

Report to Planning and Licensing Committee



Date of Meeting	7 October 2021
Portfolio	Councillor John Blundell, Cabinet Member for Economy and Communications
Report Author	Mubeen Patel
Public/Private Document	Public

<b>Application:</b> 20/01394/VRCON	<b>Township:</b> Pennines	<b>Ward:</b> Milnrow & Newhey
<b>Appeal Reference:</b> APP/P4225/W/21/3273877		<b>Decision level:</b> Delegated
<b>Site Address:</b> Land East Of Birchinley Manor, Wildhouse Lane, Milnrow, OL16 3TW		
<b>Proposal:</b> Application to vary condition 4 of planning permission 19/00565/FUL to allow the stables to be used for livery		
<b>Applicant:</b> Stirling Properties Ltd		<b>Agent:</b> Ms A Mealing, Eden Planning
<b>Planning Inspectorate Decision:</b> Appeal Dismissed – 2 September 2021		
<ul style="list-style-type: none"> <li>– The application sought planning permission for erection of stable block and formation of new access track without complying with a condition attached to planning permission reference 19/00565/FUL.</li> <li>– The condition in dispute is No.4 which states that: The stables hereby permitted shall not be used for livery or other commercial business use. The council's reasoning for the condition is to protect the openness of the Green Belt.</li> <li>– The appellants sought to vary this condition in order to use the stables as a livery, which is defined as a stable where horse owners pay a fee to keep their horses. The main issue is whether the livery would be an inappropriate use in the Green Belt.</li> <li>– The stables previously approved related to the residents of Birchinley Manor and this use was found to be acceptable by the council. It has now transpired that the appellants wish to use the stables for livery use.</li> <li>– The appellants stated that the livery use would not be a commercial business, but the Inspector found the use as a livery is commercial, as such uses do not operate free gratis, but charge a fee for the rent of the stable; whether this is DIY livery or a managed livery, a fee is still paid. It would now be separate commercial business and no longer related to serving the needs of a resident or residents of Birchinley Manor as a private facility.</li> <li>– The Inspector went on to state that a commercial venture, which a livery would be, would no longer be connected to the land and Birchinley Manor, and would no longer be considered as an exception to Green Belt policy.</li> <li>– The inspector found that the Condition was correctly added to the approval by the council, and to remove that Condition would remove the exception criteria and make the development an inappropriate use in the Green Belt.</li> <li>– The Inspector agreed and concluded that Condition 4 is reasonable and necessary in its current form in order to protect the Green Belt, in accordance with National Policy.</li> </ul>		