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# Appeal Decision

Site visit made on 1 September 2023

**by A Berry MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 October 2023**

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**Appeal Ref: APP/W4223/W/23/3316314**

**Hill Top Farm, Healds Green, Chadderton, Oldham OL1 2SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr L Dransfield against the decision of Oldham Metropolitan Borough Council.
  - The application Ref FUL/348550/22, dated 21 February 2022, was refused by notice dated 30 August 2022.
  - The development is described as “the proposed erection of an indoor manege extending to circa 35m by 25m as detailed within the attached Planning Statement”.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr L Dransfield against Oldham Metropolitan Borough Council. This application will be the subject of a separate decision.

## Main Issues

3. The main issues are:
  - a) whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (‘the Framework’) and any relevant development plan policies, including the effect upon the openness of the Green Belt and the purposes of including land within it; and
  - b) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether Inappropriate Development*

4. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.

5. One such exception is (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. Policy 22 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies, adopted 2011 ('the LP') states that development in the Green Belt will be permitted provided it does not conflict with national policies on Green Belt.
7. It is proposed to construct a building to be used as an indoor manege at an existing equestrian centre and riding school. It would therefore result in the provision of appropriate facilities in connection with an existing outdoor sport/recreation use. The proposed building would measure 35m by 25m and have a pitched roof measuring 6.8m in height. It would be positioned adjacent to an existing outdoor manege and stable building on land that predominantly comprises a field devoid of development, but also includes a horse walker. Consequently, in spatial terms, the proposed building would reduce the Green Belt's openness.
8. The appeal site gently slopes downwards from the adjacent lane, before steeply descending towards the river valley beyond. The ground then rises upwards towards the B6195 where long distant views of North Chadderton School and some of the dwellings on Mill Brow can be seen. Views of the proposed building would be gained from Mill Brow and Cragg Road and it is likely to be more prominent when the trees are not in leaf. Heights Lane is a single width road that runs adjacent to the appeal site with high hedges bounding both sides. Although the hedge would partially restrict views of the proposed building from the lane, gaps within the hedge would offer glimpses into the appeal site. Furthermore, the hedge is predominantly Hawthorn and therefore the proposed building would be more evident when the hedge is not in leaf. Consequently, in visual terms, the proposed development would reduce the Green Belt's openness.
9. Introducing a building into what is predominantly an open field, the appeal proposal would represent encroachment of development into the countryside. This would be contrary to one of the purposes of including land within the Green Belt, as set out in paragraph 138 of the Framework.
10. For these reasons, the proposed building would not preserve the openness of the Green Belt in both visual and spatial terms. It would therefore comprise inappropriate development in the Green Belt. The proposed development would not comply with the exception at paragraph 149(b) of the Framework, or Policy 22 of the LP.

#### *Any Other Harm?*

11. No other harm has been identified against the proposed development that needs to be taken into consideration, and on the basis of the evidence before me, I have no substantive reason to conclude otherwise.

#### *Other Considerations*

12. The proposed building would provide an indoor space to ride and teach, which currently does not exist at the equestrian centre. It would enable riding and

lessons to take place during inclement weather and after dark, thereby extending the hours in which they can take place and preventing them from being cancelled. Also, the proposed building would enable the sustainable growth and expansion of the existing rural business. However, from the information before me, I am not convinced that the proposed building needs to be of the scale proposed; limited information has been provided as to the frequency of cancelled lessons/events and their impact on the business; I am not convinced that an indoor manege is a desire rather than a requirement for the business; or whether the expansion and growth of the business, and the year round usability of the existing outdoor manege, could be achieved by less harmful means.

13. The appellant provides riding courses/facilities for Hopwood Hall College students undertaking Level 2 and Level 3 Equine Courses, and I have been directed to a letter from the college. The information before me suggests that an indoor facility at the appeal site would be beneficial to those undertaking the courses as it would prevent disruption to learning if lessons are cancelled or rescheduled due to inclement weather. However, the courses currently operate from the centre with no indoor manege, and I have not been presented with evidence to substantiate that the cancelling/rescheduling of lessons has prevented students from completing their courses.
14. The appellant provides lessons/therapy for children/students that have social and emotional mental health needs, and I have been directed to emails from two organisations that utilise this service. While I acknowledge that an indoor riding facility may be of benefit to some students who for sensory reasons can be affected by rain or can be affected by lessons being irregular due to cancellations, limited information has been provided regarding these lessons/sessions. Furthermore, these lessons/sessions currently take place from the centre where there is no indoor manege, and the correspondence does not state that an indoor arena is necessary for them to take place.
15. The appellant has directed me to a planning approval for an indoor horse riding arena at Fleetwood Hall Farm<sup>1</sup>. However, this was for a development within another Council's administrative area. While the appellant asserts that the Fleetwood Hall Farm site is within the Green Belt, from the information before me, I am unable to substantiate whether it is comparable to the appeal proposal. In any event, each case must be determined on its own merits.
16. The appellant asserts that they have a duty of care to provide appropriate facilities, to reduce risks and enable a more inclusive service to their customers. However, it is unclear how this differs from the current equestrian use or why it can only be achieved with an indoor manege. Furthermore, the appellant considers the proposed building would help facilitate year-round exercise. However, insufficient evidence has been submitted to demonstrate that the existing facilities do not already achieve this.
17. The appellant emphasises that there is one existing indoor manege within the Council area, but they contend that it may cease trading in the future. However, this has not been substantiated with evidence. From undertaking a planning history search of the Council's planning applications, the appellant considers there is a shortage of indoor riding facilities in the area. However, the lack of a planning application for an indoor riding arena does not confirm an

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<sup>1</sup> Planning Ref: 07/2020/00076/FUL

absence of such facilities, nor that there are no indoor riding arenas within other neighbouring Council administrative areas close by. Even if this could be substantiated, it would not outweigh the harm I have previously identified.

18. Consequently, all of these factors are of limited weight.

19. The building has been designed to have the appearance of a typical agricultural building and will be set below the level of the adjacent lane. However, these are neutral matters.

### **Other Matters**

20. I have had due regard to the Public Sector Equality Duty ('the PSED') contained in Section 149 of the Equality Act 2010 ('the Act'), which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.

21. The negative impacts of dismissing this appeal would arise from their not being an indoor riding facility at the equestrian centre that may provide more suitable conditions in which people with disabilities would benefit. However, it does not follow from the PSED that the appeal should succeed. I have taken into consideration the children and students that have social and emotional mental health needs. However, I am not convinced that their needs are not currently being met by the existing facilities at the centre that comply with the policies in both the development plan and the Framework. My actions in this respect, and my decision therefore on the appeal, are a proportionate response to the requirements of the Act and those of the plan led system.

### **Conclusion**

22. The proposed development would be inappropriate development in the Green Belt and would harm openness. As such, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

23. Given the substantial weight to be given to Green Belt harm, relative to the limited benefits of the proposed development, the harm is not clearly outweighed by other considerations. Therefore, in respect of the main issue, the very special circumstances necessary to justify the proposal do not exist.

24. For the reasons set out above, having regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

*A Berry*

INSPECTOR