DELEGATED DECISION REPORT

SMD/2017/0118 **Valid 27/02/2017**	**LAND WEST SIDE OF TOP ROAD BIDDULPH MOOR**	**VARIATION OF CONDITION 2 (REPOSITIONING OF MENAGE) ON SMD/2013/0956** **(FULL - MINOR)**

MAIN ISSUES

- The key point for consideration is whether to proposed variation to condition 2 of planning consent SMD/2013/0956 would result in an y greater detrimental harm to the Green Belt, the wider landscape character or the amenity of the area.

DESCRIPTION OF SITE

This application relates to a plot located on the western side of Top Road, Biddulph Moor. The site slopes gently away from east to west and is currently used for equestrian purposes. Stabling and associated hardstanding have been constructed in accordance with SMD/2013/0956.

PROPOSAL

This application was invited to be submitted following the investigation of a complaint to the Council's Enforcement team. It seeks approval retrospectively for the re-siting of the approved manege adjacent to the west site boundary.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport
R1 Rural Diversification

National Planning Policy Framework

Paragraph(s) 1 - 17
Section(s)*

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2013/0956	Proposed change of use to use for keeping of horses and exercising horses, including the erection of a manege and American barn (stables) and a hardcore access road. Approved

CONSULTATIONS

Publicity

Site Notice expiry date: Expired
Neighbour consultation period ends:
Press Advert: N/A

Public Comments

One representation has been received raising objection on grounds of drainage/flooding of a neighbouring site.

Town / Parish Comments

Biddulph Town Council – No adverse comments.

Environmental Health

No objection.

Building Control

No objection – suggest percolation tests to ensure appropriate drainage.

Staffordshire County Council - Lead Local Flood Authority

Concur with the approach of Building Control.

Staffordshire County Council Highways

No comments received.

OFFICER COMMENTS

Principle of Development

This application follows historic approval for the construction of a manege and stabling at the site under planning reference SMD/2013/0956. The consideration of that application included an assessment on the principle of development. Though it is not necessary to re-visit that point for the purposes of this application, in the interests of clarification the policy stance is as follows.

Core Strategy policies SS1 and SS1a set out how the Council will work pro-actively with applicants to facilitate development that improves the economic, social and environmental conditions of the Staffordshire Moorlands.

The site does not fall within an identified town or village development boundary and as such the site is identified as an 'Other Rural Area' in accordance with policy SS6c. The other rural areas will provide only for development which meets an essential local need and supports a rural activity, which is applicable in this instance. Furthermore, policy R1 supports appropriate development that does not harm the rural character and environmental quality of an area by virtue of scale, nature and level of activity involved.

This application seeks approval retrospectively for the re-siting of the manege previously approved in 2013. The manege has been constructed in full and sits adjacent to the west site boundary, with agricultural land under separate ownership beyond. The manege measures 20m x 40m, which meets the dimensions of a 'typical' riding arena. Accordingly the development is not regarded as being unduly excessive or unreasonable.

The site is located within the Green Belt, where in accordance with paragraphs 145 and 143 respectively, a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 outlines certain forms of development that should be regarded as an exception to the presumption of inappropriate development and includes at point (b) the *provision of appropriate facilities for outdoor sport, 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.*

Equestrian facilities by their very nature are commonly sited in rural areas, which inevitably are often blanketed by the Green Belt. Paragraph 134 of the NPPF outlines the five purposes that the Green Belt serves as follows:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

By virtue of siting and the very nature of the development, it is not considered that the re-positioning of the manege adjacent to west site boundary would conflict with the purposes outlined.

The manege has been constructed in a location that better relates to the stable and associated hardstanding, consolidating development primarily within the western corner of the plot. Land slopes down gently from Top Road to the east and accordingly the development does not appear incongruous from this perspective. The development is clearly visible from a PROW which runs across the neighbouring land to the west, which is unaffected by the development. Equestrian facilities are a

common and characteristic feature of the rural landscape. I concur with the conclusions of the previous case officer and am the view that the development does not result in demonstrable harm to the character and/or openness of the Green Belt, in accordance with policies SS6c and R1 of the Staffordshire Moorlands Core Strategy and Chapter 13 of the NPPF.

Design

Core Strategy policy DC1 expects all new development tot be well designed to respond positively to the character and identity of the Staffordshire Moorlands. Development of poor design will be refused.

The manege is considered to be of an appropriate design and scale that respects the rural setting and character of the site and surrounding landscape.

Amenity inc. Drainage

In accordance with policy DC1 development should achieve a satisfactory relationship to adjacent development. The nearest residential properties 'Knowls Style farm', 'Lower Fold Farm' and 'Slang Farm' are located at a distance in excess of 100m from the revised position of the manege. This distance is considered acceptable to achieve an appropriate standard of amenity.

Objection has been received on behalf of the owner of the adjacent land to the west at Copeland Meadows Farm. It has been stated that since the unauthorised works have taken place the adjoining land to the west has suffered from drainage problems and flooding. The objection received is supported by a letter from Bury and Hilton Chartered Surveyors.

The submitted letter outlines an opinion that in order to solve the problems encountered, a 100mm perforated French drain needs to be laid across the full length of the applicants land adjacent to the west site boundary. A 150mm perforated drain pipe then needs to be laid connecting the French drain into the ditch on the objectors land.

The applicant has not provided any evidence to counteract this statement. However, it is acknowledged that no details of drainage were submitted at the time of the 2013 application, nor was a drainage condition imposed on the grant of planning permission. Irrespective of this, the applicant constructed the manege with a drainage system which has been detailed in the submitted Design and Access Statement.

As a matter of clarification the site is not located in a flood zone. Furthermore there are no known recorded historic flooding concerns relating to the land in question. The land slopes away from east to west and as such the objectors land is lower than the application site. In applying the Durrent v. Branksome Urban District Council in such circumstances "The proprietor of land has a natural right to collect and discharge the surface water run-off from his land onto adjoining lower land, even where he has created an increase in flow by an improved system of drainage or by other means."

The Councils Environmental Health Officer carried out a site visit on 11th April 2017 and found no evidence of any flooding or past flooding of the site, there was also no evidence of flooding or past flooding of neighbouring sites. Ground conditions at the time of his visit were firm, though it is noted that the improved conditions may be due to the drainage works carried out by the objector. The issues raised should therefore be regarded as a civil matter between the two parties involved.

Nevertheless, over the past year the Councils Environmental Health Section has dealt with several similar problems in the District and has concluded that there is an excess of ground and surface water resulting in high water tables and the presence of natural surface water. No specific case examples were provided.

The application was referred to the Council's Building Control provider, Civicance Ltd, to assess whether or not they would regard the drainage details supplied by the applicant to be sufficient to provide adequate drainage to the manege. Building Control is of the view that the manege should be well self draining and should not concentrate any surface water in any one place. Nevertheless, drainage requirements should be established by the results of a percolation test. The Lead Local Flood Authority concurs with this advice and recommends that the need for additional drainage, if any, should be established by the results of appropriate testing.

It is considered acceptable for this to be dealt with by an appropriately worded condition that requires a percolation test to be carried out. The results of which along with any appropriate mitigation, if deemed to be required, should be submitted to and approved in writing by the LPA. Any additional drainage that has been identified to be required as a result of the test shall be installed within a specified timescale.

CONCLUSION / PLANNING BALANCE

Consideration has been given to the concerns raised relating to the perceived impact of the re-positioning of the manege on the drainage conditions of the neighbouring land. No evidence has been submitted to clearly demonstrate if the drainage installed to the manege is sufficient and in the interests of policy DC1 and the advice received from the Council's Environmental Health Officer, Building Control specialists and Staffordshire County Council as the Lead Local Flood Authority it is considered reasonable to apply a condition that requires appropriate percolation testing to be carried out, the results of which should then be used to establish what, if any, additional drainage should be installed.

It remains to be the case that no evidence of flooding has been noted and that this may be due to the additional drainage installed by the objector. Land slopes away from Top Road and accordingly the objectors land is on a lower level to the manege, where a reasonable level of water run-off from higher land is to be expected and is regarded to constitute a civil matter. Though a drainage condition was not considered necessary under the 2013 consent, the re-location of the manege does present a material change in circumstances that needs to be given due weight. Taking account of these factors it is not considered that a refusal on such grounds could be sustained at appeal.

It is not considered that the re-positioning of the manege results in any greater harm to the openness of the Green Belt, landscape character or to the amenity of nearby properties.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Howard
Recommendation Date: 24.08.2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council