

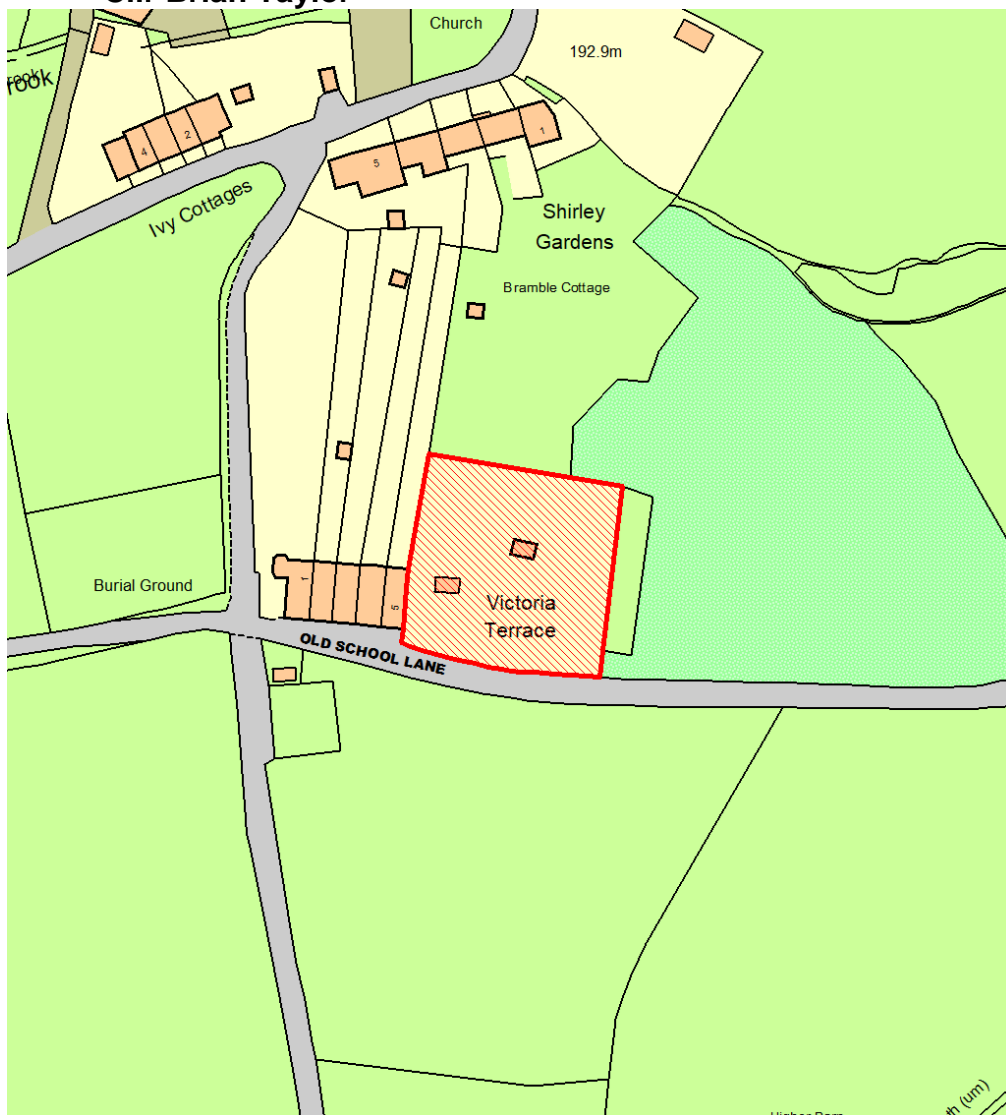
**Proposed Development: Full Planning Application for Erection of a Stable Block (private use) and a Menage**

**Site Address: Holly Cottage, 5 Victoria Terrace, Old School Lane, Tockholes, Darwen, BB3 0NG**

**Applicant: Mrs P Smith**

**Ward: Darwen West**

**CLlr David Smith  
CLlr Stephanie Rose Brookfield  
CLlr Brian Taylor**



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 This planning application is presented to the Planning and Highways Committee in accordance with the Scheme of Delegation of the Council's Constitution i.e. Chair Referral process due to the receipt of an objection from Tockholes Parish Council. An objection has also been raised by a member of the public whose land is adjacent to the applicant site. A summary of the comments received is detailed below in Section 7.5. Full details of the representations received are found in Section 10.

2.2 The proposed development has been publicised through letters to residents of the nearest adjacent properties on the 28<sup>th</sup> October 2022 and also on the 12<sup>th</sup> December 2022, due to amendments being made on the size of the proposed stable block being reduced. A site notice was also displayed outside of the site on 20<sup>th</sup> December 2022.

2.3 The proposals would deliver a sand and/or rubber surfaced manage area for the private use of the owners 3 horses and will not be used on a commercial basis. The menage will have a peripheral 1.2m high fence. On balance, the proposals would be satisfactory from a technical point of view with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

2.4 The key issues to be addressed in determining this application are as follows;

- Assessing impacts on the Green Belt
- Design and Landscape Impacts
- Residential Amenity
- Ecological Considerations
- Highways
- Mineral Safeguarding Assessment
- Drainage

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a parcel of land which is located adjacent to Nos 1-5 Victoria Terrace and within the Green Belt. The site covers an area of circa 0.45 acres. The land belonging to the applicant who lives at No.5 has been used as a garden for over 20 years. There are two existing outbuildings on the application site, one of which is to be retained and incorporated within the proposed stable block which is why the width of 4.7m is slightly larger than the standard 3.66m required for horse stable blocks.

3.1.2 The application site is accessed via Tockholes Road on to Old School Lane, which is a single track access road. Access to the site is currently gained by a double five bar gate over a piece of existing hardstanding.

### 3.2 Case Officer Site Photos

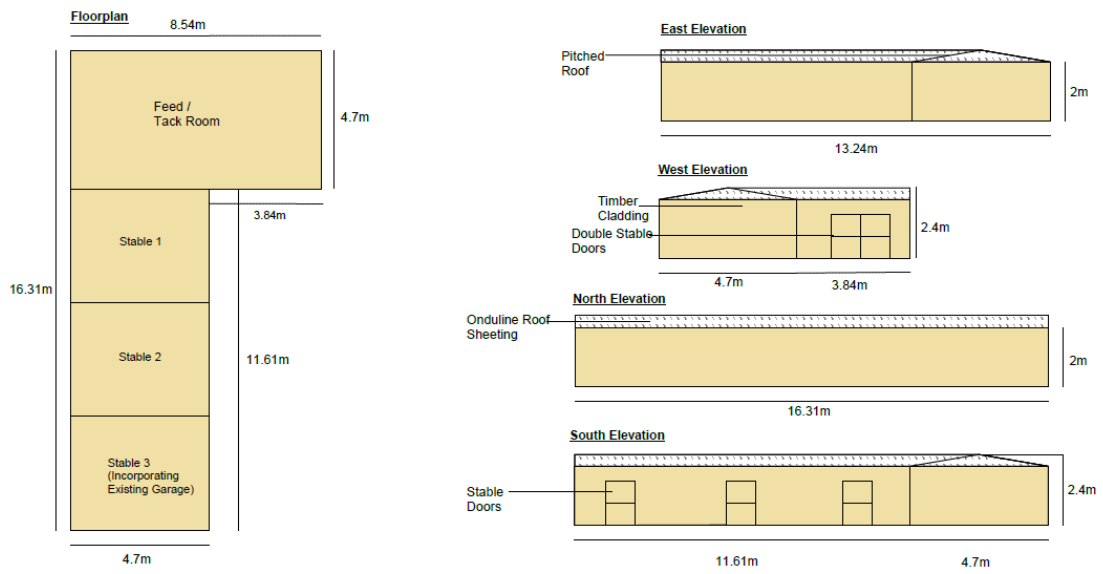


### 3.3 Proposed Development

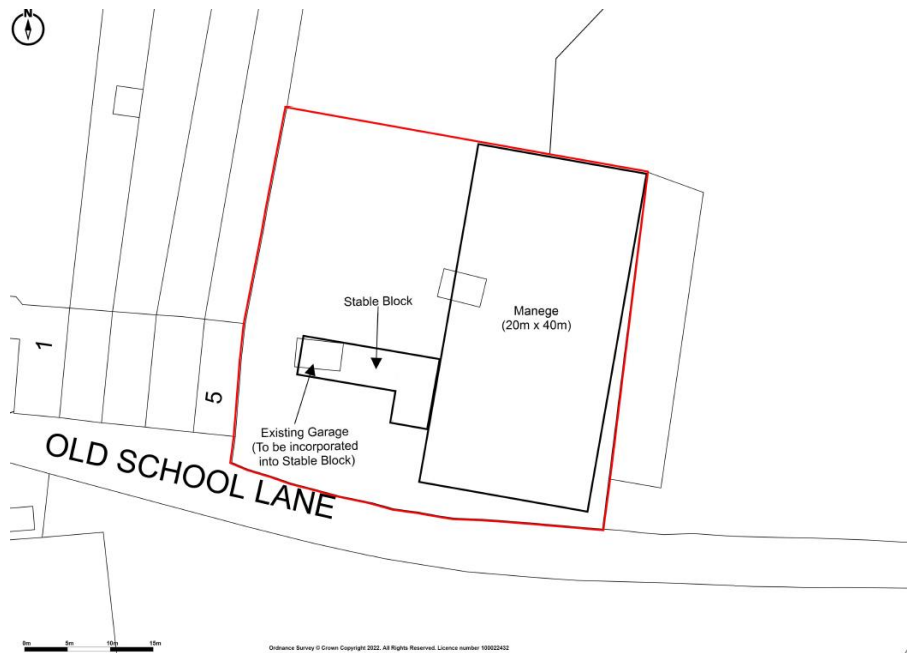
3.3.1 Following the receipt of amended drawings received 9<sup>th</sup> December 2022, planning approval is sought for the erection of a stable block and menage. The proposed stable block will measure 4.7m wide and 11.61m in length, a feed and tack room will also be adjoined to the stable block and will measure 4.7m wide and 8.54m in length. The proposed stable block would have timber clad elevations and shallow pitched roofs covered on onduline roof sheeting.

3.3.2 The proposed menage will measure 20m by 40m and will have a 1.2m high timber perimeter fence; the surface will be finished in sand and/or rubber. The existing gated access off of Old School Lane will be retained and used to access the stable block. The manège will consist of four drains, backfilled with stone and a rubber sand base.

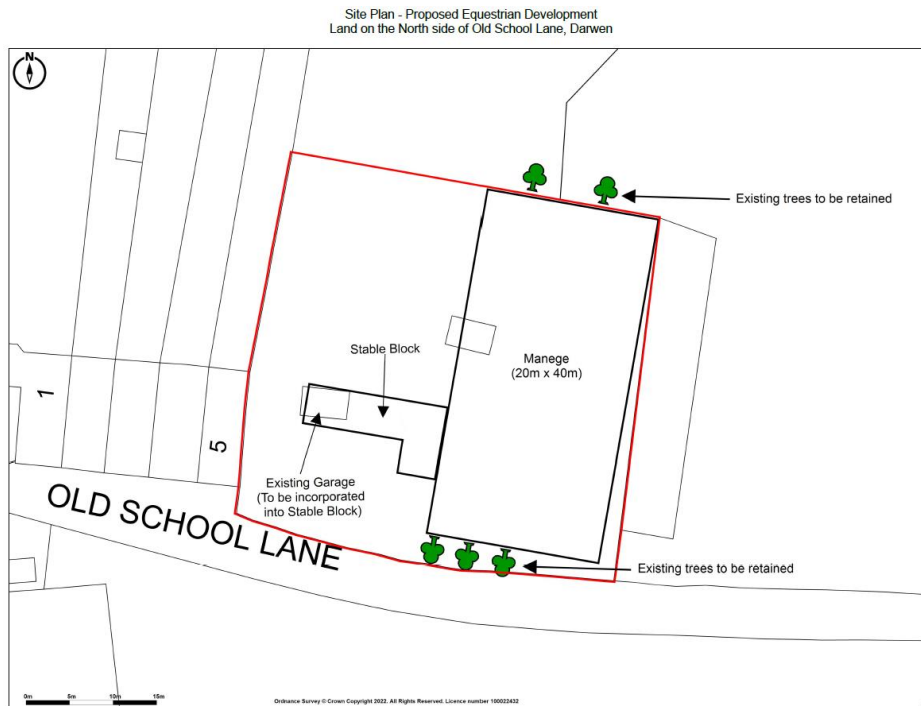
**Figure One – Proposed Floor Plan and Elevations (amended)**



**Figure Two – Proposed Site Plan (amended)**



**Figure Three – Proposed Site Plan Showing Trees to be Retained**



### 3.4 Development Plan

3.4.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 41: Landscape
- Policy 42: Equestrian Development

### 3.5 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

## 4.0 ASSESSMENT

### 4.1 Principle of Development and Impacts on the Green Belt

- 4.1.1 Policy 3 concerns development proposals within the Green Belt and the principle of development is thus considered under that policy. Policy 3 states that development within the Green Belt will not be granted planning permission except in very special circumstances. Those exceptions include provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the allocation. The policy also allows for the 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.
- 4.1.2 As detailed above, the development would be used for equestrian purposes, which is a defined outdoor recreational use. Moreover, the site is located outside of a built up area and has been used as a domestic garden for in excess of 10 years. It is therefore defined as previously developed land for the purposes of Policy 3.
- 4.1.3 When assessing losses of openness, the fact two existing buildings would be replaced by the development should be taken into account. The proposed stables block has a larger massing than those buildings yet it would be contained within a single footprint and would closely relate to the existing row of cottages in a spatial sense. The proposed menage would form a low profile structure with fencing forming the only upright features. For those reasons, the proposals would not have a greater impact on the openness of the Green Belt nor would they materially conflict with the purposes of including land within the allocation.
- 4.1.4 A condition is recommended to agree a soft landscaping scheme in order to soften the massing of the development from far reaching views. The scheme would also supplement existing trees on site, which would be retained. Subject to compliance with that condition, the proposed development would be acceptable within the Green Belt.
- 4.1.5 In specific relation to equestrian developments, Policy 42 states that developments outside the urban area for private or commercial stables/equestrian recreational facilities will be permitted where the Council is satisfied that there is access to suitable riding routes and that the development would not have an adverse impact on the character, visual amenity or wildlife value of the area. The site has access to an abundance of riding routes locally in the form of bridleways and footpaths. The proposals therefore comply with the initial requirements of Policy 42 and the principle of development is acceptable.
- 4.1.6 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should

proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

#### 4.2 Design and Landscape Impacts

4.2.1 Policy 11 requires development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. In relation to developments that have the potential to compromise landscape quality, Policy 41 states that unacceptable impacts on landscape character, or the principle of traits associated with it should be avoided. With specific reference to equine developments, adverse impacts on the character and visual amenity of the area should also be avoided, as per the requirements of Policy 42.

4.2.2 The proposed stables block would be significantly shorter than the adjacent terrace and would thus appear appropriately subordinate in scale to those existing buildings. Appropriate walling materials are proposed that have been used in abundance locally for similar forms of developments. Onduline roof sheets are proposed for the roof and slate would be the preferred option in order to ensure the stables block visually corresponds with the adjacent terrace to a certain extent. A condition is therefore recommended to control those details.

4.2.3 The riding surface itself would be a low-profile installation with the proposed type of fencing not appearing out of place within the immediate area. There are a number of similar structures within the local area and therefore another similar facility would not alter the rural character of the immediate area as to a point where a refusal would be justified. Existing trees and planting will also remain on site, as detailed above.

4.2.4 The landscaping condition recommended above is also necessary for visual amenity reasons given the relatively open nature of the site and presence of public footpaths locally. Such an approach would also provide visual enhancements in support of the development. Subject to compliance with the above conditions, the proposed development would be acceptable in visual design terms and no unduly harmful impacts would be caused for the landscape quality of the wider area in accordance with Policy 11 and 41.

#### 4.3 Residential Amenity

4.3.1 Residential properties are positioned immediately adjacent to the application site, to the south at Quarrymans Farm and Cheetham Buildings, and to the north at Shirley Gardens. Safeguarding the amenities of those neighbours is an important planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to light, sources of pollution/nuisances, noise disturbances and the general relationship between buildings.

4.3.2 The proposal by virtue of its modest height and reduced size would not pose any residential amenity concerns to the occupants of neighbouring properties at No.1-5 Victoria Terrace in terms of overbearingness. The existing trees to

the northern boundary will be retained and pruned and will screen much of the proposal from the properties to the north at Shirley Gardens. Furthermore, whilst the proposal may be viewed from the properties to the south elevation which are situated on higher land they will not be impacted in terms of residential amenity.

- 4.3.3 BwD Public Protection have reviewed the merits of the application and no objections have been raised. The submitted information states that the proposed buildings and manège would be for private use alone. A number of conditions are recommended in order to ensure the development does not compromise the amenities of the immediate neighbours once operational.
- 4.3.4 Concerns were raised from the Parish Council over lighting of the menage; it was confirmed by the agent on the 29<sup>th</sup> November 2022, that the proposed menage does not require lighting, this can be satisfied by a relevant condition. Another condition will also be recommended to ensure that the proposal is used only for private use, and not for commercial use, in order to minimise disruptions for neighbours.
- 4.3.5 Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

#### 4.4 Ecological Considerations

- 4.4.1 Policy 9 details that unacceptable impacts from developments on environmental assets, habitats, and species should be avoided. Policy 42 when assessing proposals for equine development reinforces those requirements. The application site is a parcel of grassland consisting of a varying mixture of mature boundary vegetation and it does have a certain level of ecological value.
- 4.4.2 The BwD Ecological Advisor has reviewed the submitted appraisal and the merits of the proposal as a whole. No objections have been raised yet a number of conditions have been recommended in order to limit the environmental impacts of the development. The recommended conditions surrounding the need for if any demolition of buildings or works to trees and other vegetation including undergrowth should not be undertaken between the main nesting seasons unless suitable checks for active bird nests have been undertaken. An informative has also been suggested which will be applied so that the applicant is aware that they must seek ecological advice should they find or suspect the proposals will impact on protected species.
- 4.4.3 The BwD Arboricultural Officer has not raised any concerns and has concluded that the '*proposal will not lead to any notable loss of visual amenity*' due to the existing trees on site being retained but possibly requiring some pruning as demonstrated on the Site Plan as seen in section 3.3.2. An objection was received from a member of the public who owns a parcel of land adjacent to the application site regarding the planting to be maintained to ensure screening of the development. This will be adequately controlled by a condition, as detailed above.



4.4.4 Subject to compliance with the abovementioned conditions the proposed development would be acceptable in accordance with the relevant requirements of Policy 9.

#### 4.5 Highways

4.5.1 As mentioned previously, the site is accessed off a single track road and no new parking provision is proposed in support of the development. Policy 10 requires all development proposals not to prejudice road safety, or the safe, efficient and convenient movement of all highway users. Access would be provided via an existing access point that is appropriate for the proposed use.

4.5.2 The Parish Council as well as a member of the public have objected to the proposal on highways grounds regarding access. As mentioned previously a condition is to be attached only to allow personal use. Due to the access arrangements and the nature of the proposal a condition will also be imposed preventing commercial use of the proposed development which is necessary on highways grounds given the contained nature of the access.

4.5.3 Subject to compliance with that condition, the proposed development would be acceptable with reference to highways and parking, in accordance with Policy 10.

#### 4.6 Mineral Safeguarding Assessment

4.6.1 The application site is deemed to be in a Mineral Safeguarding Area. It is considered that the proposed development will not unduly interfere with the extraction of minerals. This coupled with the close proximity of dwellings and constrained nature of the access road would all prevent the viable extraction of any minerals here. The proposed development is therefore acceptable with reference to minerals safeguarding.

#### 4.7 Drainage

4.7.1 The Council's drainage team were consulted as part of the application who have raised no concerns to the proposal as the application site is not in an area of flood risk or does not impact on any watercourses or culverts and as such have raised no objections to the proposal.

### 5.0 **RECOMMENDATION**

**Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions;**

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

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5.2 Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Drawing No. 4, Proposed front elevation, Proposed Site Plan and Proposed Roof Plan - Received 26<sup>th</sup> October 2022, Drawing No. 3, Proposed rear and side elevation – Received 26<sup>th</sup> October 2022 and Drawing No.2, Proposed ground floor plan – Received 26<sup>th</sup> October 2022.

REASON: For the avoidance of doubt and to clarify, which plans are relevant to the permission.

- 5.3 Prior to the commencement of any above ground works on site, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to ensure a satisfactory form of development is achieved, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 Prior to their installation, details overviewing the types, positions and heights of any required new external light sources to be incorporated as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to minimise the potential for light pollution to occur for neighbours and minimise disturbance for nocturnal species, in the interests of residential amenity and biodiversity, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 The development hereby approved shall only be used for the riding and stabling of horses owned/leased by the owners/occupiers of Holly Cottage, 5 Victoria Terrace. No commercial operations shall take place from the site whatsoever following any part of the development being brought into use.

REASON: In order to minimise disruptions for the immediate neighbours, given the constrained nature of the access road and parking provision, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 The stables buildings hereby approved shall not be used for the housing/stabling of animals unless and until, details confirming the measures to be put in place to manage manure and minimise the emission of odours have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details and the measures applied shall be operated in perpetuity with the stables buildings.

REASON: In order to ensure proper management of manures and minimise the potential for adverse odours to occur, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 No works in support of the development hereby approved to clear trees and/or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to clearance works. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works.

REASON: In order to minimise disturbance for nesting bird populations during the construction phase, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 No development shall commence on site unless and until, a detailed Landscaping Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;

- a) Details of proposals for supplementary landscaping around all aspects of the development that compliments local priority habitat and provides for a net gain in biodiversity,
- b) Details of native tree planting to widen the existing line of trees along the south site boundary, and;
- c) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting.

- 5.9 The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is landscaped so as to provide ecological enhancements, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 The development hereby approved shall proceed in strict accordance with the Site Plan Received on the 16<sup>th</sup> December 2022 detailing all the trees and shrubs to be retained within or directly adjacent to the application site.

REASON: In order to minimise damage to trees and shrubs on site, in the interests of maintaining landscape quality, and to accord with the requirements of Policies 11, 41, and 42 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.11 Prior to commencement of the development hereby approved, a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to the occupation of the approved development.

REASON: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

### Case Specific Informative

- 5.12 The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

## **6.0 PLANNING HISTORY**

- 6.1 10/88/1626 Residential Development – REFUSED

- 6.2 10/89/0823 Erection of Bunaglow and 3 lock-up garages - REFUSED

## **7.0 CONSULTATIONS**

- 7.1 Public Consultation has taken place from the 28<sup>th</sup> October 2022 and also on the 12<sup>th</sup> December 2022 due to an amendments to reduce the size of the feed/tack room. An objection was received by the Parish Council and a neighbouring land

owner which have been referred to above and which have been summarised below.

7.2 BwD Drainage – I have had a look over the application, and it is not in an area of flood risk, and does not impact any watercourses or culverts. Therefore, we would have no objections to the proposals.

7.3 BwD Tree Officer - On the north side close to the proposed ménage, there is a Fruit tree and Hawthorn tree. It appears these can be retained, possibly requiring some pruning to contain or reduce encroachment. **Conclusions:** The proposals will not lead to any notable loss of visual amenity.

7.4 Tockholes Parish Council –

- There must be a condition of personal use only and no commercial livery activity.
- The ménage needs lighting. There are concerns from residents and the Parish Council on behalf of Tockholes residents that lighting would have an adverse impact on the surrounding environment which would impact on local residents. Residents in and around the area would be able to see the illuminated ménage.
- There is no provision for the disposal of waste .Horse manure and bedding needs to have a proper means of effluent disposal to avoid waste contamination. Environment Agency are extremely keen regarding this issue.
- As the application shows there are many similar developments in the Parish and the Council is concerned that Tockholes does not become a suburban escape for people with equestrian interest.
- After reading the planning statement there is no mention of lighting, does this mean that lighting could be installed at a later date?
- It is also stated that no properties overlooked the site. This is incorrect as properties at Cheetham Buildings and also Quarrymans Farm next door to Cheetham Buildings and the barn next door to Quarrymans Farm do overlook the land in question re this planning application. Shirley Gardens also are at the rear of this land which is subject to this planning application.

7.5 Summary of Public Responses

One objection has been received from local residents as a result of the public consultation. The objection can be summarised as follows:

- Access to the site is from a single track road
- Trees/hedging should remain
- Should be stock proof fencing
- No floodlighting of the stable block/manège
- No commercial use
- Ensure no nuisance from solid or liquid waste
- Drainage of development not stated
- The proposed location is sloped, require flat land

- Development is out of proportion/scale to site
- Already adequate number of stables in Tockholes

**8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer**

**9.0 DATE PREPARED: 6<sup>th</sup> January 2023**

## **10.0 SUMMARY OF REPRESENTATIONS**

### **Objection – Judith Finney, Tockholes Parish Clerk. Received: 10/11/2022**

Re planning application 10/22/0891 - Tockholes Parish Council would like to put forward the following concerns –

1 – There must be a condition of personal use only and no commercial livery activity.

2 – The menage needs lighting. There are concerns from residents and the Parish Council on behalf of Tockholes residents that lighting would have an adverse impact on the surrounding environment which would impact on local residents. Residents in and around the area would be able to see the illuminated menage. -

3 – There is no provision for the disposal of waste .Horse manure and bedding needs to have a proper means of effluent disposal to avoid waste contamination. Environment Agency are extremely keen regarding this issue.

4 – As the application shows there are many similar developments in the Parish and the Council is concerned that Tockholes does not become a suburban escape for people with equestrian interest.

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### **2<sup>nd</sup> Objection – Judith Finney, Tockholes Parish Clerk. Received: 19/12/2022**

Re the above planning application 1-22/1891 Tockholes Parish Council would like to raise the following concerns –

After reading the planning statement there is no mention of lighting, does this mean that lighting could be installed at a later date?

It is also stated that no properties overlooked the site. This is incorrect as properties at Cheetham Buildings and also Quarrymans Farm next door to Cheetham Buildings and the barn next door to Quarrymans Farm do overlook the land in question re this planning application. Shirley Gardens also are at the rear of this land which is subject to this planning application.

We would also like to repeat our comments raised previously –

1 – There must be a condition of personal use only and no commercial livery activity.

2 – The menage needs lighting. There are concerns from residents and the Parish Council on behalf of Tockholes residents that lighting would have an adverse impact on the surrounding environment which would impact on local residents. Residents in and around the area would be able to see the illuminated menage. -

3 – There is no provision for the disposal of waste. Horse manure and bedding needs to have a proper means of effluent disposal to avoid waste contamination. Environment Agency are extremely keen regarding this issue.

4 – As the application shows there are many similar developments in the Parish and the Council is concerned that Tockholes does not become a suburban escape for people with equestrian interest.

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**Comment – Trevor Kempster, address unknown - Received: 15/11/2022**

Dear Sir/Madam

Thank you for your recent letter.

I have reviewed the application online and have some observations:

The picture showing the access to the site is many years old and bears no resemblance to how the access now looks (it shows the previous owners motor vehicles). The application also stated that access is from Tockholes Road when it is in fact from a single track road, Old School Lane, that being said my comments are as follows:

The property backs on to my land and has hedging/trees which should remain to screen the development.

There needs to be stock proof fencing of the site to prevent horses escaping on to my property (a 2.5-acre field)

No floodlighting of stable block/manege should be allowed.

Covenant to stop commercial use in the future. The planning application seeks stabling for three horses, and it is my understanding that they have only two horses.

Ensure no nuisance is caused from solid or liquid waste or vermin

Drainage of development not stated, currently land surface ground water drains onto my land. Increased waste may cause detrimental effect to my land.

The proposed location is sloped it is my understanding that maneges need a flat surface.

Development is out of proportion/scale to the site. Large stable/ manege would swamp/take over current land available. It is a two-bed roomed cottage with a garden.

There are already an adequate number of stables in Tockholes already.