

Design and Access Statement

All weather Riding menage for private use (Resubmission of refused application HPK/2022/0540)

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

Ms S Sheldon 17th August 2023

The 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 several mature trees along all boundaries. 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

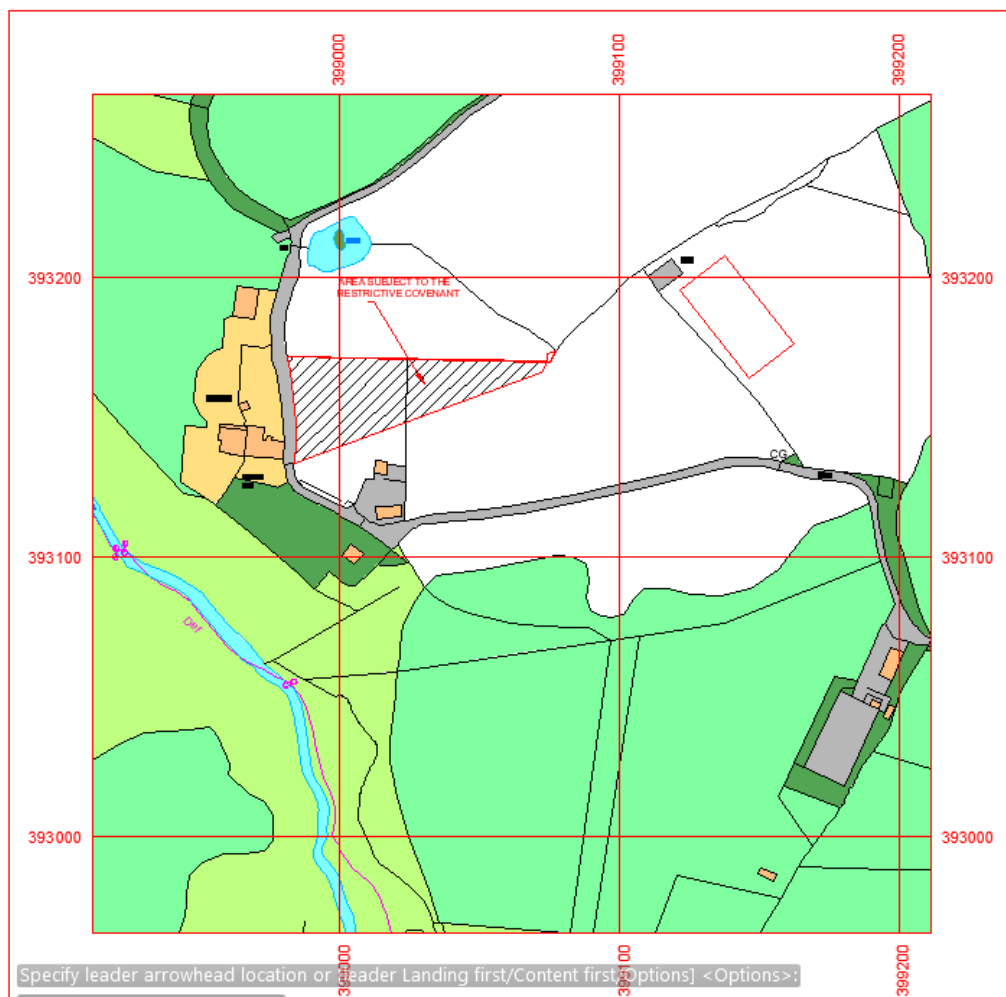
This application proposes the construction of a riding menege. The menege would measure 40m x 20m (as opposed to 60m x 20m on the refused application) and finished with silica sand/carpet fibre mix. The menege would be surrounded by 1.4m high post and rail fencing.

Due to the slight sloping topography of the site, the scheme would require minimal cut and fill engineering to facilitate a level surface.

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

An application HPK/2021/0011 for a menage and stables part retrospective was approved but the land is subject to a restrictive covenant which is held by the direct neighbour of the applicant. The covenant does not allow for particular development to occur in the location shown on the map below. There is no negotiation available despite the applicants' best efforts to negotiate with the individual. All avenues have been exhausted in that respect.

A unilateral agreement accompanies this application which will see the original permission redacted, upon approval of the current application.



Siting

The revised location has been arrived at after discussion with the LPA, and after a pre app discussion with Jane Coley on 12th July 2023.

The site adjacent the property Rivendell must be discounted due to the covenant. The remainder of the land in the applicant's ownership rises steeply to the east, with a

difference in levels of 14m from the bottom to the top. Any development on this slope would result in at least 4m of cut to be undertaken. Which is deemed to be excessive and disruptive in the landscape.

At the top of the sloping land is the field subject to where the menage is now proposed. It is relatively flat, with a difference in levels east to west of less than 1m, and north south of approximately 2m. There are sporadic existing trees on three sides of the field

Principle of Development The application proposes the construction of an equestrian menage 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 control 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 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 very small, like a pointed end of the field with post and wire fencing. The proposed menage is low level and does not include any operational development which occupies space as such. The size of the proposed menage has been reduced and is now significantly smaller at 20m less in length than the refused application.

Given the nature of the development, and lack of buildings proposed, it is considered that the loss of openness would be slight to modest.



Image showing the field in question, surrounded by trees

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 site's 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 menage 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 will be in the form of digging in by 1m at the southern and raising by 1m at the northern end in a cut and fill arrangement

To the south a public right of way, which runs along the track, approaches, and passes the site. The application includes meaningful landscaping to the south to screen the impact from users of the PROW

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 therefore there are no identified amenity issues. Given the personal use of the site the impact from noise and disturbance would be relatively limited. Lighting is not applied for

Use

The arena is needed to enable the applicant's daughter Sadie to train and continue her progression as an athlete within British Dressage. She has competed for her region (north) in BD and also at the Pony Club Championships in August this year. Her aim is to compete at the Youth Home Nation in 2024. However, in addition, the menage is needed for the health and welfare of the 4 ponies owned by the applicant.

All 4 ponies need exercising and this is very difficult without a suitable arena and surface. There is no other suitable area where they can be turned out in muddy/wet conditions and they are prone to serious health issues from the wet conditions.

Currently the applicant must drive to an alternative arena in order to allow the necessary training and essential exercise associated with this level of competing.

This means at least five journeys per week with a car and horse trailers covering a round trip of 15 miles.

Therefore, what should be a 1-hour training session becomes a three hour round trip. The applicant is currently taking out the horse trailer 5 to 6 times per week which equates to 12 journeys up and down Woodseats Lane per week to enable Sadie to train. It costs £30 to hire an arena for an hour so can cost up to £180 per week.

Sadie also has a disability in that she is a Type 1 diabetic. She fell into Diabetic Ketoacidosis last year and ended up in intensive care at Manchester Children's Hospital. Following her diagnosis, Sadie is insulin dependent, and is constantly monitoring her sugars, day, and night. She is at risk of going unconscious if her sugars are very low and is at risk of developing ketones if her sugars are high. Training away from home adds further complication. All her medical equipment is at home and it would be safer for her to be at home. Sadie must inject insulin 6 to 7 times per day.

Very special circumstances

Given the above we assert that very special circumstances exist in this case, given the balance of perceived harm for what is essentially a flat surface with minimal excavation requires, and what is in the true sense of the word “outdoor sport and leisure,” one of the few exceptions permitted in the Greenbelt

Unilateral Agreement

Given that there is still an extant permission for a menage for this applicant, on land with a restrictive covenant the applicant has provided a UA to dispel that permission upon grant of permission for this alternative proposal

Summary

The cut and fill operations would see the southern and northern part of the site (narrowest points) reduced and raised respectively by 1m, resulting in any leftover spoil being used to form a grass bank at the southern end upon which trees would be planted in a copse style arrangement. Whilst there would be a slight change to the undulations of the immediate landscape, it is considered that the openness of the Green Belt would be preserved as a result. With regards to any conflict with the purposes of including this land within the Green Belt, the proposed development would not result any sprawl of a large built-up area, would not result in towns merging, would not result in any built form of encroachment into the open countryside, would not affect the setting of an historic town, and would not prevent urban regeneration.

Equestrian menéges are commonplace within the open countryside, indeed there is one 150m to the south of the proposed menage. The presence of the menege and boundary fence in this location is not in its own right considered to be harmful to the overall character of the immediate and wider rural landscape. The boundary fence is modest in height and constructed in materials which are sympathetic to the rural landscape.

All other options for the location have been thoroughly explored and discounted due to the covenant and natural topography. The approve menage at this site (HPK/2021/0011) required more cut and fill than this proposal but was deemed acceptable.

Extract from the officer’s report

“the proposed menege and associated boundary taken as a whole, would not be out of keeping with its rural setting and, whilst it would indeed be visible from the nearby public right of way, it would not be harmful to the visual amenity of the area”

In fact, this arena would have been much more visible from various vantage points. The only difference in this new application is that it is not well related to the cluster.

This does not make it at complete odds with the above comment