

**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: 2019/62/93455/W

Site Address: Lumb Head Farm, Lumb Lane, Almondbury,
Huddersfield, HD4 6TA

Description: Erection of indoor equestrian lunging and exercise
area for horses

Recommending Officer: Nick Hirst

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 20-Dec-2019

Application: 2019/62/93455/W

Site: Lumb Head Farm, Lumb Lane, Almondbury, Huddersfield, HD4 6TA

Proposal: Erection of indoor equestrian lunging and exercise area for horses

Site Description

The application relates to an agricultural holding of approximately 120 acres, located in Almondbury. The farmstead hosts a farmhouse (two storey, stone built), a historic stone built barn, several agricultural sheds in dilapidated states and two new purpose built agricultural buildings. The site includes a second undertaking Aimbry Stud. The application site is located adjacent to the new built agricultural buildings.

The farm is located in a distinctly rural part of the district and adjacent to several other farms, including Lower Castle Hill Farm and Stirley Farm. Of note is a public footpath (HUD/178/10) which runs through the centre of the farm.

Description of Proposal

The building would be sited to the rear of the modern agricultural building approved through application 2018/92872.

It is to have a rectangular footprint, measuring 17.7m x 19.8m, providing 365.76sqm of floor space. It would have eaves of 4.6m and a ridge of 7.8m.

The lower wall would be concrete panels, up to 1.1m in height. The upper wall would be treated Yorkshire boarding. The roof would be natural coloured fibre cement sheeting.

Numerous rooflights would be included to the front/rear. The south-east elevation would have an opening for access.

Minor excavation works are required to form a level surface and access route to the sides, with a maximum depth of circa 1m.

Relevant Planning History

Application Site

2003/93961 – Agricultural notification for the prior approval of details for the erection of general purpose agricultural storage building – Approval of Details Withheld

2017/94144: Erection of agricultural building – Conditional Full Permission

2018/92872: Erection of agricultural building – Conditional Full Permission

2019/93456: Erection of agricultural building for storing fodder/bedding – Ongoing

Surrounding Area

None relevant to the current proposal.

History of Negotiations

None undertaken.

Representations

Final publicity date expired: 06.12.2019

One representation has been received. The following is a summary of the comments made;

- *'Phase 2 was for agricultural purposes so why are horses in the building and it's not been changed, there's very little cattle on the farm, it's all wrong they are making a living out of loose land'.*

Consultation Responses

K.C. Highways: No objection subject to note.

K.C. Conservation and Design: An informal discussion was held. No objection.

Planning Policy

Kirklees Local Plan (KLP)

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 Green Belt on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP10** – Supporting rural economy
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP35** – Historic environment

- **LP52** – Protection and improvement of environmental quality
- **LP56** – 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 19th February 2019, and 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Other

- Castle Hill – Conservation Management Plan (March 2006)
- Castle Hill Setting Study (August 2016)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land allocation (Green Belt)

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.

Paragraph 145 of the NPPF includes an exception for the provision of appropriate facilities for outdoor sports, 'as long as the facilities preserve the openness of the

Green Belt and do not conflict with the purposes of including land within it'. This criteria is expanded upon by LP56, which includes the following tests;

- a. the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the 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 re-grading 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.*

Whether the proposal is inappropriate development in the Green Belt

LP56(a) requires officers to be satisfied that the facilities are commensurate to the site's operation. The site has an established mixed agricultural and equestrian use. Equestrian uses are recognised to fall into facilities for outdoor sports. However, consideration must be given to whether the building as sought is 'appropriate' for the use.

The site has been established as a stud farm for over 30 years and has produced several dressage horses who have competed in world class international competitions. Currently they have a stud of 10 horses. The applicant is now looking to diversify and expand the equestrian aspect of the site's business from the predominant agricultural side. The principle of diversifying rural agricultural business is supported by Chapter 6 of the NPPF and LP10(1f), which states; *'The economic performance of the rural economy will be improved by: supporting farm diversification schemes, where the proposal would not adversely affect the management and viability of any farm holding'*. Officers hold no concern that the proposal would adversely affect the

existing agricultural business. Recently approved planning permissions and a current application for further agricultural building denote the continuation of the existing agricultural business.

The building is to be used for lunging and other training. Lunging typically involves a rein between 7m to 10m and the horse moving in a circle, resulting in a diameter of between 14m and 20m. The proposed building has a width and depth of 17.7m and 19.8m which, with room for ancillary features / movement, would therefore fall between these sizes. The other purposes include all-weather training when the site's external facilities would be unsuitable. Wet weather can be particularly dangerous for horses, with the applicant drawing officer's attention to the value of the animals on site (this being a commercial stud). For context, a standard manège measures 20m x 40m. Accordingly, for the proposed purpose, which is in connection with a well-established commercial stud farm, officers are satisfied that the floor space sought is not undue.

In terms of height, the building is to be used for lunging and training. The height must accommodate jumping horses or potentially bucking / rearing younger animals. Separate to this, it is noted that the roof pitch (and overall appearance) has been designed to tie into the height of the agricultural building proposed through 2019/93456, which is an ongoing application at the time of writing. Although larger in height it would also harmonise with more recently approved agricultural buildings on the site. Considering these factors, in this specific case, officers consider the height to be reasonable.

Concluding on LP56(a), officers are satisfied that the scale of the building is *'is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated'*.

Turning to LP56(b), this requirements seeks that *'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'*. Of particular relevance to this consideration is the nearby Castle Hill, an ancient monument, which also hosts Victoria Tower, a Grade 2 Listed Building. The site is circa 250m south from the designated boundary of Castle Hill and 340m from Victoria Tower.

Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or it's setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. LP35 is specific to the consideration of heritage assets in the area, with LP35(3f) giving explicit consideration to the need to *'preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted'*.

Victoria Tower's heritage value is considered to be a mixture of its architectural form and historic origin (erected 1897 to celebrate Queen

Victoria's reign), alongside its conspicuous nature overlooking Huddersfield with forms its setting. A concise summary of Castle Hill's heritage significance is given in the Castle Hill Setting Study as;

Castle Hill is a significant place for many different reasons; archaeologically and historically it represents one of only few such sites in the county displaying continuity of human activity for over 4,000 years, ecologically it boasts rare acid grassland and nesting birds, and socially it is an iconic representation of Huddersfield and is loved and valued by the local population.

Given the separation distance of the site to the heritage assets, there would be no impact to either heritage asset's physical fabric. However consideration must be given to their setting, with distance views of both Castle Hill and Victoria Tower being part of their heritage value. Two studies have been undertaken in recent years regarding Castle Hill, each which explore its setting. These are;

- Castle Hill – Conservation Management Plan (March 2006)
- Castle Hill Setting Study (August 2016)

Each document goes into extensive detail of Castle Hill's setting (including Victoria Tower). The Conservation Management Plan identifies a study area, which the site does fall within. The land surrounding Castle Hill that falls into the study area is open, consisting of agricultural fields with low density interspersed development. The structures are principally historic farmhouses / dwellings, although some modern agricultural buildings are evident.

The Castle Hill Setting Study considers 'Key Risks and Issues' facing Castle Hill's significance, which includes the management of development. It divides development into sizes, with the proposal being a 'small scale development'. The document identifies that even small scale development in the undeveloped land around Castle Hill can cause issues, stating the following;

The bands of farmland below the slopes of the hilltop, which separate the hilltop from the urban development of Newsome (see Section 3 and 4) greatly enhance the setting of the Site; as do other undeveloped areas of land around the hill. In these areas, small scale development has the potential to be visually highly intrusive and also to lessen the separation of Castle Hill from the nearby urban / suburban form. Individual houses or very small groups (five or fewer), located close to existing rows or groups of houses in Newsome, would have a minor impact, but any larger groups, constructed in the open green spaces to the west of the hilltop could have a substantial impact on the setting of Castle Hill. Similarly, small scale development to the east of Castle Hill, in the rural character landscape across the valley to Woodsome and Farnley Tyas, has the potential to be highly visual intrusive in views towards and from the site and are likely to detractor from the setting of the Site.

Considering the above examples, the further details within the Setting Study and the specifics of the proposals, officers are satisfied that the proposal would not have an impact on the setting of either Victoria Tower or Castle Hill. Lumb Head Farm is established as being within vistas of Castle Hill, being visible in the figures/images found within the appendixes of both the Castle Hill – Conservation Management Plan and Castle Hill Setting Study. This is because the site is an established agricultural unit, which has an existing association and contribution with the setting. While the proposal would result in the further consolidation of development at the application site, the structure would have a clear agricultural design and be a modest continuation of an established unit. For these reasons, when viewed from a distance, officers are satisfied that the proposed development would not materially impact on established vistas of Castle Hill. These considerations are aided by the site's separation distance to the heritage assets and given its lower location of the site, thereby not having a direct interference with sightlines.

It is noted that the proposal includes the removal of several damaged / dilapidated buildings. While minor, their removal is considered beneficial to the setting of the heritage assets, but not a necessity to justify a condition in these circumstances.

As such, officers consider that the proposal would not interfere with the setting of either Castle Hill as an ancient monument or Victoria Tower as a listed building, each of which contribute to the setting of the site's rural environment. This is giving due regard to the ongoing assessment of 2019/93455.

Assessing LP56(b) in more general design terms, no new access or car parking areas are required. The building would adjoin an existing agricultural building on the edge of the farmstead's developed area. It is not considered to harmfully encroach into neighbouring open land, being sited within land hosting various buildings which is divided from the neighbouring open land via a stone wall. The design, as noted above, would mimic the new agricultural buildings on site, and that sought via 2019/93456.

Considering these points, officers are satisfied the proposal would not appear as an unduly urban element, nor would it appear 'obtrusive' in its setting, which is giving due weight to the nearby heritage assets. Accordingly, officers are satisfied that the proposal complies with the aims of LP56(b).

LP56(c) is specific to facilities for horses. The policy seeks to prevent undue or excessive engineering operations to facilitate development. While some excavation will be required to form a level surface for the building, officers are satisfied that this would be suitably ancillary to the development sought. It would result in neither earth mounding nor retaining features, and as the excavation would result in the building cutting into the land, it would not appear artificially tall or out of keeping with the established land form.

Returning to the criteria of Paragraph 145, the policy seeks for such facilities to preserve the openness of the Green Belt and not conflict with the purposes

of including land within it. The five purposes of the Green Belt are set out in paragraph 134 of the NPPF. Giving due weight to the intended purpose of the development, its siting and design, officers are satisfied the development would not conflict with the given purposes.

In terms of openness, the building is to be sited adjacent to an existing agricultural building, close to the cluster of development which makes up the farmstead. It would not be unduly isolated. While taller than the neighbouring agricultural building, this has been justified above. The design and appearance is to closely replicate the several new agricultural buildings on site, therefore appropriately blending into the established agricultural appearance of the site which is determined, by policy, to not impact openness. Notwithstanding this, the building would not be in an agricultural use: the applicant has proposed landscaping along the site's north-west boundary, consisting of a mixture of Rowan, Birch and Maple transplants will be planted along the existing stone wall. This would be adjacent to existing conifer planting on the north-east boundary.

Considering the above, officers consider that the development would not cause an undue impact to openness, subject to a condition requiring the indicative planting details indicated to be undertaken in the first planting season following occupation of the building.

Concluding on the above, officers are satisfied that the proposal would support a well-established rural business (Aimbry stud) and diversify the site's agricultural business in a logical and reasonable way. The development complies with the tests of LP56 and the aims and objectives of Chapter 13 of the NPPF.

Whether there would be any other harm to the Green Belt, including visual amenity

The above includes an assessment on the purposes of the Green Belt and impact on openness.

In general design terms, officers consider the building to be typical of modern Green Belt structures, replicating modern agricultural vernacular, and would not appear out of keeping with its rural, Green Belt setting, causing no harm to the character of the area.

Conclusion

The proposal represents appropriate development in the Green Belt, through the exceptions of Paragraph 145(b) of the NPPF and LP56 of the KLP. In this assessment, due regard has been given to the nearby heritage assets, LP35 of the KLP, Chapter 16 of the NPPF and the Planning (Listed Buildings & Conservation Areas) Act 1990. Furthermore, no harm to the local character or wider harm to the Green Belt is anticipated. Accordingly, the principle of development within the Green Belt is found to be sound.

2 – Impact on residential amenity

The site is well removed from 3rd party residential dwellings, with the nearest being in excess of 180m. This separation distance is sufficient to prevent concerns of overbearing or overshadowing.

Noise and odour are considerations for equestrian development. However, the proposed building is for the lunging and training of horses, as opposed to a stable where animals could be expected to be kept for long periods of time. Nonetheless, if the building was used for the keeping of horses (which it is not designed for), the site is an existing cattle farm and horse breeding enterprise, with neighbouring residents (in excess of 180m) living in an agricultural area. Accordingly, officers do not consider the (unlikely) use of the building for animals to be a cause for concern.

Officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, in accordance with LP21.

3 – Impact on highway safety

The proposal is to make use of an existing access. There will be no impact upon established sightlines or cause to distract passing drivers.

There were no trip generation details provided with the application. On the basis that the site is to be used for private use, as stated in the submitted statement, the proposals are not expected to cause a severe impact on the operation of the local highway network. The private use of the building is to be secured via condition.

There is to be an expected intensification of use of the access and PROW during the construction phase, but this is not considered to be sufficient to cause any highway issues as the vehicles expected will be similar to other large farm vehicles expected by the current use. Highways therefore request an informative regarding the PROW.

Subject to this, officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway (road).

Public Right of Way (PROW)

The following comments are taken from 2017/94144's officer report;

PROWs HUD/178/10 and HUD179/50 transverses through the centre of Lumb Head Farm and the impact of the development on the PROW needs to be considered in relation to Policy R13 of the UPD. The PROWs location through the middle of the farm complex means that they are located where agricultural machinery is operating throughout the day. Although not expressed specifically on the submitted plans it is understood that access to the south west entrance of proposed agricultural building would be taken off the existing footpath

(HUD/179/50). While this does represent an intensification of use to this section of HUD/179/50 the access would utilise an existing gated entrance and it is not believed that it would be a greater intensification than that noted on the footpath at the centre of the farm. The stand-off distance to the PROW from the building of 6 metres is considered to ensure that the proposed building would not impact on its operation, and a note will be attached to the decision notice advising that the PROW should not be blocked or obstructed at any point.

Furthermore it is suggested that in later phases of the planned development the existing building 'Dis-used stables and implements' as noted on plan 1220-005 would be demolished. This would enable better access to the north east entrance of the proposed agricultural building, reducing farm traffic on the identified footpath.

The proposed building would be sited behind the building approved (and built) via 2018/92872. Officers are satisfied that the physical building proposed will not cause harm to the amenity of PROW users, while the use as a lunging / training area is not anticipated to materially increase traffic movements on the site. Thus officers are satisfied that the development would not impact upon the safe use of the PROW. An informative note regarding the PROW and how it should be protected is to be installed.

4 – Other matters

None.

5 – Representations

- *Phase 2 was for agricultural purposes so why are horses in the building and it's not been changed, there's very little cattle on the farm, it's all wrong they are making a living out of loose land'*

Response: These comments are noted. At the time of their site visit, the 'phase 2' building (approved via 2018/92872) hosted cattle. Its design and layout, notably alongside a cattle handling system, seemed clearly established for cattle. The applicant states to have a holding of 120 acres / 48.5ha

Should horses have been kept in the building for a brief period, this would not breach planning rules.

For the reasons given in the officer reports on past agricultural applications on the site, officers are satisfied that a genuine agricultural use has been demonstrated. Nonetheless, this application seeks equestrian / outdoor sport.

6 – 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.

Recommendation: Approve

Application Number: 2019/93455

Decision Authorisation: Delegated Powers

Officer Recommendation: Grant 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, and to accord with Policy LP24, LP35 and LP56 of the Kirklees Local Plan and Chapters 12, 13 and 16 of the National Planning Policy Framework.

3. The approved scheme shall be implemented so that the proposed planting, as detailed within plan ref. '005 Rev. A', is carried out no later than the first planting season following the occupation of the hereby approved building. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24, LP35 and LP56 of the Kirklees Local Plan and Chapters 12, 13 and 15 of the National Planning Policy Framework.

4. The development hereby permitted shall be used by the owner of the building for their private use only. No part of the building shall be used or rented separately to any other person.

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

Note: Public right of ways (PROW) HUD/179/50 and HUD/178/10 are included in the red line boundary. This 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 via e-mail to publicrightsofway@kirklees.gov.uk or on 01484 221000 and ask for Public Rights of Way if you have any further questions in relation to the PROW.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	001		22.10.2019
Proposed Block Plan	002		22.10.2019
Proposed Elevations	003		22.10.2019
Landscaping Plan	005	Rev. A	13.12.2019
Existing Block Plan	006		22.10.2019
Supporting Information	Design and Access Statement		22.10.2019

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 Planning 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.

Officers sought clarification on the proposed landscaping, which led to a further plan being provided. This was considered sufficient, alongside the previously submitted plans, for officers to support the proposal.

Report Dated: 20.12.2019