

**Lower Clerk Hill,  
Clerk Hill Road, Whalley,  
BB7 9DR.**

Retrospective Planning Application for Horse  
Turnout Area and Change in Ground Levels.

**PLANNING STATEMENT**

September 2017

PWA\_17-342\_PS02

## Report Control

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Project: Lower Clerk Hill

Client: Mr and Mrs McHugh

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3			
4			

## 1 INTRODUCTION

- 1.1 PWA Planning is retained by Mr and Mrs McHugh ('the Applicant') to progress a retrospective planning application for the development of a horse turnout area with associated change of ground levels ('the development') on land associated with Lower Clerk Hill, Clerk Hill Road, Whalley, BB7 9DR ('Application Site'). This Planning Statement's purpose is to assess and conclude on the acceptability of the proposal in terms of relevant national and local planning policy, along with any material considerations.
- 1.2 The planning application is made to Ribble Valley Borough Council (the Local Planning Authority) as a retrospective planning application and relates to the red edge application site boundary defined by the Location Plan (drawing no. 2964\_109).
- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the relevant policies of the Development Plan, and moreover that there are other significant material considerations which indicate that planning permission ought to be granted. In addition, the statement will seek to demonstrate that there are no technical reasons which could hinder the grant of planning permission.
- 1.4 This Planning Statement, alongside a review of the site history and relevant policies, provides a description of the development together with an appraisal of the planning merits of the scheme as a whole.
- 1.5 This statement should be read in conjunction with the submitted application package, which includes the following documents: -
- 1 APP form, relevant certificates and notices;
  - Planning Statement (this document);
  - Drawn information: -
    - Location Plan (drawing no. 2964\_109);
    - Existing and Proposed Site Plan (drawing no. 2964\_110revA);
    - Existing and Proposed Sections (drawing no. 2964\_111revA)
- 1.6 The remainder of this report is structured as follows: -
- Section 2 - Site Description;
  - Section 3 - The Development;
  - Section 4 - Planning Policy Assessment;
  - Section 5 - Material considerations;
  - Section 6 - Conclusions.

## 2 SITE DESCRIPTION

2.1 The application site comprises of land off Clerk Hill Road. Access to the land is via a private access road. The land, as indicated on the Location Plan (drawing no. 2964\_109) within the blue boundary comprises of a mixture of uses. These are generally residential and equestrian. The land surrounding the blue boundary is generally agricultural in nature. The site historically was a dairy farm, which over time has attained a residential use. Please see the images below illustrating both the residential and some of the equestrian uses.



*Aerial photos of the property from approximately 45 (left) and 30 (right) years ago*

2.2 The site area is approximately 0.3ha. An existing site plan is provided with the supporting documents (drawing no. 2964\_110revA). The site comprises an existing horse turnout area, and is surrounded by a range of equestrian uses including stables, paddock and the dwelling house.

2.3 The application site is not within an area defined as at risk from flooding according to the Environment Agency's Flood Risk Map. The site is located within Flood Risk Zone 1 which has a low probability of flooding.

### Relevant Planning History

2.4 A search of Ribble Valley Borough Council's planning register has been carried out to understand the planning history relevant to the site and the development.

- **Lawful Development Certificate (LDC) Application ref. 3/2017/0243:** Proposed erection of single storey extension to rear and single storey extension to side. Withdrawn, 08/05/2017.
- **Full Planning Application ref. 3/2017/0577:** Demolition of Existing Dwelling and Erection of Replacement. Approved, 22/08/2017.

### 3 THE DEVELOPMENT

- 3.1 The application represents a retrospective planning application for the provision of a horse turnout area and associated engineering operations. The Council have requested the application in order to regularise the matter following site visits associated with planning application ref. 3/2017/0243 and 3/2017/0577.
- 3.2 Whilst permission is sought for the horse turnout area, it is considered that the equestrian use is lawful having taken place on the land consistently for a period in excess of ten years. It is as such considered to be in accordance with Section 171B(2) of The Town and Country Planning Act (TCPA) 1990 as amended by The Planning and Compensation Act 1991. In this respect, a statutory declaration has been provided by the previous owners of the property demonstrating the historical use of this part of the land (see **Appendix A**). Whilst a lawful development certificate could be attained for the use of the land, in order to promptly and efficiently conclude the matter following a visit from the Council's enforcement team, and further to discussions with the planning department at the Council, it was concluded that planning application for the use with the ground level changes is a suitable approach to take and can be found compliant with the Development Plan. Of course, if necessary, a Lawful Development Certificate for the existing use could be applied for if required.
- 3.3 The horse turnout area at the site, at the time of the current occupier's purchase ('the applicant') was of poor condition, and in order to improve the conditions to ensure it continued to be safe for their horses they have subsequently commenced improving and levelling the existing surface. This, as illustrated on Existing and Proposed Site Plan (drawing no. 2964\_111revA) required both re-surfacing and minor re-profiling of the land to ensure the turnout is suitably flat. The work is now complete.



Figure 1: Aerial Image of Existing Site Location Outlined in Red (Google 2016)

- 3.4 The re-profiled horse turnout area is located on the north-western section of the land within the ownership of the applicant and has directly replaced the original horse turnout area, which is outlined in the Location Plan. The extent of the original horse turnout area has been maintained, with no encroachment onto the surrounding countryside. The existing access will remain, and is shared with the existing dwelling (which is to be demolished and replaced under planning application ref. 3/2017/0577).
- 3.5 The base of the re-profiled horse turnout area is crushed stone. The perimeter fence is post and rail, which consists of 4 sections 0.1m rails and 0.3m rail at the base, with each panel being 1.8m in length. The embankment on to the north west of the development includes a gravel/stone access path, adjacent to the post and rail fence, this has been detailed within the supporting documents associated with this application (drawing no. 2964\_1revA).

## 4 PLANNING POLICY ASSESSMENT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

*“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.*

5.2 In this instance, the Development Plan for the Application Site comprises of the Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014). Additionally, key policy documents that comprise ‘material considerations’ include to the National Planning Policy Framework (NPPF) and any local supplementary planning guidance documents considered relevant to the proposal. These material considerations are set out at Section 6 of this statement.

5.3 The statutory development plan for the application site comprises the Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014). Currently the proposal maps published within the now replaced Districtwide Local Plan remains adopted until a revised set of plans are produced as part of the Housing and Economic Development DPD become adopted.

### **Ribble Valley Borough Council - Core Strategy 2008 – 2028**

5.4 The Ribble Valley Borough Council Core Strategy 2008 – 2028 was adopted in December 2014 and therefore can broadly be regarded as containing relevant and up to date policies in the consideration of this application. Furthermore, the following policies are considered to be relevant to the determination of the application, however they will be afforded weight in accordance with their consistency with the NPPF and this is discussed further in the Material Considerations section of the statement: -

- *Key Statement DS2: Sustainable Development*
- *Key Statement EN2: Landscape*
- *Key Statement EN4: Biodiversity and Geodiversity*
- *Policy DMG1: General Considerations*
- *Policy DMG2: Strategic Considerations*
- *Policy DME2: Landscape and Townscape Protection*
- *Policy DME3: Site and Species Protection and Conservation*

5.5 **Key Statement DS2:** Sustainable Development looks to mirror Paragraph 14 of the NPPF which details the sustainable development principle that seeks to guide both authorities and developers. Further to that it places emphasis on the council to develop proactive relationships with applicants to ensure that where possible applications are approved unless material considerations indicate otherwise. The proposal at hand is well considered and respectful to the surrounding vernacular and as such the development is not thought to generate any adverse impacts. Based on this and the more extensive guidance outlined in the NPPF it is concluded the proposals constitute sustainable development and therefore adhere to this key statement.

5.6 **Key Statement EN2:** Landscape, mainly focuses on protection of the Forest of Bowland AONB through ensuring development contributes to the conservation of the area by enhancing and protecting the landscape and character. The statement does offer more general coverage by linking

the policy to the protection of all landscapes outlining that the council expects all development to be in-keeping with the character of the landscape.

5.7 In the Council's justification for the policy they state that:

*"The Council considers that it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape. Particular regard, consistent with the designation as AONB, will be given to matters of design and impact with an expectation that the highest standards of design will be required. The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquility."*

5.8 As previously outlined the proposal has sought to use materials that are sympathetic to surrounding development and representative of that of the existing equestrian use. The proposed layout and associated elevation drawings, detail the fact that the new development sits well within the existing parameters of the site. The horse turnout area is not of detriment to the AONB and is arguably an enhancement of the original arrangement. On that basis, in the context of policy Key Statement EN2 Landscape, the horse turnout area and topographical height change is seemingly not in conflict with the Development Plan and therefore this policy would not represent justification to refuse this application.

5.9 **Key Statement EN4:** Biodiversity and Geodiversity and **Policy DME3:** Site and Species Protection and Conservation both look to provide protection for, amongst other things, features of ecological importance. The policies are in place mainly to add further protection to designated sites of environmental and ecological importance, of which the site is not. However, the overriding theme is that development should be able to mitigate any perceived negative impacts, due to the limited development. It is therefore concluded that the proposal has been delivered in a manner which is not at conflict with Key Statement EN4 or indeed Policy DME3.

5.10 **Policy DMG1:** General Considerations assists in ensuring that development proposals are in line with numerous broad considerations by providing a series of overarching considerations regarding the quality of developments. The policy categorises the criteria under 6 headings which are as follows:

- Design;
- Access;
- Amenity;
- Environment;
- Infrastructure;
- Other.

5.11 The design of the horse turnout area and change in topographical height is thought to be well-considered and minimal. The design has ensured the horse turnout is of acceptable scale (as per the original arrangement) in the context of surrounding development and would not compromise the operation of the adjoining farming operation. The policy summarises that regarding access the any proposals be safe, suitable and consider the potential traffic implications. Such matters were of

course considered prior to the submission of the application and it was concluded that the proposals don't constitute any deviation from the existing arrangement which continues to prove acceptable and safe.

5.12 The development is contained within the existing planning unit associated with Lower Clerk Hill which, in addition to the acceptable scale of the proposal, ensure the proposal is not more detrimental to the local amenity. Furthermore, the local undulating landscape suggests further that development in this location would be low impact, providing the design is acceptable. In relation to the section of the policy which refers to environmental considerations the site does not sit within any local or national landscape/ecological designation.

5.13 **Policy DMG2** outlines further strategic considerations. The policy assists in the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. Furthermore, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. As mentioned previously it is anticipated this has been achieved within the proposal at hand.

5.14 **Policy DME2: Landscape and Townscape Protection** states that proposals which induce significant harm to important landscape or landscape features will not be supported. Such features are outlined as including:

1. *Traditional Stone Walls.*
2. *Ponds.*
3. *Characteristic Herb Rich Meadows and Pastures.*
4. *Woodlands.*
5. *Copses.*
6. *Hedgerows and Individual Trees*
7. *Townscape Elements such as the Scale, Form, and Materials that Contribute to the Characteristic Townscapes of the Area.*
8. *Upland Landscapes and Associated Habitats Such as Blanket Bog.*
9. *Botanically Rich Roadside Verges (That are Worthy of Protection)."*

5.15 As with previous policies, its considered that the supporting information details sufficient detail as to qualify the proposals impact as acceptable. Effort has been made as to ensure disruption to existing features is minimal and the development sits well within the existing setting.

## 6 MATERIAL CONSIDERATIONS

### National Planning Policy Framework (2012)

- 6.1 The NPPF is a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.2 The NPPF sets out Government planning policies for England and how these are expected to be applied. The golden thread running throughout the NPPF is the Government's presumption in favour of sustainable development (Paragraph 14) whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted. The NPPF also strongly supports economic and housing development.
- 6.3 Sustainable development is broadly defined in Paragraph 7 of the Framework as having three dimensions; namely economic, social and environmental. Paragraph 17 sets out the core planning principles which include the need to:
- *“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...*
  - *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...*
  - *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...”*
- 6.4 In terms of economic benefits, the construction of proposal has offered the opportunity to provide support for existing businesses and suppliers in the area during construction, contributing to the local economy.
- 6.5 The social aspect of sustainability is met, in that the proposal will result in the creation of a high-quality environment, and comprises a compatible use in keeping with the current site use and neighbouring uses in the immediate surrounds of the site. The principle of equestrian use on the site has been long since established and as outlined earlier in this statement the site offers a location which permits for efficient operation and thus the proposal will only strengthen the rural community and indeed economy.
- 6.6 Turning to the environmental aspect of sustainability, the site is not subject to any statutory ecological designations, Tree Preservation Orders, Heritage assets or protected species. It is not within an area at risk of flooding as defined by the Environment Agency. It is considered that the development will result in an overall improvement in the visual aspect of the site from the surrounding viewpoints and from the highway, and that there are no significant adverse environmental impacts which arise from the development.
- 6.7 Paragraph 28 regarding 'Supporting a prosperous rural economy' outlines that planning policies should support economic growth in rural areas. It outlines that this can be done through supporting leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

- 6.8 Chapter 4 of the Framework, Promoting Sustainable Transport, at Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is clear that this is not the case with the proposal now before the council.
- 6.9 Paragraph 56, in relation to design, states that good design is a key aspect of sustainable development. This considers the design principles in detail, ensuring that the development is compliant with the requirements of the Framework in contributing positively to making places and landscape better for people.
- 6.10 Paragraph 61 infers that whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.11 Chapter 10 of the Framework considers climate change, flooding and coastal change. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 103 states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere. The Application Site is located entirely within Flood Zone 1 and therefore it is not considered the proposal poses any additional risk to flooding in the local area.
- 6.12 Paragraph 187 of the Framework states that Local Planning Authorities should look for solutions rather than problems, and that decision takers at every level should seek to approve application for sustainable development where possible.
- 6.13 Paragraph 197 states that in assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development.
- 6.14 Paragraph 215 states that due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the Framework, in that the closer the policies in the plan are to the policies in the Framework, the greater the weight that should be afforded.
- 6.15 This statement and supporting documents have demonstrated that this application is consistent with the above statement, in that the development has not generated significant adverse impacts and should therefore be subsequently approved.

## 7 CONCLUSION

- 7.1 PWA Planning is retained by Mr and Mrs McHugh to prepare and submit a retrospective planning application for the development of a horse turnout area with associated engineering operations at Lower Clerk Hill, Clerk Hill Road, Whalley, BB7 9DR.
- 7.2 The works have resulted in a number of key benefits which are deemed relevant to the determination of the application, namely: -
- The enhancement of local character and distinctiveness through the implementation of a well-designed and considered dwelling which sits well within the existing planning unit;
  - Support for existing businesses and suppliers in the area during construction, contributing to the local economy.
- 7.3 This statement has shown the proposal to be acceptable when considered alongside the Development Plan policies. The application represents acceptable development in the Open Countryside by virtue of the principle of equestrian use on the site being long since established (see **Appendix A** to this document). The proposal is considered to be wholly compliant with the adopted Development Plan and is additionally acceptable when assessed against the NPPF.
- 7.4 The scheme is supported by the necessary evidence which clearly demonstrate that there would be no harmful impacts resulting from the development and hence no reason that planning permission ought not to be granted. In addition to that, there are other material considerations which support the granting of planning permission and which should be afforded significant weight in the determination of the application.
- 7.5 For the reasons identified within this statement, it is considered that detailed planning permission for the development should be granted and the application is commended to the authority.

# APPENDIX A: STATUTORY DECLARATION

In the matter of an application for a certificate of lawfulness.

Lower Clerk Hill Farm, Clerk Hill Road, Whalley, BB7 9DR

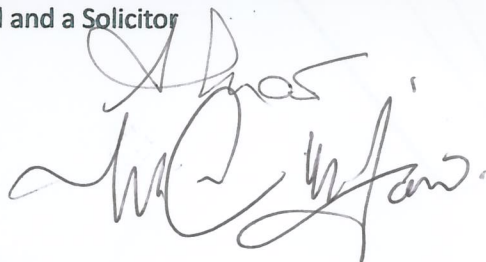
Use of land for equestrian purposes

### STATUTORY DECLARATION

WE, MICHAEL CROMPTON MAW and SHEILA MAW of 33 Deer Park Crescent, Whalley BB7 9XH in the county of Lancashire do SOLEMNLY AND SINCERELY DECLARE as follows;

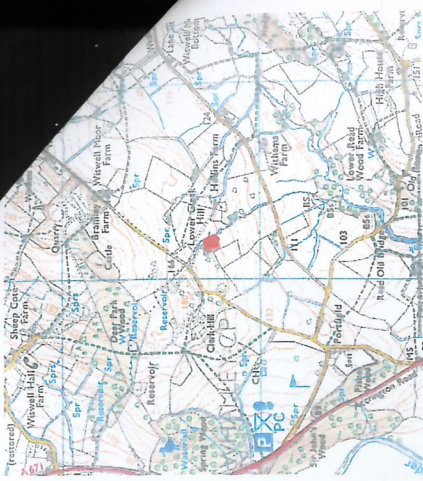
1. In 1970, we purchased the land and property known as Lower Clerk Hill, Lower Clerk Hill Road, Whalley, BB7 9DR, shown edged in red and blue on the plan attached at **Appendix 1** and marked with drawing number 2964.
2. The land comprised of a dwellinghouse, separate barn, stables, paddocks, horse turnout and other equestrian outbuildings.
3. On purchase of the property, the land to the north-west of the dwelling, shown edged in red on the plan at **Appendix 2** was used as winter turnout for the horses. This patch of land was very poor with a dense rocky base unsuitable for any other purpose.
4. When we first purchased the property, we had a total of ~~20~~<sup>5</sup> horses. These were mainly ridden by family and friends, with the horse turnout area used before and after riding in the riding arena and at other times when not stabled.
5. This use continued up until 2016 when we sold the property to Mr and Mrs McHugh.
6. We make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Act 1835.

Signed by all and a Solicitor



sworn at Clitheroe Lancashire  
before me N. Baker

A Solicitor



*Handwritten signature*

*Handwritten signature*  
 N. Baker  
 Architect



Appendix 2



John  
C. [Signature]

N. Salaw  
A. Schickler