

**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: 2019/62/91124/E

Site Address: land opposite, The Coach House, Old Hall Road,
Upper Batley, Batley, WF17 0AX

Description: Formation of manege and off street parking

Recommending Officer: Josh Kwok

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Jun-2020

Officer Report – 2019/91124

1.0 INTRODUCTION:

1.0 This application is delegated to officers for determination on the request of the Chair of the Heavy Woollen Planning Sub-Committee for the following reasons:

- There has been no ward member involvement
- There are a mix of comments both in support and objection to the proposal
- The draft officer report concludes that the proposal constitutes appropriate development within the Green Belt
- The suggested conditions address the concerns of members of the public

1.1 This is in accordance with the Council's Scheme of Delegation.

1.0 SITE AND SURROUNDINGS

1.1 This application relates to an open field adjacent to Old Hall Road, which is an un-adopted, unsurfaced track providing access to a number of residential and non-residential properties. The site is currently used for the keeping of horses. There are two timber stables, a shipping container and a steel frame on the site.

1.2 The site and its immediate surroundings are characterised by a mix of residential and non-residential development. There is a riding school to the north and a manège to the south of the site. To the opposite side of Old Hall Road are mainly residential properties. These properties are situated within Upper Batley Conservation Area and Green Belt in the Kirklees Local Plan whereas the application site and the nearby riding school and manège are in Green Belt only.

1.3 The site hosts two registered public footpaths BAT/19/40 and BAT/19/30, which can be accessed from Old Hall Road through a stile. Adjacent to the stile is a five bar gate providing vehicle access to the site. The land level drops gradually from the west to the east and as such the field is quite prominent when viewed from the eastern aspect on Timothy Lane.

2.0 PROPOSAL:

2.1 Planning permission is sought for the formation of a manège and an off street parking area. The parking area would be adjacent to the site access with two spaces of 2.5m by 5.0m. In terms of the manège, it would be situated to the south of the site access. The manège would have dimensions of 20m x 60m. Some engineering works would be

required to alter the land level of the site to form a flat surface for the manège. It would be approximately 1.3m lower than the existing land level at 1G and 0.9m higher at 3A.

- 2.2 The manège would be enclosed by post and rail fencing with a height of 1.5m above the finished floor level of the proposed manège. The manège as proposed would be used for the exercising of horses kept on the site.

3.0 RELEVANT PLANNING HISTORY (including enforcement history):

2004/92600 – Formation of all-weather exercise area (Equus Stables, Old Hall Road) – Approved

2002/94408 – Formation of floodlit all-weather equestrian arena and riding school and erection of toilet block (Old Hall Road, Upper Batley) – Refused

2001/90015 – Removal of condition 4 to allow hiring of manège to individuals on previous approval no 94/92430 for erection of storage barn, storage hut and formation of all-weather riding arena (Old Hall Stables, Timothy Lane) – Refused

94/92430 – Erection of storage barn, storage hut and formation of all-weather riding arena (Old Hall Stables, Timothy Lane) – Approved

4.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 4.1 During the course of the application, the scale of the manège has been reduced to avoid harm to the openness and character of the Green Belt. Further to this, the application site boundary was extended to include part of Old Hall Road upon the request of the KC Highways Development Management. Further information has also been sought in relation to the number of horses and visitors using the site, the anticipated level of traffic as well as the arrangement for waste management.

5.0 PLANNING POLICY:

- 5.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

- 5.2 Kirklees Local Plan (KLP):

LP 01 – Achieving sustainable development

- LP 02** – Placing shaping
- LP 21** – Highway safety
- LP 22** – Parking
- LP 23** – Core walking and cycling network
- LP 24** – Design
- LP 30** – Biodiversity and geodiversity
- LP 35** – Historic environment
- LP 52** – Protection and improvement of environmental quality
- LP 53** – Contaminated and unstable land
- LP 56** – Facilities for outdoor sport, outdoor recreation and cemeteries

5.3 National Planning Policy Framework (NPPF):

- Chapter 2** – Achieving sustainable development
- Chapter 12** – Achieving well-designed places
- Chapter 13** – Protecting Green Belt land
- Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15** – Conserving and enhancing the natural environment
- Chapter 16** – Conserving and enhancing the historic environment

5.4 Livery Yard Criteria – British Horse Society (other material consideration)

6.0 **PUBLIC/LOCAL RESPONSE:**

6.1 As a result of the statutory publicity for this planning application, 34 representations were received. The issues raised are summarised below:

6.2 Representations in support

- The manège would be un-obstructively positioned and as such would not block any views, sunlight or damage any trees.
- The proposal would provide a suitable facility for horses to exercise.
- The area is predominately equestrian and there are horses kept in the field.
- The proposed development would improve the site with new facilities as well as the footpaths.
- The owner of the application site has improved the quality of the site and the footpaths it host; the proposal, if permitted, would ensure that the site would be maintained to a good standard.
- There have already two manèges passed on this stretch of road.
- There are no plans for lighting so no disturbance to the occupants of the neighbouring residential properties in the evening.
- The traffic generation associated with the proposed development would be insignificant compared to the livery yard and riding school in the vicinity.

- The manège would be sheltered by trees and behind a stone wall, which makes it less visible and thus less disturbing to the view and landscape.

6.3 Representations against

- Some stables have been erected without planning permission.
- Some public footpaths have been omitted from the site plan.
- The manège would appear to be used for commercial purposes.
- There are limited details regarding parking and access.
- There are two existing manèges on Old Hall Road.
- The proposal would result in an increasing amount of traffic on Old Hall Road.
- The development as proposed would be directly opposite to residential properties and a nursing home.
- There would be a negative impact on environment.
- The conditions of the un-adopted unsurfaced track would deteriorate further as a result of the development.
- The applicant can use the manège nearby and hence no need to create a new manège.
- The proposal would greatly affect the wildlife, flora and fauna in the Green Belt.
- The site address is misleading.
- Property value of the nearby residential properties would be reduced.
- There would be an increase in surface water runoff and potential of ground and groundwater contamination.
- The proposed development would impact on protected trees.
- The white coloured post and rail fences would stand out visually and would have a great impact on the Green Belt.
- There is no need for a further similar business offering the same livery services.
- Part of the drystone wall would have to be removed as a result of the proposed car park.

7.0 **CONSULTATION RESPONSE:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

7.1 **Statutory**

Environment Agency – No comments received.

KC Highways Development Management – Given the anticipated low level of traffic generation associated with the proposed development and the provision of an off-street parking area as shown on the site plan, we have no concerns to raise from highway safety, efficiency and parking perspectives. That being said, it is

recommended that two conditions shall be imposed to ensure that the proposed parking area is appropriately surfaced and drained and the road conditions are restored to a satisfactory standard prior to the commencement of development.

KC Environmental Health Services (Strategic Waste) – advise that the landfill site is situated within the jurisdiction of Leeds City Council. We therefore have no record of the landfill gas reading in this location. KC Minerals and Waste Officer has been consulted further with regard to this response and advised that given the nature of development as proposed and its separation distance from the landfill site that the risk associated with landfill gas would be minimal. A footnote should be inserted to the decision notice however to provide the applicant with further advice on this matter.

7.2 Non-statutory:

KC Conservation & Design Team – have no concerns about the proposed development on heritage grounds.

KC Environmental Health Services – No objections to the proposed development but consider it necessary to restrict the use of manège to horses grazed on adjoining field only. It is also recommended a condition restricting the installation of external artificial lighting be imposed for residential amenity reasons.

8.0 MAIN ISSUES

- Principle of development
- Impact on Green Belt
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Impact on listed building setting and conservation area setting
- Impact of land contamination
- Other matters
- Representations

9.0 APPRAISAL

Principle of development

- 9.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity

of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

Impact on Green Belt

- 9.2 As the application site is situated in the allocated Green Belt, it is essential that careful consideration is given to the relevant policies and guidelines in the Kirklees Local Plan and the National Planning Policy Framework in order to avoid conflicts with the purposes of the Green Belt and to preserve the rural open character of the wider Green Belt.
- 9.3 The proposal is for the formation of a manège and an off-street parking area. Hence, it is considered that the proposal may be considered as an appropriate facility for outdoor sport and recreation with regard to policy LP56 of the KLP and paragraph 145(b) of the NPPF, insofar as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Additionally, policy LP56 of the KLP sets out the criteria against which proposals for outdoor sport and recreation facilities shall be assessed.
- 9.4 For this proposal to be benefited from the Green Belt exception as identified in policy LP56 of the KLP and paragraph 145(b), officers have to be satisfied that (a) the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of land to which it is associated, (b) the facility is un-obstructively located and designed so as not to introduce a prominent urban element into a countryside location and (c) in the case of all-weather riding arenas, the degree of engineering operation required and the resultant re-grading of land does not result in incongruous or discordant landform out of character within its setting that cannot be mitigated through the use of appropriate hard and soft landscape techniques.
- 9.5 The proposed manège would be 20.0m by 60.0m. Officers acknowledge that it would have to meet certain space standards to enable horses to exercise in it. The minimum space standard recognised by the British Horse Society is 20.0m by 40.0m. In this case, the applicant has proposed to build a 20.0m by 60.0m manège because she competes her horses at county level and dressage. Further to this consideration, it is noted that the majority of competitions are held in an arena of the same scale and it is also a recognised space standard by the British Horse Society.
- 9.6 The adjoining open field included in the blue line is currently used for horse keeping/grazing. It is considered that the formation of a manège would enhance the current use of the site by providing an additional facility for horses to exercise. Providing an off-street parking area would also allow vehicles to park safely while exercising their horses in the manège. In this respect, officers conclude that the scale of facility

as proposed is no more than is reasonably required for the proper functioning of the use of land to which it is associated.

- 9.7 The proposed manège would be situated at the edge of the existing built environment. It would roughly align with the existing building line that comprises a manège to the south and a livery yard and stable block to the north of the site and would be partly screened from Timothy Lane and Old Hall Road by a line of trees and dry stone wall respectively. Taking into account the context of the site and its surroundings, it is felt that the siting of the proposed facility would be acceptable from a Green Belt perspective. Concerning the proposed off street parking area, it would be modest in scale and close to the existing vehicle access. Thus, officers do not find it a prominent urban element in respect of policy LP56 of the KLP.
- 9.8 Since the application site is situated on slopping ground, some engineering works would be required to form a flat surface for the manège. Referring to the submitted cross section, the site would be excavated 1.3m at the deepest point to form half of the flat surface. The other half would be formed by mounding earth of up to 0.9m high on existing ground. Given part of the manège is to be built into a relatively shallow slope, the need for earth mounding and retaining structures are likely to be kept minimal. Further to the natural terrain as discussed above, there is a line of tree to the south of the manège, which can serve as a natural soft screening to minimise the impact associated with the engineering works. In light of the above circumstances and on balance, the proposal would be consistent with the aims of policy LP56 of the KLP.
- 9.9 Although the development proposal would appear large in scale, it would preserve the openness of the Green Belt by keeping the height of any structure to a minimum. The fact that the proposal would be situated at the edge of the existing built environment would help preserve the open character of the wider Green Belt as well. The purpose of including the application site in the Green Belt is to assist in safeguarding the countryside from encroachment. On this occasion, given the development would be appropriately sited being in line with the existing development on this stretch of Old Hall Road, officers are satisfied that the purposes of the Green Belt would not be undermined as a result of the proposal. There has already been a considerable amount of horse related development in the vicinity of the site, which contributes to the character of this part of the Green Belt. Considering the proposal in this local context, it is felt that there would be no harm to the prevailing character of the Green Belt.
- 9.10 There was an application for an all-weather arena at another site on Old Hall Road, which was subsequently refused in 2002. The reason for refusal was that the scale and siting of the arena would materially harm the open character of the Green Belt contrary to the advice given in PPG2 and conflicting with the Council's UDP Policy D10 of the UDP

at that time. However, there have been substantial changes in planning policies at local and national levels since 2002 with the revised NPPF published in February 2019 and the KLP also adopted in February 2019. In addition, it is considered that the application refused in 2002 is contextually different from the current application in respect of its scale and relationship with its surroundings. As such, the aforementioned planning history would not warrant a reason for refusing the current application.

- 9.11 Whilst concerns regarding the number of manèges in this locality are noted, it is evident that the existing manèges are not within the ownership of the applicant; there is no guarantee that these manèges would be continuously available to the applicant and others for exercising and training their horses. The proposed manège would also be larger in scale than existing and built for the purpose of training horses for competition. Under these circumstances, it is considered that the need for a new manège has been adequately justified.
- 9.12 In conclusion, the proposal is considered an appropriate outdoor sport and recreation facilities as defined in paragraph 145(b) of the NPPF. The above assessment has demonstrated that the proposal would meet all the criteria outlined in policy LP56 of the KLP and preserve the openness and prevailing character of the wider Green Belt. There would be no adverse impact on the purposes of including the application site in the Green Belt as well. On the basis of the above and on balance, officers conclude the development satisfactory from a Green Belt perspective, complying with the aims of policy LP56 of the KLP and chapter 13 of the NPPF.

Impact on visual amenity

- 9.13 The proposed development would consist of a 20.0m by 60.0m manège enclosed by a 1.5m fence and an off street parking area for two cars. Although the manège would appear large in scale, it would be, on balance, acceptable from a visual amenity perspective with regard to its intended function and development in its immediate surroundings. The manège would be parallel to Old Hall Road and in alignment with existing development to the north and the south. This layout would minimise the impact on visual amenity. Concerning the off street parking area, it would be situated in close proximity to the existing vehicle access, which would reduce the amount of hard surface required and consequently the visual impact on natural landscape.
- 9.14 Officers acknowledge that the proposal would be clearly visible from the adjoining grazing land to the east; this is due to the natural terrain of the area as well as the scale of development as proposed. However, given part of the proposed manège is to build into a relatively gentle slope as shown on the cross sectional drawing, it is likely that the amount of engineering works would be kept minimal. On the basis of

the details shown in the submitted drawings and the observations during the site visit, officers are satisfied that the manège would not be overly prominent when viewed against the backdrop of the natural landscape. It would be in keeping with the prevailing rural character of this area. The application site is situated at a lower land level and partly screened from its immediate surroundings by trees and stone walls. Thus, no significant adverse impact on the street scene is envisaged. To further reduce the visual impact of the proposal, a condition would be imposed to require the manège be enclosed by unpainted pole and rail fences and thereafter retained.

- 9.15 To conclude, whilst it is recognised that the proposal by reason of its scale and position would impact visual amenity to a degree, officers accept that the proposal would have to be of a certain space standard in order to perform its proper function. Furthermore, the proposed design and layout alongside the existing boundary treatment would satisfactorily mitigate the visual impact of the development proposal. For these reasons, it is concluded that the development as proposed would be, on balance, acceptable from a visual amenity perspective and compliant with the aims of policy LP24 of the KLP and chapter 12 of the NPPF, subject to the recommended condition.

Impact on residential amenity (including noise and other disturbance)

- 9.16 The application site is situated on an open field, which is currently used for horse keeping/grazing. To the opposite of the site is a cluster of residential properties including Batley Hall Nursing and Residential Home and Malvern Lodge at no.10 Old Hall Road. The proposal, if permitted, could have an impact on these neighbouring occupiers in terms of noise and other disturbance. As such KC Environmental Health Services have been consulted on this occasion.
- 9.17 After reviewing the submitted information, KC Environmental Health confirm that they have no objections to raise regarding the proposed development as long as the manège is to be used by those horses grazed at the adjoining field outlined in blue on the location plan. This condition would appropriately control the noise and disturbance generated by traffic associated with the proposed manège. It would prohibit competitions from being held at the application site and consequently avoid harm to the living conditions of the neighbouring occupants. Furthermore, it is recommended that a condition shall be imposed to prohibit the installation of any external artificial lighting within the application site for residential amenity reasons.
- 9.18 Given the site and its surrounding field are already used for keeping horses, there are considered no additional impacts on the occupants of the neighbouring residential properties in term of odour. However, KC Environmental Health request a waste management plan be submitted alongside any subsequent planning application for stables.

- 9.19 The manège is to be situated on a grazing field to the east of Old Hall Road whereas all neighbouring residential properties to the west of the road. There is an appropriate separation distance between the application site and the neighbouring properties. Furthermore, given the site is set at a lower land level, it is considered that the overlooking, overshadowing and overbearing impact associated with the proposed development would be minimal.
- 9.20 Subject to all the conditions recommended above, it is considered that the proposal would not unduly prejudice the living conditions of the occupants of the neighbouring residential properties on Old Hall Road. The proposal would accord policies LP24 and LP52 of the KLP and chapter 15 of the NPPF.

Impact on highway safety

- 9.21 The application site is accessible via Old Hall Road, which is an unadopted and partly surfaced road. This road provide access to a number of residential and non-residential properties in this locality. The site is currently used for keeping horses and the proposed manège would be used for training horses kept on site. Therefore it is not anticipated that the proposed development would cause a material increase in traffic generation that would prejudice highway safety.
- 9.22 Were the manège to be used by other visiting horses for competition, there would be a significant increase in traffic generation that could not be appropriately cope with by Old Hall Road under its current condition. To avoid harm to highway safety and efficiency, officers find it necessary to restrict the use of manège to horses kept on the adjoining grazing field outlined in blue in the submitted location plan. Given the manège would only be used by one horse at a time, it is felt that the proposed parking arrangement would be adequate for meeting the need of the applicant and others with their horses kept on site.
- 9.23 In conclusion, it is considered that, subject to the recommended condition, that the proposed development would not prejudice highway safety and efficiency. The parking provision would be adequately for the proposed development with regard to policy LP22 of the KLP. The proposal is considered satisfactory from highway safety, efficiency and parking perspectives, complying with policies LP21 and LP22 of the KLP.

Impact on listed building setting and conservation area setting

- 9.24 Since the application site is stated in close vicinity of a listed building and a conservation area, the proposed development should be considered with regard to policy LP35 of the KLP and chapter 16 of the NPPF, which highlight the importance of preserving and enhancing the significance, character and setting of designated heritage assets.

- 9.25 Where a development proposal would affect a designated heritage asset, local planning authorities should identify and assess the significance of this asset. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. In this case, Upper Batley Conservation Area does have a conservation area appraisal, which identifies a number of buildings and open spaces that positively contribute to its historic character and significance. There is also a listing description in relation the adjoining listed building, which is a boundary stone to the side of the site access.
- 9.26 Upper Batley is described as an area of mixed and open character on the edge of town. Large stone built Victorian villas in mature grounds alongside older cottages. The part of Upper Batley, where the application site is located enjoys panoramic views of the surrounding countryside. Batley Hall on the opposite side of Old Hall Road is bounded by Green Belt land helping accentuate the rural feel of the area in a predominately suburban setting. Overall, it is considered that the application site makes a positive contribution to the significance, character and setting of Upper Batley Conservation Area. With regard to the grade II listed boundary stone, the significance of which derives from its historic function as a marker of the borough's boundary. The dry stone wall presented at the application site boundary also positively contributes to the setting of the listed building and hence should where possible be preserved.
- 9.27 This application seeks permission for a manège and an off street parking area. Given the close relationship between the proposed development and the conservation area, there is likely to be harm to the setting of the conservation area. It is also accepted that the view of the conservation area, especially from Timothy Lane and Old Hall Road, can be affected, to a degree, by the proposed development with regard to its scale and the boundary treatment surrounding it. Under these circumstances, officers consider the harm to Upper Batley Conservation Area less than substantial.
- 9.28 Whilst the harm to the conservation area setting is recognised, it is also important to have regard to chapter 8 of the NPPF in considering the appropriateness of the proposed development. Paragraph 92 of the NPPF states that planning decisions should support the provision of social, recreational and cultural facilities the community needs, ensuring existing facilities are able to develop and modernise. The site as well as the adjoining field has already been used for the keeping of horses. To support the proposed development would further enhance the current use of the site for horse keeping, training and exercising. As the manège is to be made available to the applicant as well as others who have their horses kept on the adjoining grazing land, it is capable of bringing a wider public benefit to the community by

providing an improved facility ancillary to the current use of the adjoining land.

- 9.29 Considering the proposal in the context of paragraph 196 of the NPPF, officers are satisfied that the public benefit of supporting the current proposal would outweigh the less than substantial harm to the setting of the conservation area and as such the relevant policy requirement has been complied with. There would be no harm to the setting of the grade II listed boundary stone. On the basis of the reasons outlined above, it is felt that the proposal could be, on balance, supported from a heritage conservation perspective with regard to policy LP35 of the KLP and chapter 16 of the NPPF.

Impact of land contamination

- 9.30 The application site falls within the buffer zone of a landfill site. However, given the proposed development is situated further away from the landfill site, the risk associated with landfill gas migration is considered limited. In line with the advice of the Council's Minerals and Waste Officer, a footnote would be inserted to the decision notice to provide the applicant with further advice. In conclusion, officers are satisfied that the proposal could be acceptable with regard to policy LP53 of the KLP and chapter 15 of the NPPF.

Other matters

Climate change

- 9.31 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 9.32 In this instance, careful considerations have been given to the potential of providing an electric vehicle charging facility on site in order to promote the use of low emission electric vehicles. However, as there would be external artificial lighting and consequently no electricity supply on site, officers do not find it reasonable to seek provision of a charging facility on this occasion. No other specific measures would be required in terms of the planning application with regards to carbon emissions.

Ground condition

- 9.33 The application site is within a development high risk area as identified by the Coal Authority. However, it is shown in the proposed cross section that the manège would not require a foundation nor would it involve significant ground works. Consequently, the proposal is considered to benefit from the exception outlined in the Coal Authority Exemption List. A Coal Mining Risk Assessment is not required on this occasion. In short, officers are satisfied based on the submitted information that the development concerned would conform to policy LP53 of the KLP and Chapter 15 of the NPPF.

Ecology

- 9.34 The site is located within a bat alert layer. Following a site visit, there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.
- 9.35 There are no other matters considered relevant to the determination of this application.

Representations

- 9.36 As a result of the statutory publicity, 33 written representations have been received from the occupiers of the neighbouring residential and non-residential properties. The following views have been expressed in these representations and are addressed by officers as follows:

9.37 Representations in support

- The manège would be un-obstructively positioned and as such would not block any views, sunlight or damage any trees.
Response: This matter has been considered in the visual and residential amenity sections in this report.
- The proposal would provide a suitable facility for horses to exercise
Response: This matter has been considered in the Green Belt section in this report. The benefit of providing such a facility has been weighed against the harm to the conservation area's setting.
- The area is predominately equestrian and there are horses kept in the field
Response: This matter has been considered in the Green Belt section in this report.
- The proposed development would improve the site with new facilities as well as the footpaths
Response: This is of limited relevance to the development proposal under consideration.

- The owner of the application site has improved the quality of the site and the footpaths it host; the proposal, if permitted, would ensure that the site would be maintained to a good standard.
Response: This is not directly relevant to the proposed development.
- There have already two manèges passed on this stretch of road
Response: The cumulative impact on Green Belt and conservation area setting has been carefully considered.
- There are no plans for lighting so no disturbance to the occupants of the neighbouring residential properties in the evening
Response: This matter has been considered in the residential amenity section in this report. A condition would be imposed to restrict the installation of external artificial lighting as per the recommendation of KC Environmental Health Services.
- The traffic generation associated with the proposed development would be insignificant compared to the livery yard and riding school in the vicinity
Response: No objections have been received from KC Highways DM Team, subject to various conditions.
- The manège would be sheltered by trees and behind a stone wall, which makes it less visible and thus less disturbing to the view and landscape
Response: This matter has been considered in the visual amenity section in this report.

9.38 Representations against

- Some stables have been erected without planning permission
Response: This issue has been raised to the applicant, who is in the process of submitting a retrospective planning application to regularise the unauthorised development in question.
- Some public footpaths have been omitted from the site plan
Response: The site hosts two public footpaths. It is considered on the basis of the submitted drawings that there would be no obstruction to these footpaths or harm to their setting, complying with policy LP23 of the KLP.
- The manège would appear to be used for commercial purposes
Response: This application has been assessed on the basis that the manège is to be used for the exercising of horses kept on the site. No consultees have raised any concerns with regard to the nature of use of the manège.
- There are limited details regarding parking and access
Response: There is an existing access to the application site. The block plan shows that two parking spaces would be provided for visitors. KC Highways DM Team has no objections from highway safety and parking perspective.
- There are two existing manèges on Old Hall Road
Response: see previous response on this matter.
- The proposal would result in an increasing amount of traffic on Old Hall Road

Response: KC Highways DM Team agree that the traffic generation associated with the proposed development would be relatively low and hence would be acceptable from a highway safety perspective, subject to the recommended conditions.

- The development as proposed would be directly opposite to residential properties and a nursing home

Response: This matter has been considered in the residential amenity section in this report. KC Environmental Health Services have no issues to raise with regard to the proposed development.

- There would be a negative impact on environment

Response: The impact on built and natural environment have been considered in the multiple sections in this report.

- The conditions of the un-adopted unsurfaced track would deteriorate further as a result of the development

Response: This concern is noted and in light of the consultation response received from KC Highways DM Team, a condition would be imposed to require details of the track be maintained in accordance with the scheme of remedial work received on 04-May-2020.

- The applicant can use the manège nearby and hence no need to create a new manège

Response: This matter has been considered in the Green Belt section in this report.

- The proposal would greatly affect the wildlife, flora and fauna in the Green Belt

Response: The site is an ordinary field with no particular ecological significance. Vast area of the field would remain unaffected by the proposed development. Thus, it is considered that the impact on local ecology to be limited.

- The site address is misleading

Response: Based on my site visit observation, Officers are satisfied that the application site is situated opposite to the Coach House, and that no third parties have been misled or prejudiced by the current site address detailed in the site notice and neighbour letters.

- Property value of the nearby residential properties would be reduced

Response: This is not a material consideration.

- There would be an increase in surface water runoff and potential of ground and groundwater contamination

Response: The surface run-off would be attenuated by the adjoining grazing land, which is within the ownership of the applicant. Furthermore, given the change in land level, it is unlikely that the surface runoff would be directed to Old Hall Road or any residential properties on the opposite side of it.

- The proposed development would impact on protected trees

Response: There is no protected tree in the vicinity of the site.

- The white coloured post and rail fences would stand out visually and would have a great impact on the Green Belt

Response: A condition would be inserted to require the manège be enclosed by unpainted post and rail fences, which would adequately address the concerns raised above.

- There is no need for a further similar business offering the same livery services

Response: Business competition is not a material consideration. The development management process shall not be used to stifle competition among businesses.

- Part of the dry stone wall would have to be removed as a result of the proposed car park

Response: No alteration to the dry stone wall is proposed as part of this application.

- 9.39 The above representations have been considered carefully and given appropriate weight when assessing the impact of the development proposal. It is concluded that having regard to the representations received above as well as the responses from the relevant consultees that the proposal would be, on balance, acceptable and compliant with the aims of the policies in the KLP and the guidelines in the NPPF.

10.0 CONCLUSION

- 10.1 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. As set out above, 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: 2019/91224

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 91 of the Town and Country Planning Act 1990.

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, to ensure the satisfactory appearance of the development on completion, to avoid harm to the open rural character of the Green Belt and to preserve the significance of Upper Batley Conservation Area and the grade II listed boundary stone in accordance with Policies LP21, LP24, LP35, LP56 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

3. Unless otherwise approved in writing by the Local Planning Authority, the manège hereby approved shall not be used by any horses other than those grazed on the adjoining open land outlined in blue in the approved location plan.

Reason: In the interest of residential amenity and highway safety and so as to ensure that the proposed development would not give rise to a significant increase in vehicle movement, trip generation and parking requirements in accordance with Policies LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

4. No external artificial lighting shall be installed within the application site outlined in red in the approved location plan without prior approval of the Local Planning Authority in writing.

Reason: For the avoidance of doubt as to what is being permitted and to safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Notwithstanding the details in the approved drawings, the manège hereby approved shall be enclosed by post and rail fencing and be retained thereafter.

Reason: In the interest of visual amenity, to avoid harm to the open rural character of the Green Belt and to preserve the significance of Upper Batley Conservation Area in accordance with Policies LP21, LP24, LP35 and LP56 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

6. The parking area as shown in the approved location plan shall be retained, free from obstruction and available to the users of the hereby approved manège for parking thereafter.

Reason: In the interest of highway safety and so as to ensure a sufficient parking provision would be available to support the development proposal in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

7. The unsurfaced section of Old Hall Road from the development site access to Timothy Lane outlined in red in the approved location plan shall be maintained in accordance with the scheme of remedial work received on 04-May-2020 and to the standard shown in the photographs therein.

Reason: In the interest of highway safety and so as to ensure the access to the development site would be improved to an acceptable standard in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

NOTE: Public Footpaths Batley BAT/19/40 and BAT/19/30 are adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

NOTE To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site location plan			27-Aug-2019
Site layout, cross sections and elevations	2019020		23-Jul-2019
Supplementary information			05-Oct-2019
Scheme of remedial work			04-May-2020
Waste management plan			04-May-2020

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the scale of the manège has been reduced to avoid harm to the openness and character of the Green Belt. Further to this, the application site boundary was extended to include part of Old Hall Road upon the request of KC Highways Development Management. Further information has also been sought in relation to the number of horses and visitors using the site, the anticipated level of traffic as well as the arrangement for waste management.

Report Dated: 02-Jun-2020

