

# PLANNING STATEMENT

RETROSPECTIVE PLANNING APPLICATION FOR  
THE ERECTION OF A STABLE BLOCK COMPRISING  
2 STABLES AND A TACK ROOM AT 694, CHORLEY  
ROAD, BLACKROD, BL5 3NL.

MPD Built  
Environment  
Consultants Ltd

## 1. Introduction

This statement has been prepared to support the application to remove conditions 2 and 3

This statement explains the concept and principles of the development in relation to accessibility, character, community safety, environmental sustainability, movement and assesses the proposal against the relevant Planning Policy framework. The statement examines how the proposal accords with relevant National and Local Planning Policy and other material planning policy considerations.



## **2. Site and Surroundings**

The site is designated as Green Belt as defined on the Bolton Allocations Map (2014). There is an existing single storey dwelling with a pitched roof situated on the site which was originally a games room/summer house for 692, Chorley Road.

Planning Permission was granted on appeal by the Planning Inspectorate on 4 June 2008 to allow the change of use of the outbuilding to a 3-bed dwelling subject to conditions, which removed the permitted development rights from the property.

There is an existing unadopted vehicular access into the site from Chorley Road situated between No's 682 and 684, which also provides access to the rear garage court which is located at the rear of 660 – 682 Chorley Road. The site is located on an incline which slopes down in a northerly direction. A 2-metre-high timber boundary fence surrounds the perimeter of the site which screens views into the site from outside. A public right of way also runs down the rear boundary of site between the fence line and the adjoining field.

The land to the north and east of the site is open countryside, with ribbon development of residential properties fronting onto Chorley Road on the south side. To the west is commercial development consisting of a hotel, health club and associated car parking.

### **3. Proposal**

The proposal seeks retrospective planning permission to construct a small stable block in an L-shaped arrangement consisting of two stables and a tack room. The building will have a floor area of 47.52 sqm and will be a maximum height of 3.87m to the ridge of the roof.

The stable block is set in 1 metre from the boundary fence to allow access around it for maintenance purposes.

The stable block has been sympathetically designed having regard to its rural location with a traditional appearance utilising timber construction with a concrete base and felt shingle roof.

The applicant owns two horses and regularly exercises them on the manege within the garden and on the adjoining fields.

## **4. Design and Access**

### *Materials*

#### CONCRETE BASE

Concrete base on hardcore sub fill by others, above ground level. Four courses of Class 1 brickwork by others on concrete base to perimeters and under partition walls.

#### EXTERNAL WALLS

Shiplap cladding fitted to 94mm x 47mm studwork frame at maximum 750mm centres, with 94mm x 47mm head plate and base plate. Base plates fixed to concrete base with mild steel straps. Lined internally to eaves height with exterior grade plywood.

#### DIVIDING WALLS

94mm x 47mm studwork at maximum 750mm centres with 94mm x 47mm head plate and base plate. Baseplate fixed to concrete base with mild steel straps. Lined internally to eaves height with exterior grade plywood.

#### DOORS

Stable door size 1.2m wide x 2.1 high. Doors are manufactured from 125mm x 25mm tongue, groove and v-jointed timber, ledged and braced. Fully lined top and bottom with exterior grade plywood to give an overall thickness of 50mm. Furnished with galvanised hook & band hinges, kick-over latch, brenton bolt, cabin hooks and anti-chew strip.

#### WINDOWS

2-Pane hopper window (acrylic) 780mm wide x 1040mm high.

#### ROOF

Felt shingle roof. Multiple trusses at 600mm centres with cross bracing.

#### RAINWATER DISPOSAL

100mm half round black guttering with 50mm round down pipes to discharge to surface water drains (fitted by others in accordance with Local Regulations)

### *Access Movement*

The position of the stable in the corner of the residential curtilage with a new access gate to the adjoining field means there will be no potential conflicts of movement with pedestrian, cyclists and motorised vehicles.

### *Drainage*

The site is located within flood zone one on the Environment Agency Flood Risk Map.

There is an existing septic tank on site and this the stable block will utilise this facility.

### *Character*

The proposed development is of a traditional small-scale stable design which is commonly found in a rural setting such as this.

The building will blend into the landscape and will be sympathetic to its surroundings. The fact that the site is surrounded by a timber means that this structure will not have any significant impact visually in terms of its prominence and impact on the openness of the Green Belt or landscape character of the area.

### *Landscaping*

The stable block is sited with the existing mature garden area of the subject property. It is therefore no proposed to introduce any additional landscaping given the size and scale of the development proposed.

### *Community Safety*

The scheme has been designed within the confines of the existing residential curtilage, with the stable block positioned so as to afford it natural surveillance from the main dwelling on site.

The established nature of the area creates a sense of community and 'ownership' discouraging anti-social behaviour in the locality.

### *Boundary Treatment*

The proposed development is largely hidden by the existing site boundary. The existing 2-metre-high timber fence to the site will be retained. The existing tree cover within the site will be retained.

## 5. Planning History

66692/04 – CERTIFICATE OF LAWFULNESS FOR THE USE OF LAND AS GARDEN STATUS. – Granted 27/02/2004

2895/05 | CERTIFICATE OF LAWFULNESS FOR THE PROPOSED ERECTION OF A SUMMER HOUSE/RECREATION FACILITIES – Granted 21/02/2006

78640/07 - CHANGE OF USE OF DETACHED SUMMER HOUSE/GAMES ROOM INTO ONE DETACHED DWELLING – Refused 14/12/2007

APP/N4205/A/08/2062347/WF – CHANGE OF USE OF DETACHED SUMMER HOUSE/GAMES ROOM TO THREE BED DWELLING – Allowed 4/06/2008 subject to conditions

Condition 2 attached to this decision is the salient condition in relation to this current application and reads as follows: -

*“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that order), no extensions, porches, garages or outbuildings shall be erected within the curtilage of the dwelling house hereby approved.”*

This condition removes permitted development rights under Class A, B, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) and as such any outbuildings which would have been permitted under Class E such as the proposed stable block now require planning permission.

08565/20 – ERECTION OF TWO STABLES AND A TACK ROOM – Refused 08/09/2020 for the following reason:

*“The proposed development would form an incongruous feature in the context of the surrounding landscape which would cause harm to the visual amenities of the area and would fail to preserve the openness of the Green Belt and thus it would represent an inappropriate development within the Green Belt. The applicant has provided no very special circumstances to outweigh the harm that would be caused to the purposes and openness of the Green Belt in this location and the proposal is contrary to Core Strategy Policies CG3 and OA1, Policy CG7AP of Bolton's Allocations Plan and section 13 of the National Planning Policy Framework as well advice contained in PCPN28 Equestrian Developments.”*

## 6. National Planning Policy

### *National Planning Policy Framework*

The proposal is not considered to be contrary to the objectives of either national or local planning policy and in the following section we will set out the rationale for this reaching this view.

In the first instance it is necessary to consider the national planning policy context which is the **National Planning Policy Framework (NPPF) Dec 2023**. The NPPF is clear that Planning Permission should be granted for development where it accords with planning policy. The National Planning Policy Framework in **Paragraph 11** makes it clear that a presumption in favour of sustainable development is at the heart of national planning policy and where a proposal accords with planning policy then it should be permitted without delay.

Further attention is drawn to **Paragraph 38** of the NPPF which encourages local planning authorities to approach decision-taking in a positive way by looking for solutions rather than problems. Decision-takers at every level should seek to approve applications by using the full range of planning tools available to them and working proactively with applicants.

**Paragraphs 53 and 54** make clear the Government's stance in relation to the removal of national prescribed permitted development rights using tools such as article 4 directions or conditions. The stance of the Government in respect of permitted development rights is that they should not be removed unless there is clear justification and this does not extend to a blanket removal of such rights in the Green Belt. Indeed, **paragraph 53** further states that in all cases, any decision to remove such rights should be based on robust evidence and apply to the smallest geographical area possible.

When planning permission was granted on appeal in 2008, the planning policy landscape was very different to the much more permissive NPPF under which the planning system operates today and it is submitted that the condition removing permitted development rights from this dwelling is now contrary to National Planning Policy Framework and in particular **paragraph 54**. The NPPG further states that the removal of nationally prescribed PD rights will seldom be justified.

It is also worth noting that since 2013, the Government has dramatically expanded the breadth of development which can be undertaken without the need to seek planning permission. This is part of a concerted strategy of deregulation on the part of the Government to remove controls over what



householders can and cannot to their properties to encourage property owners to invest in their homes without being weighed down by local bureaucracy. Indeed, the Government is currently consulting on further expanding PD rights, which further emphasises the direction of travel in regard to national planning policy.

Further **Paragraph 56** makes it clear that planning conditions should be kept to a minimum and only imposed where necessary. It is submitted that in this case the inspector at the time considered it necessary to exercise control over the site given the chequered history of the previous owner, however the intention was to manage further development rather than restrict it completely.

**Paragraph 89** states that in rural areas, planning policies and decisions should be responsive to local circumstances. The applicant has two horses which they wish to stable on site for personal enjoyment only and this should therefore be supported. Horsiculture is an important feature of the rural economy and it is unreasonable to prevent a horse owner from stabling their own horses on their own land in a rural setting.

**Paragraph 142** emphasises the importance of the Green Belt in preventing urban sprawl by keeping land open. However, in this case a residential dwelling already exists on site. There have been no additions since the property was granted residential use in 2008. The proposal is for a domestic scale structure to house two horses for the enjoyment of the residents. The site of the stable block is within the residential curtilage of the property and is screened by the existing boundary fence to the dwelling therefore any impact on the openness of the Green Belt from the structure will be minimal. Therefore, the development of a structure of this size is considered appropriate in terms of Green Belt policy as it does not compromise the objectives of the Green Belt.

**Paragraph 143** outlines the five purposes of the Green Belt namely a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The site is an existing residential curtilage within the Green Belt the proposal is for an ancillary outbuilding to stable two horses, it is domestic in scale and given that all structures within the curtilage are controlled by condition this will be the only other structure on the site besides the existing dwelling, it therefore will not compromise any of these objectives as its size is subordinate in scale to the existing property.

**Paragraph 152** states that inappropriate development in the Green Belt should not be supported except in exceptional circumstances. Sport and recreation are considered appropriate uses in the Green Belt as is the keeping of horses. It is therefore considered that given the scale and impact of the development the proposal is not inappropriate development in this context.

**Paragraph 153** advises that 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 resulting from the proposal, is clearly outweighed by other considerations. In this case, the stable block will be the only structure on the site and have no greater discernible impact than a domestic structure such as a garage, garden shed etc; and therefore, by definition will not result in any additional harm to the open character of the Green Belt. The structure has been kept to a minimum size to stable two horses and will not result in a disproportionate addition to the site.

**Paragraph 154** states that new buildings within the Green Belt should be considered inappropriate development, but lists several exceptions to this. These exceptions include buildings for agriculture or forestry, the provision of facilities for outdoor sport or the recreation as long as the facilities preserve the openness of the Green Belt, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of buildings that are not materially larger than the one being replaced; limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land. The proposal accords with the objectives of these exceptions detailed in the NPPF and therefore is appropriate in Green Belt terms.

**Paragraph 155** again emphasises that outdoor sport and recreation uses such as horse riding are appropriate uses in the Green Belt.

## **7. Local Planning Policy**

### ***Greater Manchester Spatial Framework – Places for Everyone***

‘Places for Everyone’ is a joint Development Plan Document being developed by nine of the Greater Manchester districts and once adopted will be the overarching development plan for all these districts, setting the framework for individual district local plans. The main modifications consultation closed on 6<sup>th</sup> December 2023 following the examination hearings held between 1 November 2022 and 5 July 2023.

The weight to be given to ‘Places for Everyone’ as a material consideration will normally be moderate given that it is currently at an advanced stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the statement. If the ‘Places for Everyone’ plan is not referenced in the statement, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

### ***Bolton Core Strategy (March 2011)***

The Bolton Core Strategy has a number of objectives. The first of these strategic objectives is - **SO1** which seeks to maximise access to health facilities, sporting and recreation facilities. This proposal will contribute towards this achieving this objective in a positive manner by allowing the applicants family increased opportunities to participate in recreational activities in the countryside.

**Policy P5** seeks to increase accessibility to alternative modes of transport away from private motor vehicles by prioritising walking, cycling and public transport. Horse riding is another sustainable mode of transport and is therefore encouraged by this policy.

**Policy CG1.1** aims to safeguard and enhances the rural areas of the borough from development that would adversely affect its biodiversity including trees, woodland and hedgerows, geodiversity, landscape character, recreational or agricultural value; or its contribution to green infrastructure, reducing flood risk and combating climate change. The proposals do not have any adverse impacts on any of these interests and will enhance the rural feel of the area by introducing horses.

**Policy CG2.1** Ensures that all development proposals contribute to the delivery of sustainable development, being located and designed so as to mitigate any adverse effects of the development and adapt to climate change by

incorporating high standards of sustainable design and construction principles. Rainwater run-off will be collected from roof of the stables and recycled and the stables will be constructed from sustainable timber.

Core Strategy **Policies CG3.2 and CG3.3** require proposals to respect and enhance local distinctiveness, by being compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape treatment, including hard/soft landscaping and boundary treatment. The proposed stable is subordinate in scale to its surroundings and sympathetic in its design to its rural location as required by these policies.

**Policy CG4.1** requires new development to be compatible with surrounding land uses and ensure neighbouring occupiers have sufficient privacy and amenity. The stable block is located in the corner of the garden which is furthest away from residential property. This location for the development has been chosen to minimise any impact on neighbours' amenities.

The keeping of horses is compatible with a rural location and is therefore supported by **Policy CG4.1**.

**Policy OA1.11** protects the landscape setting and public views of the surrounding landscape from harmful development. This proposal is minor in nature and is well screened by the existing boundary fence so will not have any noticeable impact on the surrounding landscape.

**Policy OA3.8** ensures regard is had to the character of farm complexes, folds, vernacular cottages and the wider open landscape. The stable block in this case has been designed to fit into its surroundings and does not detract from the rural character of the locality.

### **Bolton Allocations Plan (December 2014)**

**Policy CG7AP** – relates to the Green Belt and states the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings except for: 1. Agriculture and forestry; 2.

Provision of appropriate facilities for outdoor sport and outdoor recreation, and for cemeteries which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; 3. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; 4. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; 5. Limited infilling in villages at Hart Common

and Scot Lane End as shown on the Proposals Map Limited infilling or the partial or complete redevelopment of previously developed sites, 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 purposes of including land within it than the existing development

**Policy P8AP** states that the Council will permit development proposals affecting public rights of way, provided that the integrity of the right of way is retained Public Rights of Way. A gate will be inserted in the rear garden fence to allow access out onto the public right of way and the adjoining field. The proposal will have no adverse impact in terms of the integrity of the public right of way and therefore accords with this policy.

Bolton Council have also produced a Planning Control Policy Note entitled '**PCPN28 Equestrian Development**' which is also a material planning policy consideration in relation to this proposal. The note was adopted in January 2004, but is still in use for Development Management purposes.

Para 2.2 of this document makes clear that 'essential facilities' for outdoor recreation are appropriate development in the Green Belt provided they are 'genuinely required' for the use of the land. An example of a small stable is provided as the type of development that given its size, scale and unobtrusiveness in the landscape would not adversely affect the openness of the Green Belt.

## **8. Analysis**

The main issue is whether the proposed development of this 2-horse stable block with tack room situated with Green Belt is an appropriate form of development. Given that this development could have been undertaken utilising PD rights if they had not been removed by the 2008 appeal decision it is submitted that it is an appropriate form of development having regard to recent appeal decision and the clear shift in national planning policy. With this in mind our case for granting approval for this development is set out below.

### *The Principle*

Having analysed the planning policy context in the previous section it is considered that the small-scale nature of the development is appropriate in Green Belt terms as it is clearly ancillary to the enjoyment of dwelling for the residents and is not large enough to serve any other purpose. The proposals are considered to be in compliance with the aims and objectives of both national planning policy (NPPF) and local planning policy (Bolton Core Strategy – 2011 and Bolton Allocations Plan - 2014).

The inspector in granting consent for the conversion of the summer house/games room in 2008, removed permitted developments for ‘extensions, porches, outbuildings and garages to control rather than prevent future development on the site. With the relaxation of permitted development rights in the intervening period the inspector obviously had the foresight to seek to prevent some of the excesses allowed utilising permitted development and provide the local planning authority with additional controls over future development on the site. However, the draconian approach means that the applicant cannot even erect a small garden shed without the need for planning permission and it surely cannot have been the intention of the inspector to prevent minor household development altogether.

Class E buildings such as the stables proposed are a classic example of this and a much larger building than that proposed could have been constructed utilising permitted development on a site in the Green Belt which wasn’t subject to the restrictions imposed on the planning permission granted for the original change of use.

That said, it is considered that it was not the intention to prevent all future development on the site, but to put a mechanism in place to allow the Council to review its appropriateness, having regard to the Green Belt location of the property as well as future planning policy changes such as the introduction of the NPPF. There have been no additional structures added to the property

since 2008, so the dwelling and curtilage remain intact as approved and in compliance with the conditions imposed on the planning permission.

A small ancillary development within a residential curtilage in the Green Belt is wholly appropriate within both the national and local planning policy context. The footprint of the proposed building has been kept to a minimum in accordance with guidance contained in '**PCPN28 Equestrian Development**'. The fact that a condition removes PD rights is not in itself justification for refusing such a development and given the paragraph 54 of the NPPF it is clear that the imposition of this condition is no longer consistent with national planning policy.

Having regard to Para 4.12 of PCPN28, the stables have been designed to occupy the smallest area necessary to comfortably accommodate two horses and a tack room as required by the policy note and to meet British Horse Society standards.

The stable block roof will be a maximum height of 3.87 metres at the ridge, but with an existing 2-metre-high timber fence around the boundary of the site and the structure being set in a metre from the fence only the top of the roof is likely to be visible from outside the site. It is therefore considered that the development will have no discernible visual impact in terms of the openness of the Green Belt. The proposal is therefore considered to be reasonable, necessary for the welfare of the horses and in keeping with Green Belt policy considerations.

A selection of recent appeal decisions are attached as appendices which clearly demonstrate that this is an appropriate form of development in the Green Belt.

### Drainage

The site is within Flood Zone One, which means that it is within an area of low flood risk. There is no history of flooding on site and the risk of future flooding is considered minimal.

### Visual Impact

The site itself is situated on a slight incline which slopes down from Chorley Road in a northerly direction towards the M61 Motorway which sits in the basin of the valley. The site is therefore situated below the level of the carriageway on Chorley Road and is screened from direct view by existing terraces of residential properties fronting the main road. The boundary around the site consisting of closed boarded timber fencing and trees in the garden further obscures views into the site which means that any glimpses of the development

will be minimised and its presence will have no noticeable impact on the character of the landscape or the openness of the Green Belt.

### Residential Amenity

The building is located in substantial grounds and has trees screening it on the eastern, western and southern boundaries with a timber fence forming the northern and eastern boundary adjacent to the public right of way. The nearest adjoining residential properties are a significant distance away from the stable block and as such there will be no impact from the development in terms of loss of privacy, overlooking or overshadowing, noise or odours.

Policy CG4.2 seeks to minimise pollution via noise, disturbance, odours and also ensure water and air quality.

Residential properties lie to the south of the site. The nearest being the applicant's dwelling which is to the west of the proposed site. Non-related dwellings can be found in excess of 40 metres away respectively. PCPN28 outlines a minimum interface of 30 metres to ensure any noise, disturbance or pollution issues will not be significant. It is considered the limited scale and nature of the use will not lead to an unacceptable impact on any neighbouring residential properties.

### Highways

There is an existing access into the site from Chorley Road via an unadopted access road. It is intended that this will be widened to improve visibility for vehicles egressing the site. Vehicles will be able to enter and leave the site in a forward manner and visibility splays will be improved in line with Highway Authority requirements.

Impact on Highway Safety Core strategy policies P5 seeks to ensure developments are accessible by different means of transport and there is a prioritisation of public transport/walking over the private motor vehicle.

### Public Right of Way

The small stable block would be adjacent to the existing Public Right of Way which abuts the curtilage of site and is set back from direct view from Chorley Road. In terms of scale, massing and architectural style the stable block is consistent with the aims and objectives of the Green Belt. Stable blocks are commonly found in the Green Belt by their very nature and it is considered on balance that this proposal would not represent an incongruous feature within the wider open landscape.

### Parking



Car parking for vehicles already exists in excess of the Council's car parking standards already exists on site.

Sufficient space is available on site to accommodate private vehicles and trailers. This is considered to be an acceptable provision for the site to enable delivery of hay/feed and removal of waste, bearing in mind it is for the private use of the applicant only and not a livery operation.

### *Animal Welfare*

There is extensive grazing land to the north and east of the application site which the applicant has an agreement with the owner to use. This will allow for the horses to be exercised on a daily basis close to the stables.

## 9. Conclusions

The proposed scheme is considered to be proportionate to the requirements of the applicants whilst having regard to its Green Belt location. The development would in normal circumstances constitute permitted development, but these rights were removed when planning permission was granted for the change of use of the main building on site to a residential dwelling. As previously stated, it is considered that the reason for the removal of PD rights in this instance has now been superseded by the NPPF which frowns on the removal of such rights unless there is clear justification and it is submitted that in this particular case that this does not exist as the Green Belt designation in itself is not a compelling reason to remove PD rights and this is supported by plenty of recent appeal decision across the country.

That said it was clearly the intention of the planning inspector in arriving at his decision to allow the change of use subject to conditions to allow the Local Planning Authority to exercise a degree of control over some of the excesses allowed under permitted development so that it could prevent harm to the openness of the Green Belt from disproportionate additions/extensions to the original dwelling.

The proposal is considered to be proportionate in this instance and has been designed to minimise its impact on the Green Belt whilst providing a small stable for the applicants use. The external appearance of the new structure will blend into the rural landscape and will not impact on the openness of the Green Belt. The introduction of a small stable block is considered a not inappropriate form of development in the Green Belt as it is directly linked to outdoor recreation.

The proposal will sit within an established residential curtilage within the Green Belt and does not adversely affect the highway safety or neighbouring amenities of the area so as to warrant a refusal.

Having regard to the above, it is considered that the proposed development accords with the policy objectives of the Development Plan and the NPPF. Planning Permission should therefore be granted for this proposal having regard to the benefits outlined in this statement.

## Appendices

Appendix A - Appeal Decision APP/R3650/W/16/3157440 – Land Lying West of Crooksbury Road, Runfold, Farnham, Surrey, GU10 1QF.

Appendix B - Appeal Decision APP/A1910/W/18/3203796 – Tipulo Stud, Haresfoot Grange, Haresfoot Park, Berkhamstead, Herts, HP4 2SU.

Appendix C - Appeal Decision APP/X4725/W/19/3224720 – New Stables, Boundary Lane, Normanton, Wakefield, WF6 2JA.

Appendix D - Appeal Decision APP/Z4718/W/22/3304932 – Land at Penistone Road, Fenay Bridge, Huddersfield HD8 0AS.