



Planning Appeal Statement

**DEMOLITION OF EXISTING STABLES
AND ERECTION OF REPLACEMENT
STABLES AND ASSOCIATED HAY
/STORAGE AT 2, DRAKE HILL
COTTAGES, HEY SLACK LANE,
WHITLEY COMMON, HUDDERSFIELD,
HD8 8YD**

Date: March 22

Reference: HPS3921

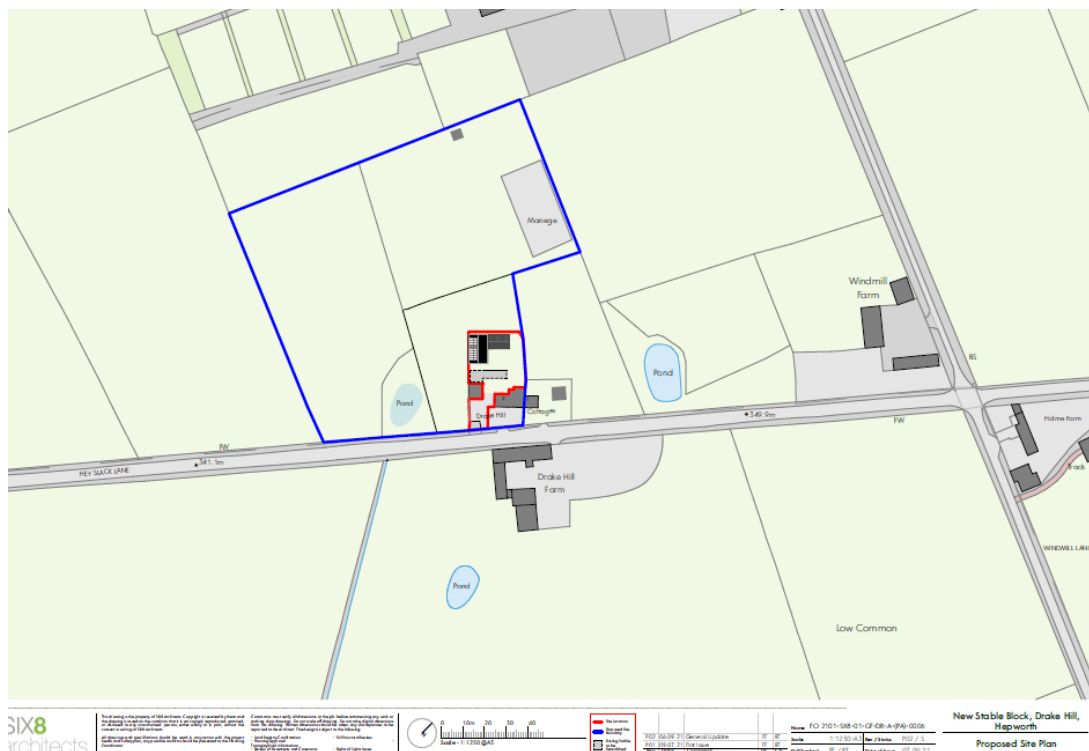
1.0 Introduction and Background

- 1.1 This appeal statement has been prepared by **Householder Planning Services** on behalf of the appellant to support an appeal against the decision of Kirklees Council to refuse planning application for the DEMOLITION OF EXISTING STABLES AND ERECTION OF REPLACEMENT STABLES AND ASSOCIATED HAY /STORAGE AT 2, DRAKE HILL COTTAGES, HEY SLACK LANE, WHITLEY COMMON, HUDDERSFIELD, HD8 8YD.
- 1.2 The proposed development was considered by the Council – application **2021/62/93514/W** where permission was refused on the 3 November 2021 for the following reason :-
- 1. The proposed stables, hay and storage barn and associated concrete yard constitutes inappropriate development within the Green Belt which would have a harmful impact upon openness and constitute encroachment within the Green Belt. The very special circumstances put forward by the applicant do not clearly outweigh the harm caused through inappropriateness and the additional harm to openness contrary to policy LP56 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and the policies contained within Chapter 13 of the NPPF.*
- 1.4 The intention is also to appeal the decision, but we will withdraw the appeal should this application be approved.

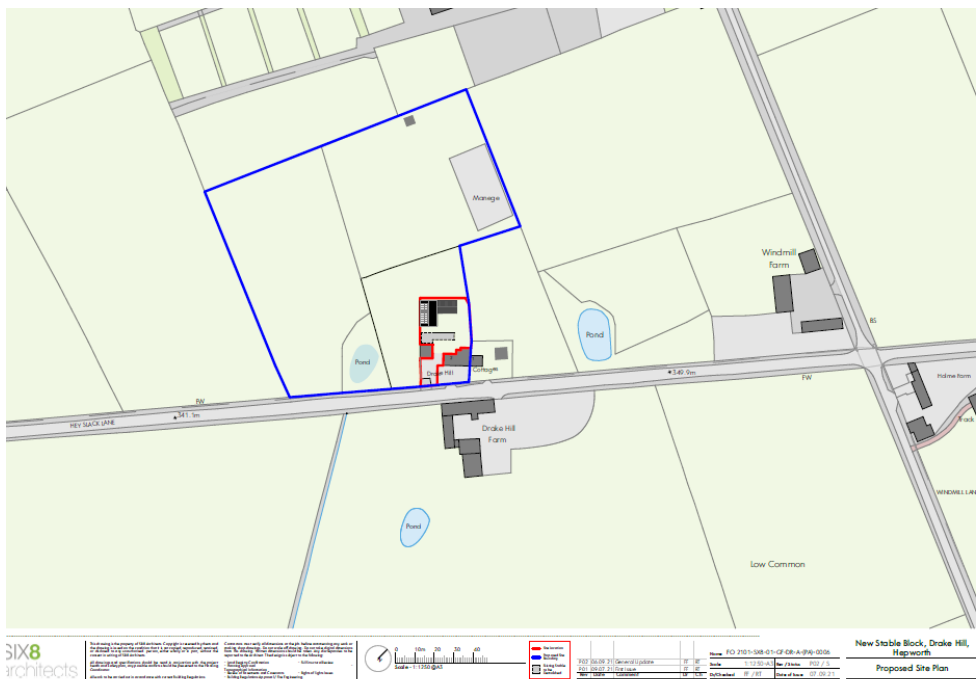
2.0 The application the subject of this appeal

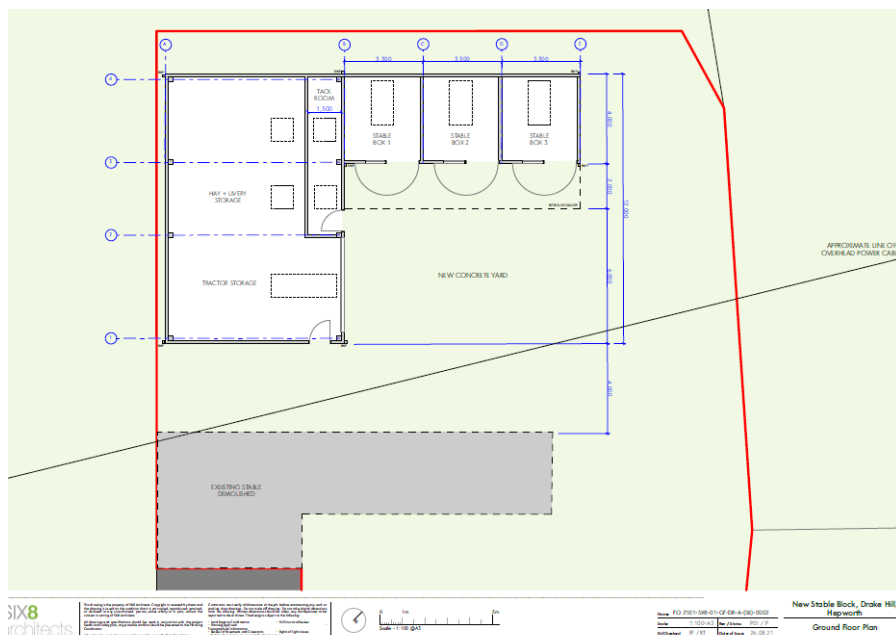
- 2.1 The application the subject of this appeal was for the demolition of the existing stables and the erection of replacement stables with associated hay/storage facilities. The layout plan below shows the existing and proposed.

- 2.2 The proposed stable block would provide essential cover for the occupier's own horses along with vital hay storage and equipment storage for machinery required to manage their land holding to the north and west outlined in blue above.
- 2.3 The scale and design of the building is wholly appropriate for its use whilst the location is close to that of the existing stable block, forming a cluster of development around the main house, something that is a common feature within the vicinity of the site. We look at this in more detail later in this appeal statement.
- 2.4 The following plans were submitted as part of the application.



The hatched building shows the existing stables.





Conditional Full Permission

4.0 Planning Policy

- 4.1 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 in 2019).
- 4.2 Local Plan policy LP56 is relevant in the consideration of the planning application.

Policy LP56 Facilities for outdoor sport, outdoor recreation and cemeteries

In the Green Belt proposals for appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries 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.

Proposals should ensure that;

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;

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 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.

- 4.3 Paragraph 19.20 sets out the justification for the policy and the opening line identifies stables as falling within this category of appropriate development - ***There are many existing sport and recreation facilities in the Green Belt, including stables, football pitches, golf courses, cricket grounds etc.***
- 4.4 The **Holme Valley Neighbourhood Development Plan** was adopted in 2021. Policies 1 and 2 were cited in the previous refusal. It should be noted that Holme Valley Parish Council supported the application.
- 4.5 Also relevant to the consideration of this appeal is advice in the **National Planning Policy Framework (NPPF)** published in 2021.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- 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;***
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

(Our emphasis)

5.0 Comments in support of the appeal

- 5.1 The main issue in this appeal is whether the proposed development is considered as appropriate development in the Green Belt. As a starting point, there should be no dispute that the proposed stables and hay/equipment store are appropriate facilities in connection with outdoor recreation. They replace existing stables on the site. This would conform with Paragraph 149 b) of the NPPF and be considered as appropriate development in the Green Belt.
- 5.2 Furthermore, the proposed development would satisfy a) and b) of Local Plan Policy LP56 highlighted in Section 4 above.

5.3 *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*

The scale of the facility is wholly appropriate for the minimum requirements for the stabling of the applicant's horses and the storage of hay and machinery for maintaining their land. At present this machinery is stored outside to the side and rear of the existing property. (see photos).



Tractor used to manage the landholding to the rear of the property. Existing stables in the background and existing garage to the side.



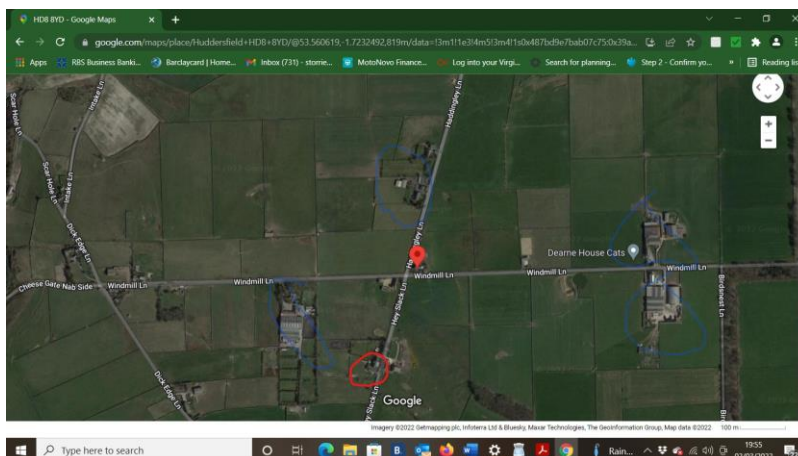


b. the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;

- 5.4 The building has been designed using appropriate external materials associated with stables and agricultural buildings in the locality. The building would be located to the rear of the existing stables on a part of the site that is unusable for exercising their horses due to it being too boggy for large parts of the year.



5.5 As such it relates to the existing dwelling and garage on the site forming a cluster of buildings comparable to the existing situation and that demonstrated by several properties in the immediate locality reflecting its equestrian and agricultural rural character. The image below shows the settlement pattern of the immediate surrounding area. Red identifies the application site whilst blue shows the neighbouring scattered form of development. This shows that nearby properties are characterised by several functional ancillary buildings close to the host dwelling.



- 5.6 The proposed development would reflect this local form and would not introduce a prominent urban element in this location as suggested in the reason for refusal. In terms of scale, the proposed building is smaller than many of the ancillary buildings at the sites identified below.
- 5.7 Taking all of the above into account the development would accord with Local Plan Policy LP56 and advice in the NPPF. Holme Valley Parish Council supported the previous application and saw no conflict with their Neighbourhood Development Plan. The building would be constructed in appropriate materials to reflect the use.

6.0 Conclusion

- 6.1 For the above reasons we consider that the proposed development is appropriate in the Green Belt in terms of its appropriate scale relative to its use, and its purpose. It replaces existing stables and applies room to accommodate existing agricultural machinery that is currently stored outside. The site sits within the Green Belt so any reference to encroachment in the refusal notice is confusing and not relevant.
- 6.2 The applicants own grazing land to the west of their domestic curtilage with a menage within one of their fields. In our view, an option of siting the stables in one of these fields would have a greater impact on the openness of the Green Belt than the proposed location that is read with other nearby buildings rather than in isolation and would be wholly in keeping with the character of neighbouring holdings.
- 6.3 As appropriate development there is no need to advance very special circumstances to justify the development.

- 6.4 From the above, we consider that the Council misdirected themselves in determination of the initial planning application by considering it as inappropriate development in the Green Belt without justification.
- 6.5 For the reasons outlined above we respectfully request that the appeal is allowed and planning permission is granted.