

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/92680/E

Site Address: Poplar Farm, Bristfield Road, Bristfield, Dewsbury,
WF12 0PA

Description: Erection of stable

Recommending Officer: Anthony Monaghan

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 14-Jan-2019

OFFICER REPORT

SITE DESCRIPTION

The application relates to a small housing development site at the former Poplar Farm, in the centre of Bristfield village. There are 3 dwellings currently under construction with one of three plots nearing completion. The site is relatively level across the frontage but there is a gradual slope down towards the rear of the site where it adjoins the surrounding fields.

To both sides of the site are other residential developments although one also comprises a large stable block/livery. To the rear of the site, on the south side, are open fields belonging to Poplar Farm.

The site is located within the Green Belt on the Kirklees Unitary Development Plan proposals map and the Draft Local Plan.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a stable block to the rear of plot 1 on the site. The stable would have two stable boxes and a feed store and would be built in an "L" shape, measuring 10.8m wide x 5.4m from front to rear and the deepest point.

It would be sited close to the eastern boundary of the site and would have an access formed from the main vehicular access linking to plot 1.

Materials would be horizontal timber cladding with Onduline roofing. The track and yard to the front of the building would be surfaced in crushed stone or similar.

A Coal Mining Risk Assessment has also been submitted with the application.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

8/11/18 Amended plans submitted showing changes to access details and the construction of the stable block after concerns raised by the Officer.

26/11/18 additional information received providing evidence of horse ownership in response to a request by the officer.

4/11/18 further information received regarding the purchasers of Plot 1.

9/01/19 Details of waste disposal methods submitted after request from Officer.

RELEVANT HISTORY

2016/92041 Erection of 3 detached dwellings. Approved.

2014/92154 Outline application for erection of 4 dwellings. Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 47 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is within the Green Belt on the UDP proposals map and also as part of the Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 - Design principles.

BE2 - Quality of design.

D10 - Outdoor sport and recreation in the Green Belt.

Kirklees Publication Draft Local Plan:

PLP 34 - Conserving and enhancing the water environment.

PLP 52 - Protection and improvement of environmental quality.

PLP 53 - Contaminated and unstable land.

PLP 56 - Facilities for outdoor sport, outdoor recreation and cemeteries.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12 - Achieving well-designed places.

Chapter 13 - Protecting Green Belt Land.

Chapter 15 - Conserving and Enhancing the Natural Environment.

CONSULTATION RESPONSES

Coal Authority - No Objection subject to conditions requiring intrusive site investigation.

PUBLIC/MEMBERS RESPONSE

Publicity expires 18/09/18

No letters of representation received.

ASSESSMENT

Principle of Development

The site is located within an area allocated as Green Belt on the UDP proposals map. National policy in the NPPF at chapter 13 (Protecting Green Belt Land) is relevant.

Paragraph 145 of the NPPF suggests that the construction of new buildings in the Green Belt should be regarded as inappropriate development. An exception would be the provision of appropriate facilities for outdoor sport and recreation as long it preserves the openness of the Green belt and does not conflict with the purposes of including land within it (point b)).

Policy D10 of the UDP suggests that the facilities proposed should be no more than is essential for the activity proposed and regard should be given to the impact on the landscape, trees or woodland and wildlife or any public right of ways. In addition, the level of traffic movement is also a consideration.

Policy PLP 56 of the PDLP suggests that new buildings or structures associated with outdoor sport or recreation will normally be acceptable provided that:

- a) the scale of the building is no more than is evidently required for the proper functioning of the enterprise or the use of the land to which it is associated;
- a) The building is unobtrusively located and designed as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.

The wording of these policies suggest that the building should be no more than essential (policy D10 of the UDP) and no more than *evidently* required (policy PLP56 of the PDLP). As the dwelling to which this site is related (Plot 1), is not yet completed it is therefore not occupied and there is no equestrian use as yet relating to this dwelling. Therefore, evidence was requested and submitted which showed that the purchasers of Plot 1 have a requirement for equestrian facilities. This was submitted in the form of an animal passport for one horse and confirmation of the future owners of the dwelling. Whilst the proposed stable has two stable boxes it is noted that it is generally accepted

that horses are companion animals and most owners would have another horse or pony as a companion. It is also not unreasonable that a feed store is required in association with the stables.

With regard to the area of land available for grazing, it is reasonable to expect the proposed facilities are also proportionate to the area of land. In this particular case the field is directly behind plot 1 and amounts to 0.61 Ha (1.5 acres) and is considered a reasonable area of land to justify a stable of the type and size proposed.

Given the above, the scale of the building is considered appropriate and no more than would be reasonable required, as such the principle of development has been established in accordance with policy D10 of the UDP, policy PLP 56 of the PDLP and Chapter 13 of the NPPF.

Openness of the Green Belt /Visual amenity and impact on the Landscape

The stable block would be located to the south west of Briestfield Road to the rear of the new housing development at Poplar Farm and close to an existing stable block at “The Rhyddings”; as such any views of the stable would be in association with these existing buildings rather than as an isolated structure in the Green Belt.

It is also sited at the top of the field away from the more open area of fields to the south; this means that any access to the stable would not result in unnecessary additional development on the site. The original proposal was for an access and yard area which was to be surfaced with block paving/flags, this would have had an adverse impact on the openness of the area by introducing an urban element into the paddock area. The amended plans now propose a narrower access with a smaller yard area; both would be surfaced with crushed stone or similar.

In addition, the stable would have reasonably low eaves and ridge height, being the minimum necessary for a stable block and would be constructed from appropriate materials being corrugated fibre cement “Onduline” roofing and horizontal timber boarding.

Given the above, the impact on the openness of the Green Belt and visual amenity is considered acceptable and the proposals are in accordance with policy D10 of the UDP, policy PLP 56 of the PDLP and paragraph 145 of the NPPF.

Residential amenity

The proposed stable block would be located close to the western boundary of the field and in the north-western corner. The adjacent property to the site is The Rhyddings, a large detached dwelling with which there is an associated equestrian use, including stables and manege. As noted above, the location of the proposed stables would be directly adjacent to an existing stable block

at the Rhyddings and as such there is unlikely to be any impact on residential amenity from the proposed development.

With regard to the waste generated from the site, this would be stored in a roller container within the feed store. It is large enough to contain waste from up to two horses and will be emptied at regular intervals by a waste removal company. This is considered an acceptable method given the relatively small size of the paddock and condition should be included with any permission.

Given the above, the proposals are considered acceptable from a residential amenity perspective, in accordance with policies BE1 and D10 of the UDP, Policy PLP 52 of the PDLP and Chapter 15 of the NPPF.

Highway safety considerations

The proposed stable would be for the use of the applicant and access would be through the same single point of access as the 3 dwellings on the new housing development.

Given the scale of the proposed stables which would be for personal use only, there is unlikely to be additional traffic movements associated with the proposed development.

As such, there would be no adverse impact on highway safety, in accordance with policy T10 of the UDP and policy PLP21 of the PDLP.

Other Issues

Use of the stable block

No assessment has been undertaken as to the effect any commercial activities would have on the openness of the Green Belt, the character of the area and highway safety, therefore a footnote shall be included informing the applicant that the stable shall be for personal use only.

Coal mining legacy

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

In this instance, a Coal Mining Risk Assessment (CMRA) has been submitted and the Coal Authority has recommended that an intrusive site investigation is carried out and mitigation measures included if required. As stables are no longer included in the exclusion list it is considered reasonable to impose conditions to this effect, in accordance with the aims of chapter 15 of the NPPF.

Water Environment

The approved method of surface water drainage from the Poplar Farm housing development is by a SUDs system, which runs along the western boundary of the paddock to Bristfield Beck at the southern end of the site. In

order to ensure that this is not contaminated by any waste from the stables, a waste disposal method was requested which is detailed above in the section on residential amenity. This method is also acceptable in addressing this particular issue in accordance with policy PLP 34 of the PDLP and Chapter 15 of the NPPF.

Previous planning approval

As previously set out, the proposed stable block would be associated with a recent planning approval (2016/92041) at the farm complex for the erection of 3 detached dwellings. As part of that previous approval, the red line boundary was reduced during the course of the application so that it was around the new dwellings proposed (and not around the wider field to the south). Furthermore, conditions were also imposed relating to boundary treatment (condition 13) and the removal of permitted development rights (condition 18) so as to, amongst other things, protect visual amenity and the Green Belt setting. In this instance, for the reasons set out in the main assessment above, the erection of the proposed stable block would not be an odds with the previous permission.

There are no other matters considered relevant to the determination of this application.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2018/92680

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D10, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP 56 of the Kirklees Publication Draft Local Plan and paragraph 145 of Chapter 13 of the National Planning Policy Framework.

3. The access and yard area as shown on the approved plan ref: 1541_16_A, received 8/11/18 shall be surfaced with crushed stone before the stable block hereby approved is first brought into use and thereafter retained.

Reason: The building is located within the Green Belt and any other form of surfacing may have an adverse impact on the openness of the Green Belt by the introduction of an urban feature. To accord with Policy D10 of the Kirklees Unitary Development Plan, Policy PLP 56 of the Kirklees Publication Draft Local Plan and paragraph 145 of Chapter 13 of the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Conclusions and Recommendations of the Coal Mining Risk Assessment Report prepared by Ashton Bennett ref: 3175.

Reason: To address coal mining legacy issues and to ensure the site is fit to receive new development, in accordance with Policies G6 and BE1 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, and to establish the exact situation regarding coal mining legacy issues at the site in a timely manner.

5. Where further intrusive site works, as recommended in the Coal Mining Risk Assessment Report pursuant to condition 4, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To address coal mining legacy issues and to ensure the site is fit to receive new development, in accordance with Policies G6 and BE1 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, and to establish the exact situation regarding coal mining legacy issues at the site in a timely manner.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5, development shall not commence until a Remediation Strategy to treat any areas of shallow mine working to ensure the safety and stability of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To address coal mining legacy issues and to ensure the site is fit to receive new development, in accordance with Policies G6 and BE1 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication

Draft Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or shallow mine workings not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To address coal mining legacy issues and to ensure the site is fit to receive new development, in accordance with Policies G6 and BE1 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

8. Waste from the stables hereby approved shall be disposed of in accordance with the details submitted 9/01/19.

Reason: In order to prevent any harm to nearby residential properties from the waste and to prevent any run-off into the nearby approved SUDs system. In accordance with Policies BE1 and D10 of the Kirklees Unitary Development Plan, Policies PLP 34 and PLP 53 of the Kirklees Publication Draft Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

NOTE: It is brought to the attention of the applicant that this permission relates to the personal use only of the stable block and does not infer a use of the stable or land for commercial purposes for which additional planning permission would be required.

Plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan 1/1250	1541_01_D	1	9/08/18
Site layout plan.	1541_16_A	2	8/11/18
Plans and elevations.	1541_17_A	2	8/11/18
Coal Mining Risk Assessment.	By Ashton Bennett, ref: 3175	1	22/08/18
Supporting information.	Non-web horse passport and ownership details.	1	26/11/18
Waste disposal method	E-mail from Agent	1	9/01/19

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a

pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application.

The Officer engaged in discussions with the Agent in order to ascertain the requirement for the proposed stables and supporting information was subsequently submitted. The decision and conditions are based on this additional information.

Report Dated 11/01/19