

**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: 2019/62/93520/E

Site Address: 25, Barnsley Road, Flockton, Huddersfield, WF4 4DW

Description: Demolition of existing stables/greenhouse, erection of stable block and formation of manege and hardstanding

Recommending Officer: Sarah Longbottom

DECISION – CONDITIONAL FULL PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 20-Mar-2020

Officer Report

Site Description

The application site comprises a detached dwelling located off Barnsley Road, Flockton. The property is located to the rear of neighbouring dwellings, accessed via a single width driveway. To the side of the dwelling is an access leading to a timber stable block, greenhouse and paddocks.

The surrounding area is characterised by residential development close to Barnsley Road with open fields to the north and south.

Description of Proposal

Permission is sought for the demolition of the existing stables/greenhouse, erection of stable block and formation of manege and hardstanding.

Stables

The proposed stable block would have an L-shaped layout, comprising 5 stables and a tack/feed room with dimensions of 12m x 18.2m x 3.5m. The stable block would be of a timber construction with pitched felt roof and located on the north west corner of the existing hardstanding.

Manege

The proposed manege would be located to the east of the proposed stable block, having dimensions of 35m x 22m, enclosed by a 1.2m high post and rail timber fence. A small amount of cut and fill would be required to form the level surface for the manege

History of negotiations/amendments received

Through the course of the application, the applicant was asked to clarify the nature of the use with respect to the number of stables proposed in relation to the extent of grazing land within the applicant's control.

Relevant Planning History

2018/92903 – Erection of detached dwelling – approved

2016/92280 – Removal of condition 4 (tied dwelling) on previous permission

2015/91968 – for erection of detached dwelling - approved

2015/91968 – Erection of detached dwelling – approved

2004/90671 – Erection of detached granny annex – refused (appeal upheld)

90/06329 – Erection of stable for single horse - refused

88/01373 – Erection of detached dwelling – approved

Flockton Hall Farm (to east of site)

2017/91269 – Variation of condition 2 (plans) on previous permission 2016/92811 for erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works – approved

2016/92811 - Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works - S106 full permission

Representations

The application was publicised by site notice and neighbour notification letters. No representations were received as a result of site publicity.

Kirkburton Parish Council – *“This proposed development appears to fall within the Green Belt. The Parish Council objects if this is, in fact, the case, as there are no very special circumstances demonstrated to justify development in the Green Belt”*

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **KC Environmental Services:** Recommend imposition of conditions in relation to use of stables and manege, waste management and artificial lighting

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 located within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety and access
- LP 22 - Parking

- LP23 – Core walking and cycling routes
- LP 24 – Design
- LP 56 - Outdoor sport, recreation & 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, 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
- Chapter 15 – Protecting the natural environment

Assessment

The application site is located partly on unallocated land and partly within the Green Belt on the Kirklees Local Plan (the proposed stables would be located wholly within the Green Belt). As such, 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 partly 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.”

The proposed development can be considered to constitute a facility for outdoor sport and recreation. As such, the proposals will be considered in

relation to paragraph 145 of the NPPF which outlines that recreational uses can form an exception to inappropriate development provided that these are:

“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 reiterated within Policy LP56 of the KLP 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. This should ensure that:

“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

b. 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.

c. 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”

In this case, the officer requested clarification with respect to the number of stables proposed, in relation to the associated grazing land in the control of the applicant. At the time of the case officer's site visit, there were two existing stables on the site and two horses were turned out in the field. The applicant has confirmed that they intend to purchase another Shetland pony and that they also have two additional horses which are kept at livery off site although it is their intention for these to be brought to the application site. Once on site they will only be turned out in the field for short periods of time. This will not be a frequent occurrence as they will be predominantly stabled (they are competition horses).

A calculation of the grazing land remaining as a result of the proposals confirms that 1 acre would be made available for grazing. The British Horse Society recommends a ratio of 1-1.5 acres per horse for permanent grazing, and it is acknowledged that the land within the control of the applicant would be significantly less than this. Notwithstanding this, as stated above, 2 of the applicant's horses would be stabled the majority of the time, with the remaining horses turned out for short periods of time (2 shetland ponies and a larger pony). As such, the associated land is not used for permanent grazing. On the basis of this management arrangement, I am satisfied that the number of stables proposed is acceptable in this instance.

The proposed stable block would be of an acceptable appearance, having an L-shaped layout and located within the north east corner of the existing hardstanding to the rear of the dwelling. This would replace an existing smaller stable block and greenhouse. As a result of the siting and

appearance of the proposed stable block, this aspect of the proposals is considered to be unobtrusive. The submitted plans do indicate the inclusion of a relatively large area of block paving, which, it is considered would introduce an urban element. Whilst a small concrete apron around the stables would be acceptable, beyond this it is considered that a surfacing material of a less permanent construction and appearance (for example crushed stone) would be more appropriate in this instance. This could be controlled by condition.

In respect of the proposed manege, it was noted on site that the land to the rear of the dwelling although relatively level, does have a slight incline to the north. A section drawing submitted with the application indicates the extent of cut and fill which would be required, resulting in the creation of a small banking at the southern end of the site. This would be located close to the site boundary which is also the southern boundary of the Green Belt with unallocated land. As this would be positioned between the manege and existing development, the impact upon openness and visual amenity is not considered to be significant, nor discordant or out of character. The manege would be enclosed by a 1.2m high post and rail fence which could be erected as permitted development in any case.

Subject to the imposition of a condition requiring appropriate surfacing of the area around the stables, the proposals are considered to accord with the aims of Policies LP 24 and LP 56 of the KLP, in addition to guidance contained within Chapter 13 of the NPPF.

Impact on Residential Amenity

With regard to residential amenity, Policy LP24 of the KLP advises that proposals should ensure that a high standard of amenity is achieved for neighbouring occupiers.

In this case, the nearest residential properties to the application site are the applicant's property (No.25) and No.31 (unconnected to the application site). A new residential development is also under construction to the east of the application site.

The applicant has confirmed that the stables and manege are to be used solely for their private use, and not for commercial purposes. This could be controlled by condition.

With respect to waste management, the proposed site layout plan indicates the location of a muck trailer in between the stables and manege. Further details have been received from the applicant who has confirmed that the muck trailer will be used to store the waste, which will then be removed by a local farmer every four weeks. KC Environmental Services have confirmed that this arrangement is acceptable.

The proposals include no provision for artificial lighting and the applicant has been made aware that this would not be considered acceptable due to the

location of the manege in relation to the neighbouring residential property. To ensure that this remains the case, it would be reasonable to impose a condition restricting the provision of any artificial lighting, to protect the amenity of the adjacent occupier.

To summarise, subject to the imposition of the conditions referred to, the proposals would have an acceptable impact on residential amenity and would therefore accord with Policy LP24 of the KLP from this perspective.

Impact on highway safety

The proposals would not include any alterations to the existing access arrangements. The application site is accessed via a shared driveway with an internal single width access to the rear of the dwelling.

The proposals would result in some intensification of the equestrian use on the site, however as the proposed stables and manege are to be solely for private use, no formal consultation has taken place with KC Highways DM. Furthermore, as set out above, it is intended to impose a condition restricting the use of the stables and manege to that of the occupants of No.25.

On the above basis, the access and parking arrangements to serve the development are considered to be acceptable, and the proposals would accord with Policies LP 21 and LP 22 of the KLP.

Other Matters

Ecology

The site is located within a bat alert layer as identified by the Council's mapping system. The proposals involve the removal of a relatively new timber stable block although the proposals would lead to the partial redevelopment of an existing paddock which is considered to be of low ecological value. Nonetheless, there would be no lighting proposed as part of this application, with the building be located an adequate distance from any trees or water. As such, it is considered that the proposal would have an acceptable impact on local ecology, complying with the aims of Policy LP30 of the KLP and the aims of Chapter 15 of the NPPF

Coal Mining Legacy

The site is located within a High Risk Area as defined by the Coal Authority. In many circumstances, a Coal Mining Risk Assessment would be required to be submitted setting out how the impact of coal mining legacy is to be mitigated within the development. In this instance, the proposals would not require significant ground works and therefore a CMRA is not a validation requirement.

Climate change

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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposals, it is not considered reasonable to require the applicant to put forward any specific resilience measures. As noted above, a condition will be imposed regarding the surfacing of the area around the stable block, in order to mitigate against significant surface run off and flood risk.

Representations

None received.

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2019/93520

Officer Recommendation: Conditional Full 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 LP1, LP2, LP21, LP22, LP24, LP30 and LP56 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The stable block hereby approved shall be used solely for private use for the stabling of horses owned by the occupants of the adjacent dwelling 25 Barnsley Road, Flockton and shall not be used for any commercial purposes. No part of the building 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.

4. The manège hereby approved shall be used solely for private use for the stabling of horses owned by the occupants of the adjacent dwelling 25 Barnsley Road, Flockton and shall not be used for any commercial purposes or 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. Waste materials associated with the use of the stables shall be dealt with in accordance with the Waste Management Plan specified by the applicant in their email dated 18th March 2020 (i.e. waste to be stored in a trailer and removed every 4 weeks, the trailer to be located as identified on 'Plan of Site', ref 3188/6) throughout the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework.

6. This permission does not authorise the installation or use of any external artificial lighting for the manège.

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 Chapter 15 of the National Planning Policy Framework.

7. Notwithstanding the surfacing details shown on the submitted site plan ref 3188/6, except for a hard surfaced apron to the front of the approved stable block, a crushed stone surface shall be provided to the area identified on the plan as to be surfaced in “Block Paving”, and thereafter retained.

Reason: So as to ensure the satisfactory appearance of the development on completion and to protect the openness of the Green Belt in accordance with Policies LP 24 and LP 56 of the Kirklees Local Plan and guidance contained within Chapters 12 and 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	3188/1		28.10.19
Full Site Plan	3188/2		28.10.19
Proposed Floor Plans (Stables)	3188/4		28.10.19
Stables Elevations	3188/5		28.10.19
Plan of Site	3188/6		28.10.19
Plan of site as existing			28.10.19
Waste Management Details	Email dated 18 th March 2020 from Michael Hirst		18.03.20

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. Through the course of the application, additional information was requested from the applicant with respect to the proposed management of horses on the site, in addition to details of waste management.

Report Dated: 19.03.2020