

DELEGATED DECISION REPORT

HPK/2022/0540
VALID 19/12/2022

RIVENDELL FARM,
WOODSEATS LANE,
CHARLESWORTH,
DERBYSHIRE, SK13 5DT

RELOCATION OF FULL
PLANNING CONSENT FOR AN
ALL-WEATHER EQUESTRIAN
MANEGE UPON PASTURE
LAND (FULL - MINOR)

MAIN ISSUES

- Principle of Development (Green Belt)
- Design Considerations
- Impact upon Residential Amenity
- Impact on Highway Safety

DESCRIPTION OF SITE

The application relates to a field which is located within the Green Belt as defined by the Local Plan policies map. The southern and western boundaries are defined by post and wire fencing, with a number of mature trees along the western boundary. The site is accessed via a track from Woodseats Lane to the east. Public Footpath Charlesworth 69 runs along the track to the south of the application site.

PROPOSAL

This application proposes the construction of a riding manege. The manege would measure 60m x 20m and finished with silica sand/rubber chippings mix. The manege would be surrounded by 1.4m high post and rail fencing. Due to the sloping topography of the site, the scheme would require cut and fill engineering to facilitate a level surface.

Planning permission has been granted on land to the west for a manege, this application purports to replace that permission.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S5 Glossopdale Sub-area Strategy
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making

CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

Residential Design (2005)

High Peak Design Guide (2018)

National Planning Policy Framework

Section 12: Achieving Well-designed Places

Section 13: Protecting Green Belt land

Section 15: Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None on site

Relevant applications nearby:

HPK/2021/0011 - Construction of an all-weather equestrian menage on an existing paddock – Approved – 08/02/22

HPK/2021/0322 – proposed stables (Part Retrospective) – Approved – 08/09/21

CONSULTATIONS

Publicity

Site Notice expiry date: 16/01/23

Neighbour consultation period ends: 11/01/23

Press Advert:

Public Comments

None

Town / Parish Comments

The application is to *relocate* an approval for a similar sized menage, given under HPK/2021/0011, which is for a location close to the applicants house, stables, and other buildings (and to which the Parish Council did not object content that, as with other menages in the immediate area, the proposed menage should link closely to the applicant's dwelling and related facilities).

The Council resolved to object to the new application on the following grounds:

1. The revised location is at the brow of rising ground to the east of Rivendell Farm and will be prominent in the landscape when viewed from the north and west.

The Parish Council noted that the list of consultees for the new application was much reduced from the earlier application, and notably did not include those who objected first time round, including potentially directly affected neighbouring residents.

DCC Highways

No highway objections subject to the manege remaining ancillary to the main dwelling and for private use only

Environmental Health

No objection subject to conditions relating to lighting and use restriction

OFFICER COMMENTS

Principle of Development

The application proposes the construction of an equestrian manege within a field which lies within the Green Belt as defined by the Local Plan policies map.

Policy E3 relates to rural development which states that the Council will seek to strictly controlled new development to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park, whilst also facilitating sustainable rural community needs, tourism and economic development. Policy E3 states that support will be given to equestrian development where it does not have an adverse impact upon the character and appearance of the area.

Policy E4, which relates to Green Belt development, states that development in these locations will not be permitted unless it is in accordance with national planning policy.

The NPPF identifies that development within the Green Belt will be considered to be inappropriate development and will only be allowed where it meets one of the exceptions identified within paragraph 150.

Paragraph 150(b) allows for “engineering operations” provided they “*preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*”.

Impact on Openness

There is no definition of openness within the NPPF although it is accepted that the openness has both visual and spatial components.

The application site is poorly related to any existing built form, albeit there is an old barn in ruin to the north of the site. The southern boundary is relatively open with post and wire fencing while the eastern boundary is undefined. The western boundary is also defined by post and wire fencing but includes some additional vegetation.

The lack of relationship with any meaningful built form, would result in a development which is spatially and visually isolated. The proposed manege is low level and does not include any operational development which occupies space as such. Nonetheless, the change in landform required, along with the scale of the proposals and extent of surfacing materials necessary, would give rise to a perceived erosion of openness, visually.

The earlier planning permission was located much closer to the stables and dwelling of the applicants and as such was more visually and spatially (and functionally) better related. This current application site is more exposed and not visually connected to existing built form.

Given the nature of the development, and lack of buildings proposed, it is considered that the loss of openness would be slight to modest. Albeit, visual and spatial relationships, it is considered that the proposals would fail to preserve the openness of the Green Belt as required by 149(b).

Impact on the purposes of including the land in the Green Belt

The NPPF, at paragraph 138, highlights that the Green Belt serves 5 purposes which includes, inter alia, safeguarding the countryside from encroachment which is considered to be the most pertinent purpose in this instance.

In this instance, planning permission has recently been granted for the construction of a manege for the use of the applicant. The permission remains extant and could be implemented at any time until the expiry date of the permission. While it is noted that these proposals purport to replace that earlier permission, there is no mechanism provided with the application which would forfeit that consent. It is considered that it would not be appropriate for a second manege to be installed in such proximity for the same personal use as this would cumulatively conflict with one of the purposes of Green Belt, namely to assist in safeguarding the countryside from encroachment;

As identified above, the application site is poorly related with any existing built form, with the exception of a "ruin" to the north of the site. The scale of the manege, at 60m x 20m, and with its contrasting surfacing material is such that it would represent a change in character of the countryside, and result in an unacceptable encroachment. Furthermore, when considered cumulatively with the extant planning permission, the degree of encroachment would clearly be exacerbated further.

Green Belt Conclusions

It is considered that the application, when considered cumulatively with the extant permission, would result in a facility which is not appropriate or justified in the Green Belt. The proposals, in this location, would result in a form of development which would fail to preserve the openness of the Green Belt and would lead to an encroachment into the countryside, thereby conflicting with the purposes of including

the land in the Green Belt. The proposals therefore represent inappropriate development within the Green Belt.

The NPPF, at 147 confirms that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt. 148 goes on to confirm that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Therefore before considering any other material considerations in favour of the development it is necessary to identify whether any other harm would arise.

Design Considerations/Impact on Landscape

The application site is located within a rural area where policy EQ3 requires equestrian development to not have an adverse impact on the character and appearance of the area.

Policy EQ2 states that decisions will seek to protect, enhance and restore the landscape character of the area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the area. EQ2 states that development should be informed by, and be sympathetic to the distinctive landscape character area, and requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park. EQ2 confirms that development which would harm or be detrimental to the character of the local and wider landscape should be resisted.

EQ6 seeks to achieve high quality design in all development by requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes and that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.

Due to the sites location, views of the development from the public highway would be limited to Woodseats Lane to the east, which is in the region of 90m from the edge of the manege at its closest. Due to the topography of the application site, there would be a need to cut and fill the development into the landscape, which requires raising the land levels at the northern end of the site, and by approximately 2m at the northeastern corner. To the south a public right of way, which runs along the track, approaches and passes the site. The site would be visible from the PROW to the south due to the lack of meaningful boundary treatment.

It is considered that the engineering works necessary to facilitate the development would create unnatural feature within the landscape and would not be sympathetic to its surroundings. Furthermore, it is considered that the alterations to the land levels,

along with the extent of the manege, its relative isolation and its surfacing materials, would cause harm to the character and appearance of the countryside.

While the harm identified may not be adverse, it would nonetheless be a form of development which would fail to protect or enhance the landscape, as required by EQ2. It is considered that the degree of harm, in this respect, would be modest at most, but is additional harm which weighs against the development.

Amenity

Policy EQ6 requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The application site is relatively isolated from nearby sensitive properties. It is not anticipated that any amenity issues would arise through loss of light, overbearing, overlooking or loss of privacy.

While there is some distance between the site and residential properties the impact from noise and light would be relevant considerations. Given the personal use of the site the impact from noise and disturbance would be relatively limited. Lighting is not identified within the submission and any subsequent installation would require planning permission.

Highway Safety

The application site is accessed via a track from Woodseats Lane, as is the applicants property and stables, which are located further along the lane to the west. For a personal use the proposed manege would not result in any adverse vehicular movements to cause harm to highway safety. Any commercial use is likely to be more problematic, although this is not proposed.

There would be no impact on the PROW, however it would be necessary to attached an informative on any permission, that the PROW should be kept free from obstruction during construction.

Other Considerations

The application cites a number of reasons outlining the need for the development which had been accepted previously when considering application HPK/2021/001, which was approved.

It is suggested also that this current application is a replacement facility to that earlier approval which remains extant and, as such, could be commenced at any point up to the permissions expiry date of 8th February 2025. Consequently, the argument for the need of the facility has been absorbed by that earlier permission. No evidence has been presented as to why that earlier permission, which is more appropriately located, is not feasible.

Furthermore, while there is no evidence to suggest that the argument is not genuine in that the earlier permission will not be implemented, no mechanism has been suggested as to how the LPA can control that only one or the other permissions are carried out. It is also noted that the application site is not in the ownership of the applicants.

To conclude concisely, if planning permission were granted for the second manege proposed then both could lawfully be carried out, and the need for both facilities has not been demonstrated.

Overall Planning Balance

The proposed development represents inappropriate development in the Green Belt which would fail to preserve openness and would conflict with the purposes of including the land in the Green Belt. This attracts substantial weights against the proposals. Some additional modest harm would arise through the impact on the character and appearance of the landscape. Very special circumstances do not exist which would clearly outweigh the harm identified.

CONCLUSION

It is considered that the proposals would conflict with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary

Recommendation Date: 13/02/2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council