

**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: 2019/62/92415/W

Site Address: Hollin Hall Farm, Cross Heights, Scholes, Holmfirth,
HD9 1SL

Description: Erection of stable/agricultural building and formation of
menage

Recommending Officer: Ellie Worth

DECISION – Full Conditional 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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Sep-2019

Officer report

Site description

The application site forms a grassed field adjacent to Hollin Hall Farm a detached dwelling constructed from stone with a tiled roof. The property is set within 18 acres of land and within the site land levels fall from East to West due to the change in topography within the wider vicinity. Surrounding the site are open fields as the site is located within the Green Belt on the Kirklees Local Plan.

Description of proposal

The application seeks permission for the erection of stables/agricultural building and a ménage. The measurements of the proposal are as follows:

Stable/agricultural building

- 5.2m in maximum height
- 12.9m in width
- 18.7m in length

Ménage

- 20m in width
- 40m in length

The application form states that the proposed stable/agricultural building will be constructed from blockwork/masonry panels to the lower section with profiled sheets over/above. Access doors will also be inserted into the front and rear elevations that will allow direct agricultural access through the building to the land behind. The structure will provide 3 stables alongside additional space for holding and current livestock.

The ménage would be 40m metres long by 20metres deep and would be situated on a higher level to the proposed stables/agricultural building.

The application states that the building and ménage will be used for private use.

The site is also set within 18 acres of land to support the 3 horses and 60 sheep.

History of negotiations/amendments received

No negotiations or amendments have been sought during the course of this application.

Relevant Planning History

2018/92983 Erection of agricultural building for livestock and associated machinery – Withdrawn (Hollin Hall Farm)

2016/91728 Erection of single storey rear extension – Granted (Hollin Hall Farm)

2005/94435 Re-use of existing barn and alterations to form summer holiday let – Granted (Hollin Hall Farm)

Representations

The application has been advertised by site notice and neighbour notification letters.

Final publicity expires: 5th September 2019.

As a result of the above publicity, no representations have been received.

Consultation responses

KC Highways No objections

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

The site is allocated as Green Belt on the Kirklees Local Plan.

Kirklees Local Plan

- **LP1 – Achieving Sustainable Development**

- **LP2** – Place Shaping
- **LP24** – Design
- **LP21** – Highway Safety
- **LP30** – Biodiversity & Geodiversity
- **LP52** - Protection and improvement of environmental quality
- **LP54** – Building for agriculture and forestry
- **LP56** – Facilities for outdoor sport, outdoor recreation and cemeteries
(within the Green Belt)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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

Assessment

The application site is located within the Green Belt the key considerations will be the principle of development in relation to the Green Belt, the impact on visual and residential amenity and highway safety, and all other material planning considerations.

Principle of development and impact on visual amenity

The site is located within the Green Belt on the Kirklees Local Plan and therefore the impact of the development on the Green Belt needs to be assessed.

The National Planning Policy Framework (NPPF) sets out within paragraph 133 that *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”* Paragraphs 143 and 144 also states that *“inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

In this instance, the proposed stable/agricultural building represent a recreational/agricultural use and ménage represent recreation use. Therefore the proposed development will be considered in relation to recreational and agricultural uses within the Green Belt. With respect to recreational uses these can form an exception to inappropriate development as set out within paragraph 145, provided that:

“appropriate facilities” and “...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”

These points are also reiterated within Policy LP56 of the Kirklees Local Plan which refers to appropriate facilities associated with outdoor recreation. Such facilities will normally be acceptable, as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. The should ensure that;

- a. The scale of the facility is no more than is reasonably required for the proper function of the enterprise or the use of land to which it is associated*
- a. the facility is unobtrusively located and designed so 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.

- b. in the case of all-weather riding arenas or other facilities for the exercising of horses, the degree of engineering operation required and the resultant regrading of land, including any earth mounding and retaining structures, does not result in incongruous or discordant landform out of character with its setting that cannot be mitigated through the use of appropriate hard and soft landscape techniques.*

With respect to agricultural uses these can form an exception to inappropriate development under paragraph 145. Policy LP54 is also relevant which details that, proposals for new buildings for agriculture and forestry will normally be acceptable, provided that;

- a) the building is genuinely required for the purposes of agriculture or forestry;*
- b) the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;*
- c) there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.*

The applicant has provided a supporting statement to justify the scale and need for the development and provide some background to the proposal.

A summary of the supporting statement details that:

- The family has a keen interest in farming and wishes to use part of the 18 acres to rear his sheep
- The applicant owns 3 horses and 60 Texel Sheep with currently graze on the land, cycling with the 3 horses as part of the rotation management plan.
- The proposed outbuilding and menage would be for private use only
- As part of this application the 3 existing dilapidated stables, sited adjacent to the dwelling will be removed. These stables are considered inadequate and as there is a lack storage for hay (feed) and shavings (bedding), and the proposal would address these issues.
- The proposed building is a traditional agricultural building with an access door to the front and rear to allow direct access through to the building to the agricultural land to the rear.
- During the late winter, early spring the remainder of the building will be penned out with sheep hurdles for individual lambing units.
- The location has been carefully taken into account in regards to the weather, noise, security, access and the impact on the wider area.
- The scattered arrangement of similar agricultural building in the immediate locality will ensure that the proposal is not remote or out of keeping.
- The proposed ménage is sited on a level area which has been previously excavated and will be available for use through the autumn and winter months

Whilst the stable and agricultural building is a somewhat unusual combination, the applicant has put forward that such an approach is sought to limit the number of buildings brought about by the development and it would be an efficient way of achieving the desired space. It is also considered that the applicant has significantly justified that the proposed stables/agricultural building could be classified as appropriate development. Furthermore the existing stable building on site will be removed and this will be secured by planning condition to protect the openness of the Green Belt.

Whilst the building is relatively large for the size of holding with 3 stables alongside additional space for storage of feed, and space for agricultural operations such as space for lambing, it is accompanied by 18 acres. The applicant has also detailed the number of animals which they have which is not insignificant in number. The land available is considered to be sufficient to accommodate the horses and sheep/lambs, where it is noted that the British Horse Society advise that 1-1.5 acres of land is provided per house with the additional space available for lambs. It is also noted that the site is in a somewhat exposed location and the provision for some storage for feed is considered reasonable. It is also noted that the building is within relative close proximity to the host dwelling which allow easy access for caring for the sheep and also aid the animals in lambing season.

Furthermore, the applicant has also confirmed that the stables and menage would be for domestic use, in conjunction with the applicant's residential property. The supporting statement also states that the proposed stables and menage are not for a commercial venture and therefore will only be used by the applicants'.

With regard to the sitting and design, it has been considered that the proposal has been carefully considered given the topography of the site. As such, the submitted plans show the building to be on a lower level than the menage to reduce some of the bulk and massing, allowing it to blend into the rural setting. In regards to materials, the submitted information states that the building will be constructed from blockwork/masonry panel and profiled sheeting in olive green. These materials have been considered appropriate with a simple shallow pitched roof, which is considered to represent an appropriate design.

An access track will also be formed as part of this proposal, with an 8m wide crush stone yard to the front and rear of the development. The area of hardstanding has been considered proportionate to the scale of development and therefore the impact from the access and the yard space is not

considered to be significant, as such features are not uncommon in the rural landscape.

With respect to the menage, it is considered to be of an appropriate size for the exercising of horses and would be surrounded by a 4 foot timber post and rail fence, which is typical for such a facility and therefore shall be conditioned. In regards to land levels, it has been noted that previous excavation has taken place in order to create a flat plateau given the farms lack of levelled land. This has been considered acceptable as the impact on the local landscape is not deemed significant.

Having taken into account the above, it has been considered that on balance, the proposed stables/agricultural building and menage would be an appropriate form of development within the Green Belt as it would preserve openness. The proposal would therefore accord with Policies LP54 and LP56 of the Local Plan.

Impact on residential amenity

With regard to amenity, Policy LP24 advises that proposal should ensure that a high standard of amenity is achieved for neighbouring occupiers. In this case, the application site is located within a relatively sparse residential area and therefore there would be no material harm on residential amenity. In light of the above would have an acceptable impact on amenity and therefore would accord with LP24 of the KLP from this perspective.

Impact on highways safety

Access to the site is taken via an existing established entrance leading up to property by single track road, with the proposal to the rear. KC Highways DM officers, have considered the site to have sufficient room to facilitate turning and the parking for several vehicles including horse trailers and service vehicles. The stables and manege arrangements are considered to be acceptable to be acceptable for domestic uses, but any potential increase would raise concerns. A condition requiring their use for domestic purposes will therefore be conditioned on highway safety grounds.

For these reasons, the proposal is not considered to give rise to any highway issues and therefore the proposal has been considered, complying with LP21 of the KLP.

Other matters

Lighting

There is no lighting proposed as part of the application for the ménage. As this is highly likely to harm the character and openness of the Green Belt given the very open character of the land, a condition has been recommended to ensure that no lighting shall be used in association with the hereby approved ménage. A new planning application would be required if this was to change.

Ecology

The proposal would lead to the redevelopment of an existing field which is considered to be of low ecological value. Furthermore, there would be no lighting proposed and the site is not located close to water or trees. For these reasons, it has been considered that the proposal would have an acceptable impact on local ecology, complying with LP30 of the KLP and the aims of Chapter 15 of the NPPF.

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 proposals accord with the development plan and Policies within the NPPF.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/92415

Officer Recommendation: Conditional Permission

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 and so as to ensure the satisfactory appearance of the development on completion, to protect the openness of the Green Belt and to accord with Policies LP21, LP54 and LP56 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. This permission does not authorise the installation or use of any floodlighting to the hereby approved manege.

Reason: For the avoidance of doubt as to what is being permitted and to preserve the openness of the Green Belt in accordance with Policy LP56 of the Kirklees Local Plan, as well as Chapter 13 of the National Planning Policy Framework.

4. The hereby approved manege and stables shall be used solely for private use only. The manege and stables shall not be used for any commercial purposes, and no part of the stable building or manege shall be sold or rented out separately.

Reason: In the interests of highway safety and to avoid causing harm to the visual and open character of the Green Belt as a result of increased vehicular traffic visiting the site and associated activities, in accordance with Policies LP21 and LP56 of the Kirklees Local Plan, as well as Chapter 13 of the National Planning Policy Framework.

5. As detailed on the hereby approved block Plan Dwg. No. 19/554/03, the “existing dilapidated masonry stables” to the south of hereby approved development be demolished, the demolition shall occur within three months of the hereby approved stable/store building being brought into use.

Reason: For the avoidance of doubt as to what is proposed in the interest of visual amenity to preserve and enhance the character and the openness of the Green Belt, in accordance with the LP56 of the KLP as well as Chapter 13 of the National Planning Policy Framework.

6. As detailed on the hereby approved block Plan Dwg. No. 19/554/03 the boundary treatment of the hereby approved menage shall consist of a timber post and rail fence with a maximum overall height of 1.2 metres (4 feet). The boundary treatment shall be installed before the menage is first brought into use and shall be retained thereafter.

Reason: For the avoidance of doubt as to what is being permitted and to preserve the openness of the Green Belt in accordance with Policy LP56 of the Kirklees Local Plan, as well as Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	19/554/01	-	25 th July 2019
Existing block plan	19/554/02	-	25 th July 2019
Proposed block plan	19/554/03	-	25 th July 2019
Proposed floor plans and elevations	19/554/04	-	25 th July 2019
Supporting information	Planning statement – 19/554	-	25 th July 2019

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 instance, the application has been considered acceptable and therefore no amendments have been sought.

Report Dated: 20.09.19