

## **Application Recommended for Approval**

**FUL/2020/0181**

Rosehill With Burnley Wood

Town and Country Planning Act 1990

The development of an all-weather riding/turnout arena

Lower Howarth Fold Stables, Howarth Road, Burnley

### **Background:**

The proposals involve the erection of an all-weather riding/turnout arena on land off Howarth Road, the applicant has existing stables there. The existing stables and arena are for personal use by the applicant.

Objections have been received to the proposals.

### **Relevant Policies:**

Burnley's Local Plan July 2018

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

EMP7 – Equestrian Development

HE2 – Designated Heritage Assets: Listed Buildings; Conservation Areas and Registered Parks and Gardens

NE3 – Landscape Character

NE5 – Environmental Protection

CC4 – Development and Flood Risk

CC5 - Surface Water Management and Sustainable Drainage System (SuDS)

National Planning Policy framework Feb 2019

### **Site History:**

Relevant history;

12/93/0154 – proposed golf driving range – withdrawn

12/93/0663 – erection of stables – c/c

### **Consultation Responses:**

**Highway Authority** – Do not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity, or amenity in the immediate vicinity of the site.

**Environmental Health** – Have no comments to make.

**United Utilities** – the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. A water main crosses/runs close to the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our Standard Conditions for Works Adjacent to Pipelines.

**Lead Flood Authority** – Have no comments to make.

**Neighbours** – Two objections received.

One neighbour objects stating;

- Oppose the planned position of the arena – our property is located directly across the track and will be at the lowest point of the topography and we are concerned that an arena in that location will have a catastrophic impact on the already overloaded drainage system for the run-off water on Howarth Road. We are frequently flooded when there is heavy rain, as are other neighbours. We have had to pay to have the lane repaired due to water damage and also to install adequate drainage for the lane and fields.
- Having had an arena installed on our land in 2017, I assure the planning department that these structures cause immense excess water run-off, despite having drainage installed.

Another neighbour objects stating;

- Object to the potential surface water drainage resulting from the proposed development. The submitted plans show the proposed all weather riding/turnout arena to be constructed from permeable materials with land drains underneath it. It is the proposed land drains, and to where these drain, which is the reason for the objection.
- Whilst the applicants consider that surface water drainage is perfectly adequate this is not the case. Moreover, the submitted plans give no indication as to where the land pipes will drain.
- The applicant should be asked to submit full details at this stage of the proposed land drainage so as not to adversely affect neighbour's property or a condition attached in respect of drainage.

### **Planning and Environmental Considerations:**

The proposal is located within the Development Boundary. One of the most relevant Local Plan policies in respect of the proposal is EMP7.

#### ***Policy EMP7: Equestrian Development***

- 1) Proposals for the development of stables and equestrian facilities in rural areas will be supported subject to the following criteria:

##### *Access*

- a) The site must have a vehicular access which is satisfactory in highway terms or it must be capable of being achieved without adversely affecting the character of the rural landscape;

##### *Siting and Scale*

- b) New, freestanding stables and equestrian facilities will only be permitted where they are closely related to existing farm buildings or other groups of buildings, are well screened and do not cause harm to the visual amenity, openness or rural character of the area;

- c) Equine Developments should be sited at an adequate distance from neighbouring residential properties. The separation distance will be dependent on the scale and impact of the development proposed;

- d) Ancillary development including ménages, storage facilities, hard standing, access tracks and exercise pens should be a minimum size necessary and should not encroach unduly into open countryside. Provision should be made for storing equipment to minimise the impact on the visual amenity of its surroundings;

##### *Design and Materials*

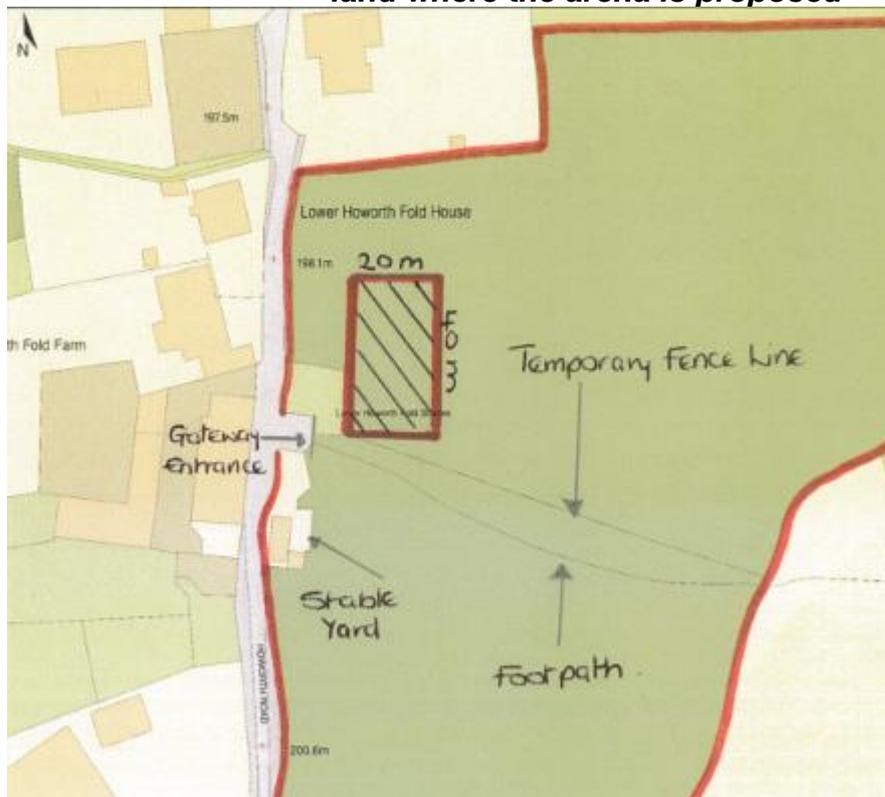
- e) Where stables are permitted they should be designed and constructed to be fit for purpose, but also in materials appropriate to the rural area;
- f) The conversion of existing buildings to equestrian centres or stables will be acceptable subject to other planning requirements being met.

*General*

- g) Applications for the floodlighting of existing riding arenas or for developments including the provision of floodlighting will not be approved where there will be an unacceptable visual or landscape impact or an unacceptable impact on highway safety. Floodlights will not be permitted where neighbouring properties will be subject to unacceptable levels of attendance glare; and
- h) Applications should be submitted with a pasture management plan.



***land where the arena is proposed***



***proposed location of the riding arena and existing stables***

### **Location and use**

The applicant wishes to provide a riding arena for her own use, close to the position of existing stables which are located in a field off Howarth Fold Road.

The land owned by the applicant is approx. 7.5 acres of grazing/meadow land and includes a small stable and store. The stables are used for the sole private use for the horses owned by the landowner. The land has been used as an exercise and turnout area for the horses and is also used to make hay/haylage seasonally. The horses are trained on the land, to keep them fit for competition use, predominantly show jumping. There are currently 2 competition horses and a small pony kept at the stables.

The applicant states that the proposed construction of an all-weather riding facility is needed due to the effects of climate change over recent years which has had an impact on ground conditions and as a result the ground is wetter all year round. The weather extremes can mean that the ground is either too soft or too hard, with a risk of injury to the horses.

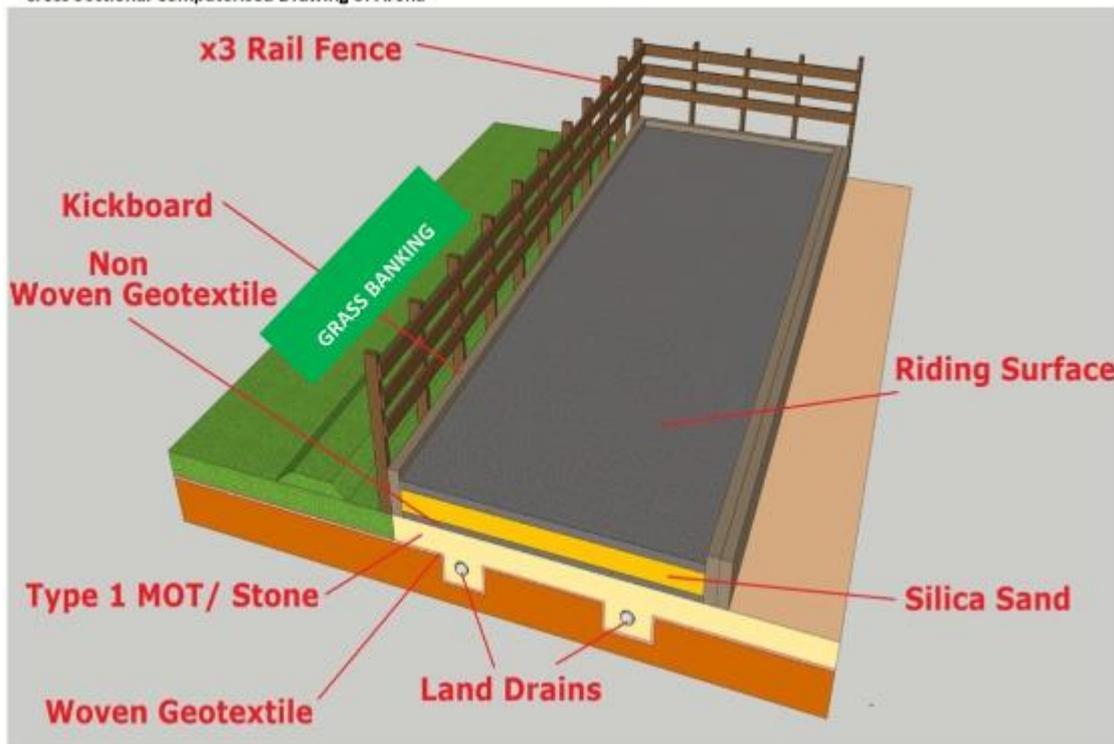
Exercising horses on a purpose built surface provides a safe environment without compromise providing safer conditions ( which means that they don't have to venture out onto the highway and encounter the danger of other road users).

### **Size and position**

The proposed development is for the construction of an all-weather equestrian arena which would be approx. 20m wide and 40m in length.

The applicant states that the position of the arena has been selected due to the fact that it is relatively flat compared to the other land in their ownership and will require little excavation works to complete it. The site has also been chosen particularly because of its natural drainage properties and the applicant states that the run off will be minimal and that there is a good drainage system to key into, with effective land drains in operation to cope with the natural rainfall.

Cross Sectional Computerised Drawing of Arena



**cross section of the proposed arena**

he proposed arena would be fenced in sustainable post and rail stock fencing in keeping with the natural surroundings with the option to include a small banking for screening purposes to shield the surface from the view of overlooking properties.

### ***Lighting***

No lighting is proposed for the arena which would be used in daylight hours only.

### ***Land drainage***

Local Plan policies CC4 – Development and Flood risk and CC5 – Surface Water Management and Sustainable Drainage Systems (SuDS) are relevant.

The site of the proposed development is not located within flood zones 2 or 3 as designated by the Environment Agency and a flood risk assessment is not therefore required in respect of the proposals.

Policy CC5 states that 'in order to assist in minimising surface water run-off from sites that existing green infrastructure should be retained and the use of permeable materials should be maximised. Also, surface water should be managed at source and not transferred and discharged.

The construction of the arena would be undertaken by a specialist installation team and drainage would be provided. The applicant has stated that the proposed surface would provide a much-improved drainage system being natural sand and that it will soak up the rainwater like a sponge. She states that the existing drainage is excellent and the land drains very effectively and that there is a natural sump on the land which accommodates the existing run-off.

The applicant has stated that a series of drains will be constructed across the arena in the sublayer after a cut and fill process. A further drain will be constructed around the perimeter to assist with the carrying away of existing rainwater. The drainage pipes drain into the ground. Rainfall will run through the absorbent top surface which in effect will act like a large sponge and the run-off into the drainage system will be minimal. In theory there will be less water entering the drainage system than before, which should improve the ground conditions of the surrounding area.

### ***Public footpaths***

There is a public footpath running parallel to the south side of the proposed arena, the applicant states that this would not be affected or obstructed and would remain fully open throughout the construction of the arena.

### ***Listed Buildings***

There are two Statutory Listed Buildings on the opposite side of Howarth Road, Lower Howarth Fold Farm and Lower Howarth Fold House. The Conservation officer is of the opinion that the proposed arena would not alter the ability to appreciate and understand their rural upland setting and as such the view is taken that the development is not harmful to the setting and therefore significance of the listed buildings.

### ***Landscape***

The area will remain open and flat and the views and landscape would not be adversely affected. The arena is set back from the lane (Howarth road).

### **Access**

The site has an existing access from Howarth Road.

### **Other matters**

There are 3 other riding arenas within close proximity of the proposal, 2 of them within the curtilage of Lower Howarth Fold Farm and Howarth Fold Farm and another larger (20m x 40m) arena to the north of Howarth Fold Farm.

The proposed development has been carefully planned by the applicant to achieve a development that has minimal intrusion on the landscape, the structure has been designed to harmonise with and not adversely affect the character of the landscape.

### **Conclusion**

The proposals are considered to be acceptable and in accordance with the Local Plan policies listed above.

### **Recommendation:**

Grant subject to the following conditions:

1. The development must be begun within three years of the date of this decision.

*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; block plan, and computerised cross-section of arena both received 30.4.2020; amended location plan, cross-section through arena and fence, and cross section before work all received 1.6.2020.

*Reason:* To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. The arena shall not be used between 20.00 hrs and 08.00 hrs.

*Reason:* To safeguard the amenity of nearby residents and to ensure there is no adverse effect on the quality of the area, in accordance with policy EMP7 of the Burnley's Local Plan July 2018.

4. The arena hereby permitted shall be used solely for the horses in the ownership of the applicant or their immediate family and shall not be used for competitions or for any other form of commercial use.

*Reason:* In order to ensure a commercial activity is not established in this location without the benefit of a full assessment of any potential impacts on nearby residential amenity taking place and having regard to the vehicular access to the site, in accordance with policy EMP7 of the Burnley's Local Plan July 2018 and the NPPF.

5. No development shall take place that obstructs any part of the Public Footpath No. 109 which runs close to the site.

*Reason:* To ensure that the existing public rights of way are not affected prior to in accordance with Policy IC1 of Burnley's Local Plan (July 2018).