National Policy contained within the National Planning Policy Framework (NPPF). In particular, the latter sets out the three dimensions that comprise sustainable development: Economic, Social and Environmental.

The following Local Plan policies are considered to be pertinent to the determination of this application:

- EQ2 (Landscape Character)
- EQ3 (Rural Development)
- EQ4 (Green Belt Development).

One of the main issues to be considered with this proposal, which is sited within the Green Belt, is does it comprise sustainable development and are there very special circumstances that outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm such that planning permission should be granted. When considering what constitutes very special circumstances, it is a matter of the weight of each of the factors put forward and the degree of weight to be accorded to each which is a matter for the decision-taker, in this case the Planning Committee. The first step of the process is to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all of the factors in combination outweigh the harm. Case Law advises that a number of factors, none of them “very special” when considered in isolation, may when combined together amount to very special circumstances and goes on to say that “there is no reason why a number of factors ordinary in themselves cannot combine to create something very special”.

The weight to be given to any particular factor will be very much a matter of degree and planning judgment and something for the decision-taker.

It is considered that the following very special circumstances exist which outweigh any perceived harm to the Green Belt:

- The proposed use of the land for holding a number of events per year should not be considered in isolation. Hargate Hill has a strong tradition of large scale events and this proposal should be seen as a diversification of the existing business rather than a new operation. There are currently 10 jobs at the existing business and this proposal will safeguard these for the future. *This links in with Local Plan Key Issue K16 (Enhancing Tourism and Visitor Management) and K110 (Improving Leisure and Recreation Opportunities for Residents and Visitors).* There have been no adverse impacts upon the local area from the running of the Hargate Hill business over the years.
- Hargate Hill Equestrian is an important local facility. It brings significant economic and social benefits to the area. This proposal seeks to bring in an additional income stream to support the continuation of this important local facility.
- There are a lack of wedding venues within the immediate area, evidence included in the business plan and the proposal will meet local demand which will be beneficial to the High Peak area rather than couples or other businesses going further afield to find a venue.
- The development will create twenty eight jobs and will also have significant benefits to local businesses in the supply chain e.g. caterers and florists. *This links with Local Plan Strategic Objectives SO6: Growth and Diversification of Local Economy.*
- An increase in visitors will lead to an increase in investment in the local economy generating and improving the local spending profile and also contributing to local business rates.
- The proposed location for the marquees has been carefully chosen within a natural hollow immediately east of the substantially already developed complex of Hargate Hill where its visual impact is already mitigated by local topography. It is proposed to plant new and many native species trees and hedging ensuring the structures are integrated into their immediate surroundings maintaining the openness of the Green Belt.
- The proposed marquees are wholly reversible and can be removed at any time in the future – they do not comprise the provision of a permanent new building within the Green Belt.
- The “fallback” position has been established and (irrespective of Green Belt location) marquees can be stationed on the land and events undertaken for up to 28 days in any calendar year without the need for planning permission.

In the balance of consideration of very special circumstances to outweigh the harm to the Green Belt, the harm to the Green Belt needs to be assessed.

As has already been identified, this type of development can be undertaken including the provision of marquees with them remaining in situ for up to 28 calendar days per year. Whatever the outcome of this application a marquee will be utilised on the land in connection with a number of weddings/events. The site chosen is within a natural hollow and there are limited views of it from public rights of way that run adjacent to the site. Views are of the most part screened/broken up by existing hedges and trees and the proposal is to increase the significant amount of planting already undertaken with further trees and hedges of indigenous species. Approval of the application enables the LPA to impose conditions to require such planting to be carried out and maintained.

Under the fallback position (permitted development) there is no requirement for such planting to be undertaken. Overall the impact of the marquee can be comprehensively mitigated and screened such that there will be no adverse impact upon public views or the openness of the Green Belt. It should be noted that the marquee site sits adjacent to a very substantial developed site with buildings, car parks, equestrian facilities etc. Any views of the marquee will be within this developed context rather than in isolation.

### **Sustainable Development**

The proposals will constitute sustainable development as set out within the NPPF in accordance with the principles in policy S1 of the Local Plan (Sustainable Development Principles) and policy S1A (Presumption in Favour of Sustainable Development).

The proposed development forms a positive economic, social and environmental role.

### ***Economic Role***

The development will contribute towards building a strong, responsive and competitive economy. It will support the existing well-established and important business at Hargate Hill which currently employs 10 persons and will also see the provision of twenty-eight additional jobs at the site. The income from the business will support and maintain the viability of the Hargate Hill Equestrian enterprise.

The development has a potential to provide spin-off benefits to local businesses including caterers, cleaning staff, florists, security and taxi companies.

Hargate Hill currently lacks appropriate facilities to cater for large outdoor functions and events which it would like to be able to offer recognising the lack of any local venues suitable for weddings or business events.

Overall, it is clear that the proposed marquee would result in economic benefits leading to the long term sustainability of the Hargate Hill business as well as many wider economic benefits for the Borough and beyond.

### ***Social Role***

The proposed development will support the creation of a strong, vibrant and healthy community by increasing the number of people employed in the locality. It is anticipated that the twenty eight new jobs proposed will be taken up by local people. Furthermore, the development will also strengthen and diversify the existing business securing its position along with the numerous people already employed at the site.

The marquee will provide an important facility as an attractive wedding venue in an area that currently lacks good quality facilities of this kind. In particular, local couples will be able to rent a high quality venue rather than going further afield including outside of the Borough.

### ***Environmental Role***

The proposed development will not harm the natural, built or historic environment. Other than the Green Belt designation, there are no other nature conservation sites or protected species associated with the site. The area where the development is proposed was semi-derelict in the past and this proposal will contribute to the ongoing enhancement of the local environment including the provision of native species hedges and trees. The proposals also have the potential for reducing surface water run-off improving the quality of existing access to recreational land and contributing to ongoing biodiversity/ecological enhancements within the immediate area.

### **Other Local Plan Policies**

Policy EQ2 seeks to protect, enhance and restore landscape character for its own intrinsic beauty and for its benefit to the economic, environmental and social wellbeing of the Plan area.

The proposals are part and parcel of an ongoing scheme of enhancement to the area including additional indigenous hedgerow and tree planting and creation/management of ponds and associated ecological features.

Policy EQ3 (Rural Development) also seeks to protect the landscape's intrinsic character and distinctiveness whilst also facilitating sustainable rural community needs, tourism and economic development.

The policy indicates that this will be achieved (inter alia) by supporting rural employment in the form of commercial enterprises where a rural location can be justified and also supporting equestrian development as well as the diversification of existing rurally based businesses.

This proposal is specifically about supporting the existing business through diversification but also providing a much needed facility and generating additional employment as well as safeguarding the many jobs already at Hargate Hill.

### **Site Specific Issues**

#### ***Access/Parking***

Hargate Hill Equestrian Centre is accessed via a drive from Glossop Road. The site already has extensive existing car parking sufficient to provide 150 spaces adequate to meet the needs of a maximum of 250 guests. Allocated car parking will be made available at the nearest available point to the main entrance to the marquee for disabled users and brides. It is unlikely that the marquee would result in a level of vehicular movements to/from the site being any greater than those already generated. Taxi pickups will be from the Hargate Hill site.

#### ***Noise***

Attached are further details relating to the proposed control of noise. In particular, it is proposed to utilise a distributed loudspeaker array positioned above the dance floor which minimises sound spread and will ensure that there is no noise carry to any residential properties (nearest approximately 285 metres away). All amplified music (including live bands) will only be played through a 'Zone Array System' which will be permanently installed within the pavilion building. Live acoustic music will only be on the basis that music is played up to 6pm or dusk and no acoustic drums will be allowed at any time.

It is proposed that live music through a "Zone Array System" will end ends at 23:00, recorded DJ music ends by 23:15 and all guests depart by 23:45

The applicant is happy for a planning condition to be imposed requiring that details of any music amplification (there will be a single system utilised within the marquee) are submitted to and approved by the LPA before any development can commence.

#### ***Visual Impact***

The marquee will only be in situ through the spring to autumn months (April – November).

Although there are some views of the site from local public rights of way, the site is well broken up by existing extensive tree and hedge planting. It is proposed to plant further trees and hedging and this can be required by planning condition. Because of the topography of the site views of the marquee from the south or east will be limited and seen against a backdrop of the substantial built form associated with the Hargate Hill complex immediately to the west.

## **Conclusion**

The LPA has accepted that the site can be utilised for up to 28 days within any calendar year for weddings or other events. Erecting a marquee (which is a temporary structure) does not constitute development for which planning permission is required. As such there is no restriction over the land being used for a certain number of days throughout the year for the type of events proposed. It would be undesirable and economically disadvantageous to put up/dismantle a marquee in relation to each proposed event. As such the proposal seeks to have a marquee on the land between April and November. One of the benefits of approving the planning application is that this gives the LPA the ability to impose suitable conditions in relation to the number of events, hours of operation, provision of landscaping etc.

Other than for certain exceptions, development within the Green Belt is considered inappropriate and, by definition, harmful to it and should not be approved except in very special circumstances. 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. This submission puts forward a series of interlinked special circumstances which exist for the development of the marquee in this location and it is considered that these outweigh any harm to the Green Belt such that the development should be supported. It is also demonstrated that the marquees can be integrated into the landscape with additional planting being undertaken safeguarding the openness of the Green Belt.

It has been demonstrated that the proposal would deliver significant economic and social benefits as well as safeguarding/enhancing the environment and comprises sustainable development in accordance with relevant specific policies in the Local Plan and addressing/complying with various economic issues and social objectives within it.

This is not a case of whether this type of development should or can take place in this location. It is able to do so as set out above. However, this application presents the opportunity for the LPA to secure safeguarding conditions and, equally importantly, to enable the business to undertake an increased number of events contributing significantly to the local economy and also providing much needed additional income to secure the long term future of the Hargate Hill enterprise.

Brimble, Lea & Partners would be most grateful if this letter could be provided to all members of the Planning Committee along with the summary document as requested.

I trust that the Planning Committee will recognise the significant benefits arising from this proposal and how there are very special circumstances warranting support for it.

Should you require any further information in advance of the Committee Meeting please do not hesitate to contact the applicant in the first instance or myself.

Yours sincerely

**Diccon Carpendale MA, Dip (Arch Cons), MRTPI, IHBC**

Enc.