

**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:** 2019/62/93712/W  
**Site Address:** land off, Coniston Road, Meltham, Holmfirth, HD9 4BY  
**Description:** Erection of stables and formation of access track  
**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: 13-Mar-2020**

## **Officer report**

### **Site description**

The application site relates to a large open field on the edge of Meltham. The site is located at the bottom of the valley given the change in land levels within the area. Access can be taken from Royd Edge Road an un-adopted track to the North of the site. There are also a couple of dilapidated buildings to the South West which will be demolished as part of this application.

To the East, South and West of the site are open fields, alongside a line of residential properties to the North East. The site is located within the Green Belt on the Kirklees Local Plan.

### **Description of development**

The applicant is seeking permission for the erection an L shaped stable block and formation of access track. The measurement of the proposal are as follows:

#### *Stables*

- 8.9m in width
- 8.1m in length
- 3.5m in overall height

#### *Access track*

- 15m x 4.7m for parking area
- 4.3m maximum width of gravelled track

The design of the stables will utilise a 'L' shape and will be constructed from timber boarding with profile metal cladding for the roof. The building will provide 3 stables alongside a combined tack room and feed store. The agent has confirmed that the stables will be for private use, initially for one horse and a pony will occupy the stables, however, a future horse is planned. The site is set within 1.6 -1.8 hectares.

### **History of negotiations/amendments received**

The officer has entered into various discussions with the agent regarding the size and design of the proposed stables, alongside the size of the area of

hardstanding proposed. As such final amended plans were received on the 6<sup>th</sup> February to overcome these concerns.

### **Relevant Planning History**

None on the application site.

### **Representations**

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

Final publicity expires: 2<sup>nd</sup> March 2020.

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

The applicant was also re-advertised via a 21 day neighbour notification letter given the changes made to the red line boundary.

Meltham Town Council: No comments received.

### **Consultation responses**

KC Environmental Health: No objections

KC Highways DM: No objections subject to conditions regarding the surfacing for the new hardstanding and a survey to demonstrate the existing conditions of the access track.

KC PROW: No comments received.

### **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 (KLP):**

- 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 Land
- Chapter 15 – Conserving and enhancing the natural environment

### **Assessment**

The application site is located within the Green Belt and therefore 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 building will represent a recreational use. Therefore the proposed 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 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. This 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*

*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 instance, the officer entered into several discussions with the agent in order to reduce the overall size and scale of the stable block to provide a more traditional design. As such, final amended plans were received on the 6<sup>th</sup> February 2020, to show a 'L' shaped stable block in which would be tucked into the corner of the field. The building would also be located on a fairly level land, which is not considered to require significant ground works.

The design and materials of the stable block would be appropriate for such a structure. The stables would be positioned at one end of the land at a lower level than the access track which would help to ensure that the stables are not overly prominent in the local area and is unobtrusively positioned.

The development includes 3 individual stables and a combined feed store and tack room. The applicant has detailed that up to 3 horses could occupy the site and the agent has also confirmed that the site is accompanied by 1.6 – 1.8 hectares of land with the stables only being used by the applicant for private use. Such a level of land is considered to be sufficient for up to 3 horses. The tack room and feed store would aid the function of the stable block and are considered to be of an appropriate size providing associated functional accommodation proportionate to the use.

For these reasons, it is considered that stables would have an acceptable impact on visual amenity would have an acceptable impact on the openness of the Green Belt.

With regards to access, initial concerns were raised with the agent regarding the scale of these works. As such, an amended plan has been received reducing the area of hardstanding to the North West of the Site. This will now provide an area which would be 15m in length by 4.7m in width to allow for

two cars or a larger vehicle to enter the site and would be surfaced in gravel. The submitted plans also show a new gravelled access track to be provided down to the stables themselves. The new access is considered to represent an engineering operation and as set out in paragraph 146 of the NPPF would not represent inappropriate development in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.

Whilst there would be some visual impact from the new access it is considered to be proportionate to the scale of development and would be positioned adjacent to the existing access track, and would not appear as an uncommon feature within the rural landscape. The area of the access would remain predominately open and the proposal would therefore not adversely impact on openness and given its limited scale, use associated with the scale block and gravel finish is not considered to lead to any detrimental encroachment into the countryside most relevant purpose of the Green Belt in this instance. The proposal is therefore considered to have an acceptable impact on the Green Belt and visual amenity would be adequately protected, in accordance with Policies LP24 and LP56 of the Kirklees Local Plan.

### **Impact on residential amenity**

With regards 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 site would be those in which are situated adjacent to Coniston Road. More specifically the nearest property at 27 Hebble Mount would be around 60m away from the application site and therefore there would be no material impact on amenity in terms of noise or odour. Furthermore, the significant changes in levels within the area, also help alleviate any concern.

In light of the above, the proposal 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**

KC Highways DM have been formally consulted as part of this application, as the proposal would be served by a newly-formed track taken off an existing access road that meets the public highway at Holmfirth Road. Approximately the first 145m of the track forms part of the Public Right of Way (PROW) no. MEL/43a/10.

Nonetheless, highways officers are comfortable that the access is wide enough to allow two vehicles to easily pass. The impact on the PROW is also considered acceptable given the relatively small scale of the development. Alongside the above, highways have requested a condition for a survey of the existing access track and a set of measures to address any defects. The request is noted however at the case officers site visit it was observed that the access track is in reasonable condition being hard surfaced in many places. Whilst there may be sections where there are pot holes, the provision of a stable block for private use is not considered to detrimentally increase the use of the access track to the point where significant remediation measures are required. Furthermore it is noted that a permission at the adjacent Royd Edge Dyeworks to the west 2007/92595 for 30 dwellings secured improvements to the access track and these would still need to be provided such that development come forward. It is therefore not considered reasonable to attach a condition to improve the access track.

It is also reasonable to impose another condition to ensure the access track and parking area are appropriately surfaced and drained. It is noted that gravel is to be used which would be acceptable but the condition will ensure that this area is provided and would ensure that surface water run-off is reduced. This would accord with Policies LP28 and LP34 of the Local Plan.

Overall it has been considered that the proposed parking and highways arrangement at the application site would be acceptable subject to the conditions identified above. This is considered to comply with the aims Policies LP21 and LP22 of the Kirklees Local Plan.

## **5. Other matters**

### *Ecology*

The proposal would lead to the partial redevelopment of an existing field which is considered to be of moderate ecological value. Nonetheless, there would be no lighting proposed as part of this application, with the building be located a far distance away from any trees or water. As such it has been 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.

### *Climate change*

On 12<sup>th</sup> 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. Nonetheless, it has been noted that the stable block would be constructed from timber boarding which is considered to be environmentally friendly. A condition will also be attached to the decision notice regarding the surfacing of the proposed parking area, in order to mitigate against significant surface run off and flood risk.

## **6. Representations**

None received.

## **7. 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:** 2019/93712

**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 LP,1 LP2, LP21, LP22, 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. The building is to not be used for any commercial purposes, and 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. Prior to the development being first brought into use, the approved vehicle parking areas as shown on the hereby approved site plan dwg no. 01 Rev B shall be provided and surfaced and drained in accordance with the

Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

**Reason:** In the interest of highway safety, to achieve a satisfactory layout and to ensure that the additional hardstanding area is appropriately drained to mitigate floor risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework

**NOTE: Works to the highway**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE: Public right of way**

The public footpath MEL/43a/10 runs along the access track to the North of the application site. As such the PROW 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.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	-	-	20 <sup>th</sup> January 2020
Proposed block plan	01	B	6 <sup>th</sup> February 2020
Proposed floor plans	04	B	6 <sup>th</sup> February 2020

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
and elevations			
Visuals of stable block	-	-	6 <sup>th</sup> February 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 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. In this case, the officer entered into various discussions with the agent regarding the size and design of the proposed stables, alongside the size of the area of hardstanding proposed. As such final amended plans were received on the 6<sup>th</sup> February to overcome these concerns.

**Report Dated:** 9<sup>th</sup> February 2020