

**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: 2021/62/91760/E

Site Address: Hunting Gate House, Furnace Grange, Clough Road,
Flockton, Huddersfield, WF4 4AQ

Description: Change of use from agricultural land to form riding
arena and engineering works

Recommending Officer: Lyle Robinson

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

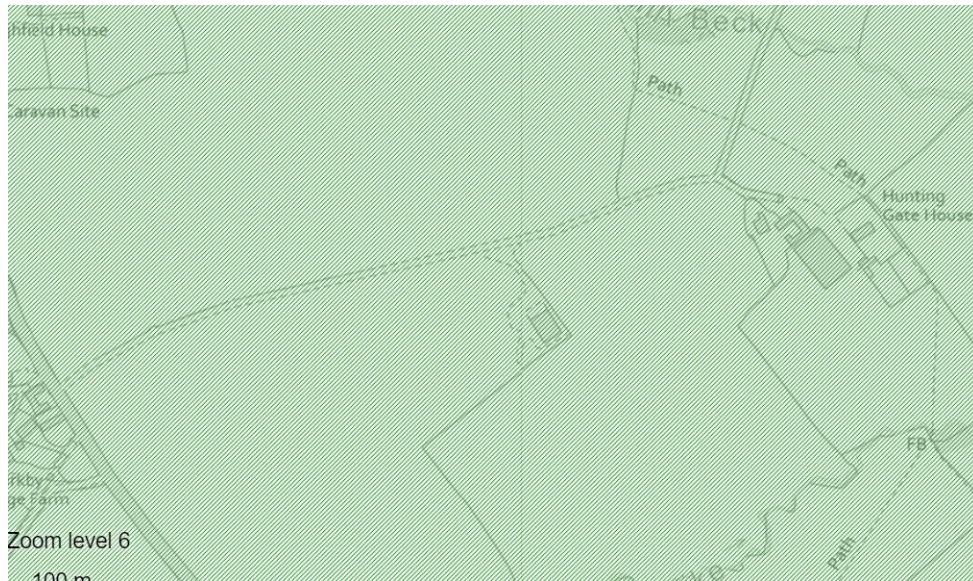
AUTHORISED OFFICER

Date: 28 October 2021

Officer Report

Site Description

The site is that of a parcel of land in agricultural use in open countryside south of Flockton. The land is undulating and the area has a rural, pastoral character. The site is washed over by the designated Green Belt. The site is occupied by a detached dwelling, agricultural building and smaller outbuildings.



Description of Proposal

This is an application for full planning permission for a riding arena/manege, some 20m x 40m in dimensions and an associated minor engineering operation to level the land.

History of negotiations/amendments received

This planning application has been assessed on the basis of drawings originally submitted with the current application. No further details or amendments were sought thereafter.

Relevant Planning History

2016/90054 Erection of double garage *Approved 04/MAR/2016*

2014/93300 Discharge of conditions 4 (materials), 5 (surfacing and drainage of access track), 8 (drainage) on previous permission 2014/92184 for erection of detached dwelling *Approved 15/DEC/2021*

2021/92184 Erection of detached dwelling *Approved 04/SEP/2014*

Representations

This application was publicised by neighbour letters and site notice which expired on 08-Jul-2021. Following this publicity, 1no letter of representation was received from neighbours or members of the public.

Consultation Responses

Denby Dale Parish Council – no objection

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- • **LP 52** – Protection and improvement of environmental quality
- **LP 56** – 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 20th July 2021, 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 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

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.

The National Planning Policy Framework (the Framework) makes clear at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is subsection (b); the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Kirklees Local Plan policy LP56 is largely reiterative of the Framework, and further states that, inter alia, in the case of all-weather riding arenas the degree of engineering operation required and resultant re-grading of land [will] not result in incongruous or discordant landform out of character with its setting.

The proposed riding arena falls into this category as a facility for outdoor sport and recreation. The fencing would be 1m in approx. height which, together with the minor re-profiling of the land, would not introduce a visually prominent element on the landscape in this Green Belt location. Materials such as tarmac hardstanding would not be used for a manege or riding arena due to their unsuitability with respect to the horses; so an application for a change of use to an equestrian use such as this would not present negative impacts in terms of the materials palette of the surface of the manege.

Case law (Turner v Secretary of State for Communities and Local Government [2016] EWCA) establishes that the concept of openness is open textured and that several factors are capable of being relevant when applying it to the particular facts of a specific case. National Planning Practice Guidance (NPPG) broadly identifies openness as being divisible into spatial and visual aspects. In this instance the riding arena would not be harmful to either the spatial or visual aspects of openness, and given its compliance with the exception in the NPPF and Local Plan policy 56, would not be inappropriate in definitional policy terms.

The proposed development is therefore considered to be appropriate in the Green Belt.

Very Special Circumstances

Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

As the development at hand is appropriate, VSCs do not need to be demonstrated.

2 – Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The site is secluded and the levelling of the land would be relatively minor such that the resulting flat area for the riding arena would not negatively impact the landscape. The timber fencing, at 1m height from reprofiled land level, would not appear overly prominent or incongruous. The timber materials would be appropriate for this rural context and would be in keeping.

The development therefore would be acceptable in terms of visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The site is in open countryside with the nearest residential uses being the existing dwellinghouse on site.

The use is typical of a rural location such as this and it is not considered that noise or activity associated with its use would cause undue disturbance to residential amenity in the wider area.

All told therefore, the proposals would comply with Policy LP24 of the KLP in terms of residential amenity.

4 – Other matters:

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

The proposal is for a timber fencing and riding arena associated with an equestrian use. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

Highways

No change to the the access is proposed and the application proposal presents no material highways implications; the proposed development would be for the use of the applicant only and not for commercial purposes. This could be controlled by condition.

Public Right of Way (PROW)

The PROW would not be impacted by the proposed development but an informative will be attached to the Decision Notice advising the applicant of its existence as a belt and braces approach. A site notice was posted advertising this application in light of the nearby PROW.

6 – Representations:

1no. letter of general comment received relating to Green Belt and the character of the area. As stated above the engineering operation to level the land off slightly and the associated timber fencing would not harm the openness of the Green Belt or negatively impact the rural character of the area.

7 – Conclusion/Planning Balance:

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

Decision Authorisation - Delegated Powers

Application Number: 2021/91760

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 and to ensure the satisfactory appearance of the development on completion, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The manège hereby approved shall be used solely for private use for the stabling of horses owned by the occupants of the adjacent dwelling Hunting Gate House, Furnace Grange, Clough 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.

NOTE: Public Footpath *DEN/9/70* is 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.

Plans Specification

Plan Type	Reference	Version	Date Received
Site Location Plan	A (10) 002		05/MAY/2021
Proposed Site Plan, Elevations and Sections	A (20) 001		05/MAY/2021

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 has, 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. The application was considered to be acceptable in its submitted form and therefore no amendments were sought.

