

The application is for full planning permission for the construction of a 30m by 55m manege and new stable block building for commercial use and the change of use of other land from agriculture to the keeping of horses. The stable block building is 'L' shaped measuring 37.9m in length along the longest wing, 25.5m in length along the shortest wind and 7.3m deep along both wings.

The applicant proposes that the manege is to be open for use 7am until 7pm. The application site area involved measures 1.28 hectares.

The application site is located within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expired on 27<sup>th</sup> April but the applicant has agreed an extension of time to the statutory determination period to the 28<sup>th</sup> May 2018.**

### **RECOMMENDATION**

**REFUSE for the following reasons:-**

- 1. The application fails to demonstrate that mature visually significant trees which form a valuable contribution to the character of the area and local landscape will not be harmed or removed as a result of the development.**
- 2. The application fails to demonstrate that the risks to human safety arising from historical coal mining are properly understood or can be properly safeguarded against.**
- 3. In light of the harm arising from the matters referred to in reasons 1 and 2 very special circumstances do not exist to justify the granting of planning permission for inappropriate development in the Green Belt as the potential harm to the Green Belt and any other harm is not clearly outweighed by other considerations.**

### **Reason for Recommendation**

The proposed development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses – is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. The appearance of the scheme, the impact to highway safety and to neighbouring amenity would all be acceptable subject to planning conditions. However it has not been sufficiently demonstrated that visually significant mature trees will not be harmed and can be retained. The potential loss of large mature trees in this location will harm the character of the rural area which is defined as an Area of Landscape Restoration. There is also insufficient information to support a conclusion that the risks to human safety arising from historical coal mining have been properly investigated, established and can be suitably mitigated. Therefore very special circumstances will not exist until it has been demonstrated that harm will not arise from the development as a result of the loss of visually significant trees and as a result of safety issues arising from the coal mining legacy issues.

### **Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

The applicant's agent has been in discussion with Officers in order to overcome present concerns to the scheme with further information expected to be received, a further update will be given if that is the case.

## **KEY ISSUES**

The proposal involves the construction of a block of 9 stables with storage and toilet facilities, visitor parking area, and a manege on land at Lodge Farm, Talke.

The proposed manege would measure 30 metres by 55 metres and would be situated in a field to the front of the main dwelling house known as Lodge Farm. The stable building is 'L' shaped measuring 37.9 metres by 25.5 metres in width and length, 7.3 metres in depth and 3.9 metres in maximum roof ridge height. The building will contain 9 stables, a store, a hay store, a horse wash area and toilet facilities/shower area for human use. A bridle path is also proposed to link the stables to the manege.

The application site is located within the Green Belt, and an area of Landscape Restoration, as indicated by the Local Development Framework Proposals Map. The key issues for consideration in the determination of this application are considered to be:-

1. Is the development considered appropriate development in the Green Belt?
2. Is the design of the proposed development and its impact on the wider landscape acceptable?
3. Is the impact to trees and hedges acceptable?
4. Is the development acceptable in highway safety terms?
5. Is the impact on residential living conditions acceptable?
6. Given the site is within a high risk coal mining area is it safe for the development to proceed?
7. and finally, If inappropriate development, are there any very special circumstances to justify approval?

### 1. Is the development considered appropriate development in the Green Belt?

Paragraph 89 of the current Framework (and paragraph 144 of the draft) states that the construction of new buildings is inappropriate development but advises that there are exceptions. Such exceptions include:-

- the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

Paragraph 90 of the current Framework identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are identified as one such exception. Unlike the current Framework the equivalent paragraph in the draft, 145, includes as an exception material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness).

The application site is currently in agricultural use. A collection of agricultural outbuildings to the rear of the main dwelling house are to be demolished to make way for the proposed stable block. However, given that the replacement building will not be in the same use as the existing, and agricultural uses/buildings don't fall within the definition of previously developed land the construction of the building cannot be considered to fall within the exceptions set out in the second two bullet points above.

The proposed building is for a use in connection with outdoor sport and recreational purposes, however, and can be considered to be of an appropriate scale. In addition a large proportion of the stable block (about 65-70 percent) would be a direct replacement for the existing buildings to be

demolished and taking that into account it can be concluded that it preserves the openness of the Green Belt. Therefore it is considered that the construction of the building is appropriate development within the Green Belt as it falls within an exception set out in paragraph 89 of the current Framework (and 144 of the draft).

In order to construct the manege component of the proposal existing land levels are to be 'cut into' to form level plateaux. The creation of the manege is considered an engineering operation that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and as such is appropriate development.

That said whilst changes of use of land are listed as appropriate in certain circumstances within the draft Framework as appropriate development they aren't within the current Framework. Therefore the starting point for the consideration of the change of use of the land for the keeping of horses must be that it would be inappropriate development in this Green Belt location. The presence of very special circumstances is therefore required if planning permission is to be granted and considered at the end of this report.

## 2. Is the design of the proposed development and its impact on the wider landscape acceptable?

The current Framework states that the government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. The draft NPPF seeks to ensure that decision support the creation of high quality buildings and places at part 12.

Paragraph 109 of the current Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Similar policy is repeated at paragraph 168 of the draft Framework.

The site lies within an Area of Landscape Restoration. Saved policy N21 of the Local Plan states that in these areas development that would help to restore the character and improve the quality of the landscape will be supported. Within these areas it is necessary to demonstrate that development will not further erode the character or quality of the landscape.

The existing appearance of the site is typical agricultural. Land levels fall sharply to the north and north east of the site where there is also a public footpath which lies behind existing farm outbuildings running in an east-west direction and also forking to the north. Aside from the Lodge Farm curtilage the landscape is predominantly open to the north east with mature trees and hedgerow and woodland further afield to the north a significant part of its prevailing character. To the west, southwest and north-west is a small ribbon of detached residential properties which overlook Lodge Farm.

The position of the proposed manege is located close to the front elevation of the Lodge Farm main dwelling house, slightly off-set from the existing main entrance driveway. The manege would be surfaced in a stable track and rubber fibre pre mix with the area enclosed by post and rail fencing and is to include lighting 8 metre high column mounted lighting. The design and surfacing treatments for the proposed manege are standard for this type of development, and there are no identified concerns with regards to any potential harm to the visual amenity of the wider landscape owing to its relatively secluded position relative to more open areas of the adjoining landscape and nearby residential development flanking the site. The appearance of the manege will be largely open in nature and would not appear intrusive.

With regards to the stables, these would be sited to the north-east of the manege and would comprise of a brick and tile construction. The existing buildings to be demolished to make way for the new stable block are breeze block and metal roofed structures with a ramshackle appearance. The scale and design of the proposed stables is considered therefore a visual improvement. The scale of the stable block is commensurate with the size of the plot and the open rural character of the locality and so would not harm the visual amenities of the area.

Overall the siting and design of the manege and stables complies with Policy N21 of the Local Plan, Policy CSP1 of the Core Strategy and the aims and objectives of the current and draft Framework.

### 3. Is the impact to trees and hedges acceptable?

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There are several mature trees on the site which are affected by the position of the development – particularly the manege and bridleway path. The trees are an important part of the natural landscape character and their loss would be harmful. The Landscape Development Section of the Council are concerned that the engineering works to construct the manege will result in damage to these trees and without adequate information to ensure their retention or protection advise that permission should be refused. The applicant's agent is aware of this issue and is seeking to address potential tree loss concerns in a further submission. A further update is therefore expected.

### 4. Is the impact on residential living conditions acceptable?

Paragraph 17 of the current Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Similar policy is repeated at paragraph 126 of the draft Framework.

The siting of the manege falls outside of the designated curtilage of farmhouse at Lodge Farm. Neighbouring residential dwellings are located to the west, south west and north-west of the proposed manege, therefore it is important to ensure that the development would not detract from the residential amenity enjoyed by these properties inclusive of the use of outdoor lighting.

It is not considered by the Environmental Health Division that the development would have significant adverse impacts on the residential amenity afforded to these dwellings subject to planning conditions relating to the lighting, an agreed scheme for stable waste removal and storage, and restricting the movement of horse boxes to outside the hours of 10.00pm and 08.00am on any day. Therefore subject to appropriate conditions the development is considered acceptable with regards to residential amenity.

### 5. Is the impact to highway safety acceptable?

Paragraph 32 of the current Framework (and paragraph 109 of the draft) advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The applicant proposes six customer parking spaces to serve the development, which will accommodate nine horses. Three of the horses will be managed by onsite personnel, which allow one space for each visitor of the remaining six horses. It is expected that up to 2 vehicle trips per day may take place for each visitor. The applicant also states that persons with horses will be given access for their horse boxes, but that such horseboxes will not be stored on site.

Access to the site is obtained off the Newcastle Road (A34) via a private access road. The first section of the access road at the junction with Newcastle Road (A34) is 5m to 5.4m wide and allows two vehicles to pass. The access road then becomes single track on the final section linking through to Lodge Farm it is advised that a passing bay is provided on this section of the access to the farm.

The Highway Authority have assessed the safety impacts of the proposal and have no objections subject to conditions controlling the use of the manege by horses stabled at the site only, involving restrictions to a maximum of 9 horses being stabled on site and the provision of proposed parking and turning areas. It is also noted by the Highway Authority that will be the applicant's responsibility to ensure they have the appropriate access rights to serve the proposed development.

### 6. Given the site is within a high risk coal mining area is it safe for the development to proceed?

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the presence of three recorded mine entries; recorded shallow mine workings and a thick coal seam outcrops at or close to the surface of the south eastern part of the site that may have been worked in the past.

The Coal Authority objects to the planning application submitted, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application. It is a requirement of the current and draft Framework that the applicant demonstrates to the satisfaction of the Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guidance in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant has been informed that they need to submit a Coal Mining Risk Assessment Report as part of this application. Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, there is insufficient information available to determine all safety issues can be adequately addressed.

7. If inappropriate development, are there any very special circumstances to justify approval?

Paragraph 79 of the current National Planning Policy Framework (the Framework) indicates that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” This is repeated at paragraph 132 of the draft Framework.

Paragraph 87 and 88 of the current Framework (and paragraphs 142 and 143 of the draft) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.

There is no suggestion that the use of the land as a manege involves the provision of other permanent equestrian paraphernalia (jumps, etc.) and so no harm to the Green Belt’s openness or to any of the purposes of including land within the Green Belt arises from the use in questions, and the use is one that is directly connected with the provision of appropriate facilities for outdoor sport and recreation which are activities that are appropriate and acceptable in the Green Belt. The land would remain open with the only alterations being to the surfacing of the land and new means of enclosure/ retaining walls.

A lack of substantial harm to the openness of the Green Belt arising from the change of use involved for horses has been identified and it is acknowledged that such a use has a close association with development that is considered to be appropriate. Notwithstanding this, it has not been demonstrated that the development will not result in harm to the landscape quality through the loss of visually significant trees. In addition in the absence of a Coal Mining Risk Assessment Report it has not been demonstrated that the coal mining legacy issues that affect the site can be suitably mitigated so that it can be safely developed. In light of this it cannot be concluded at this time that very circumstances exist as the potential harm to the Green Belt and any other harm is not clearly outweighed by other considerations.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006 – 2026](#)

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP4: Natural Assets

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3 Development in the Green Belt  
Policy N12 Development and the protection of trees  
Policy N17 Landscape Character – General Considerations  
Policy N21 Area of Landscape Restoration

### **Other Material Considerations**

#### National Planning Policy

[National Planning Policy Framework \(NPPF\)](#) (March 2012)

[Planning Practice Guidance \(PPG\)](#) (March 2014)

[Draft revised National Planning Policy Framework](#)

#### Supplementary Planning Guidance/Documents

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

#### Relevant Planning History

N15006 Replacement farmhouse. Permit 1986

#### Views of Consultees

The **Coal Authority** object to the development due to the lack of a Coal Mining Risk Assessment Report, or equivalent, to identify risks posed to the proposed development by coal mining legacy. Without such information

The **Minerals and Waste Authority** has no objections.

The **Landscape Development Section** comment that there are existing trees on and adjacent to the site that are likely to be effected by the proposals, many of which are large mature specimens and should be retained, and before comment can be given a Arboricultural Impact Assessment to BS5837:2012 needs to be provided. Existing hedgerows should also be taken into account.

The **Environmental Health** raises no objections subject to conditions relating to:-

1. External lighting details
2. Provision for the storage and disposal of stable waste.
3. Horse boxes, trailers and vehicles associated with the use of the site for a stables and manege shall not be moved on the shared access driveway between the hours of 10.00pm and 08.00 on any day.

The **Highway Authority** has no objections subject to the following conditions:-

1. Provision of the submitted parking and turning area prior to the development being brought into use and its retention for the life of the development.
2. The development shall be restricted to a maximum of 9 horses.
3. The proposed manege shall only be used by horses which are stabled at the site.

The **County Footpaths Officer** indicates that the application does not recognise the existence of Public Footpath Nos. 134 and 123 Kidsgrove paroch which runs along the private track which gives access to the proposed development. The development does not appear to affect the public right of way, however, the attention of the applicant should be drawn to its existence.

**Kidsgrove Town Council** has not provided any comments by the due date of the 19<sup>th</sup> February.

#### Representations

2 letters of representation have been received raising the following concerns/comments:-

- Lodge farm is situated behind the bungalow 'Kenwood' on the A34 at Talke. The single track access road to Lodge farm is also the access road to the 'Kenwood' property and is not solely for Lodge Farm. It is jointly owned by Lodge Farm and Kenwood from the A34 to the garage behind 'Kenwood'. After this the road is single track and is solely owned by Lodge Farm. This joint ownership of part of the access road is not clear in the application.
- The planning application does not state whether the stable and manege application is for personal or commercial use. The request to open the manege 7am - 7pm, 7 days a week has raised concerns that the application may be for commercial use. Discussions with Lodge farm have indicated that this is not the case but the application isn't clear.
- There are concerns that any increase in the volume of traffic using the Farm would pose serious risk of accident to vehicles accessing the A34 from the single track road. The access road is on the brow of the hill and visibility for vehicles entering and exiting the single track road is poor. Slow moving vehicles such as horse boxes/trailers contain livestock would particularly be at risk of collision. The track is not wide enough to take more than one vehicle at once.
- It is pleasing that the farm is once again being used for livestock and that it's maintenance is now ongoing.

#### Applicant/agent's submission

The requisite plans and application forms have been submitted, the documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00062/FUL>

#### Background Papers

Planning File  
Development Plan

#### Date report prepared

4<sup>th</sup> May 2018