



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: BARROWFORD AND WESTERN PARISHES COMMITTEE**

**DATE: 7<sup>TH</sup> SEPTEMBER 2022**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 7<sup>th</sup> SEPTEMBER 2022

**Application Ref:** 22/0156/FUL

**Proposal:** Full: Formation of a 34m x 20m manège with a 1.2m high post and rail fence.

**At:** Croft Top Lane Stables, Croft Top Lane, Higham

**On behalf of:** Mrs Gillian Chippendale

**Date Registered:** 07.03.2022

**Expiry Date:** 02.05.2022

**Case Officer:** Yvonne Smallwood

This application has been sent to Committee as it has been called in by a Councillor.

### ***Site Description and Proposal***

The application site is a field associated with Croft Top Lane Stables. The site also falls within Open Countryside within Green Belt.

The proposal is to form a manège for personal use measuring 34m x 20m, (680m<sup>2</sup>) on grazing land. The fence would be timber post and rail, 1.2m in height with a 3.6m wide gate to the north side.

### ***Relevant Planning History***

13/15/0594P - Full: Erection of a stable building (Retrospective) – Approved with Conditions, 27<sup>th</sup> January 2016

### ***Consultee Response***

#### **LCC Highways**

Having considered the information submitted the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and condition being applied to any formal planning approval granted.

Due to the narrow nature of Croft Top Lane and the surrounding highway network, the use of the proposed manège should be limited to personal use by the applicant to ensure that the development does not generate traffic movements which may be detrimental to highway safety.

#### **Condition**

The manège hereby permitted shall be used solely for horses owned or leased by the owner of the site, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

**Reason:** In the interest of highway safety.

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter with one response summarised below:

- Single track lane bordered by dry stone walls – potential wall damage
- Not many passing places/parking in passing point
- Traffic issues/large vehicular access/parking

Non-material Considerations

- The owner does not ride the horses they own/querying requirement of a manège
- The owner has previously made retrospective planning applications
- Ducks and geese are being kept outside despite restrictions
- Unknown number of animals at site/animal welfare/previous HAPPA inspections

## **Officer Comments**

The main issues are impact on residential amenity, impact on conservation area and visual amenity and design and materials.

### **Policy**

The relevant policies are:

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

### **National Planning Policy Framework**

The Framework sets out the overall policy framework for planning in England. It sets out that there are 3 overall objectives to sustainable development environmental, social and economic aspects.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

**a)** all plans should promote a sustainable pattern of development that seeks to; meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

**b)** strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas<sup>6</sup>, unless:

**i.** the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area<sup>7</sup>; or

**ii.** any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means that:

**c)** approving development proposals that accord with an up-to-date development plan without delay; or

**d)** where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

- i.** the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- ii.** any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The Framework re-emphasises the law in indicating that the starting point for assessing development is the development plan.

There is a presumption in favour of sustainable development as set out in paragraph 11. Applications that conform to the development plan should be approved. Where policies are out of date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as “the tilted balance”.

### **Impact on Residential Amenity**

The nearest residence to the proposed manège is Croft Top Barn, which is circa 50m to the north east of the site and beyond that Croft Top Farm, Croft Top Cottages and Croft Top Farmhouse.

There is an established cluster of buildings including stables to the west of the application site. The proposed manège would be sited to the east side of the existing stable buildings. The impact would be limited and therefore this would be acceptable in the open countryside.

No outdoor lighting is proposed as part of this development. A condition can be attached to ensure no external lighting is installed without prior approval.

The proposed manège is unlikely to result in any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2 and the Open Countryside SPD.

The site is to the south of an Area of Outstanding Natural Beauty. The location of the proposed manège would be visible in views from public footpaths but it is not overly prominent and would not adversely impact on the AONB and therefore accords with Policy ENV1.

### **Design and Materials**

The proposed manège is to be created on a levelled parcel of land within a field. A 1.2m high post and rail fence would be erected to all four boundaries, with a gate along the boundary which is adjacent to the access driveway. The applicant has also put forward details of the surfacing which is to be silica sand and rubber/PVC/fibre. The field is bounded by existing stone walling along the field boundary which provides screening.

Subject to appropriate ground materials and landscaping proposals this is acceptable in terms of design and materials and accords with ENV1 and ENV2.

Therefore this proposal is acceptable in terms of design and materials.

### **Green Belt**

Development in Green Belt is inappropriate, except in certain circumstances. One such exception is the provision of appropriate facilities in connection with the existing use of land. The land is currently used for grazing and the creation of a manège would provide an area in which to school and exercise horses that would preserve the rest of the fields for grazing. As the fencing is post and rail; there are existing stone walls screening the area and the surfacing materials would be conditioned to harmonise with the setting, the openness of the Green Belt would be preserved.

## **Open Countryside**

The existing stone walls would screen the appearance of the manège and would not have an adverse impact of the Open Countryside. The fencing would be in keeping with the locality, being timber rail and post fencing. The proposed scheme would be sympathetic with the setting and would therefore be acceptable development in accordance with the Open Countryside SPG.

## **Drainage**

Details of drainage and surfacing have been submitted. There would be a layer of Geotex membrane. Above this there would be 80mm perforated UPVC pipe drainage trenches placed every 3.5m beneath a layer of clean stone. Above this would be a layer of Mypex membrane, followed by a layer of silica and the top surface would be rubber chip/PVC/fibre.

## **Other Matters**

Objections have been raised relating to passing places, large vehicular access, parking and access. As the manège is purely for personal use, it would not be reasonable to refuse the application for a manège for such reasons.

Objections were raised stating that the owner does not ride horses; that previous retrospective planning applications have been made at this site and other comments relating to the care and well-being of animals. These are not planning considerations and therefore cannot be taken into account in relation to this application.

## **Summary**

The manège would not affect the openness of the greenbelt or the setting of the Open Countryside. Subject to appropriate conditions the proposal would not unduly impact on the amenity of the area.

## ***Reason for Decision***

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The manège would be acceptable in this location subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## ***RECOMMENDATION: Approve***

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Elevation plans, received 7<sup>th</sup> March 2022

Site plans, received 16<sup>th</sup> May 2022

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Prior to the laying of any surface or surface base, details of the surfacing material of the manège, including its colour, shall have been submitted to and approved in writing by the Local Planning Authority. The manège surface and base shall be constructed in a material which is permeable. The development shall thereafter be carried out and maintained in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. There shall be no external lighting erected to illuminate the manège hereby approved without the written approval of the Local Planning Authority. Thereafter any lighting used shall strictly comply with the approved details.

There shall be no external lighting of the development hereby permitted unless with the prior written consent of the Local Planning Authority as to the type, size, location, intensity and direction of the lighting. Thereafter any lighting used shall strictly comply with the approved details.

**Reason:** In order to prevent light pollution and protect the amenity of the environment.

5. The manège hereby permitted shall be used solely for horses owned or leased by the owner of the site, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

**Reason:** In the interests of highway safety.

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