

**Statement of Case
Planning Appeal Relating to:
Erection of Enclosure of Existing Menage
Bradshaw Road Stables, Bradshaw Road, Honley, Holmfirth HD9 6RJ
LPA Reference Number 2022/62/92355/W**

1. Background

- 1.1 The site is part of a large agricultural holding (CPH/Holding number: 495440339). Planning permission was granted for 6 stables and the formation of a menage in November 2006 (Ref: 2006/93716). The menage and stables were constructed late in 2006. In early 2007 five other stables were constructed to accommodate 10 additional horses, making a total of 18 stables on the site. The use of the site was expanded to include a riding school.
- 1.2 In November 2013 planning permission was granted to regularise the additional buildings and the use for the site (Ref: 2013/92401). Prior to that planning consent being granted, the applicant purchased additional land to the northwest of the site that had planning permission for 6 stables and an all-weather menage (Ref: 2009/92946). The 2013 planning approval sought to consolidate all the development in one location.
- 1.3 Since planning permission was granted in 2013, Bradshaw Road Riding School has become a well-established facility, providing an outdoor recreation facility, used by approximately 200 - 300 people each week.
- 1.4 The Riding School is regulated by the Kirklees Licensing, with the staff regulated by the British Horse Society and is used by a number of different groups including:
- Riding School – Riding Lessons on a daily basis
 - Riding for the Disabled Association (RDA), which is a national organisation promoting equestrian activities for disabled groups. The RDA use the facility twice a week. Attached to this statement is a letter of support from the RDA– see appendix 1.
 - WAVES – an organisation based in Slaithwaite that offers young people, adults with learning difficulties and disabilities, opportunities to improve the quality of their lives. Attached to this statement is a letter of support from Waves – see appendix 2.

The riding school is also used for private lessons, training and children's parties (pony parties), Saturday pony club and summer holiday camps.

- 1.5 The use of the facility is always subject to good weather, particularly in the winter when the menage can be waterlogged and becomes unsafe to use. Strong winds also prevent the facility from being used as the wind can scare horses, which has an impact on the safety of participants. Appended to this statement are photos of the menage when it is flooded and unfit for use on 6th and 20th February 2022 – See appendix 3. However, gusty wind is the most common reason for cancelling events.
- 1.6 Not only does the weather impact on the times the menage can be used, but the groups using the facility regularly have other people supporting them, such as parents, carers and other support staff. During the winter months there is no shelter for these spectators which reduces the attraction of the facility and reduces the number of people who may want to use the facility.
- 1.7 Kirklees College offer Equine Studies as part of their curriculum. They currently study at Hargate Hill Equestrian Centre in Glossop. This is 22 miles and nearly one hour's drive from Huddersfield. Bradshaw Road Stables provides a far more sustainable location, being only a 5-mile drive that takes less than 20 minutes from Huddersfield. However, Kirklees College won't use Bradshaw Road Stables as they are unable to guarantee use of the facility all year round, due to the impacts from the weather referred to above.
- 1.8 The proposed development will result in the Riding School taking on an additional four full-time members of staff.

2.0 **Grounds of Appeal**

- 2.1 We believe that the proposed development is acceptable when assessed against the National Planning Policy Framework (NPPF) and the Council's Local Plan.
- 2.2 Within their decision notice the Council state that the proposed development would constitute inappropriate development within the Green Belt as the building:
- Does not meet any of the exceptions in paragraph 149 of the National Planning Policy Framework
 - It would cause significant harm to the openness of the Green Belt
 - It would undermine the purpose of including land within the Green Belt, in particular paragraph 138 (c).
 - The benefits would not constitute Very Special Circumstances that would clearly outweigh the harm to the Green Belt.
- 2.3 In the following paragraphs we set out why we believe the Council's assessment against these four points is wrong.

Paragraph 149 of the National Planning Policy Framework (NPPF)

- 2.4 Part (b) of paragraph 149 of the NPPF sets out that the provision of “*appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation...; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*”, is an exception to inappropriate development.
- 2.5 In this instance it is well established that facilities for horse riding are for outdoor sport and recreation and should be considered in the context of paragraph 140 (b) of the NPPF. However, in the Committee report the planning officer responds to the suggestion that the proposed development accords with Paragraph 149 (b) of the NPPF by explaining that by covering the menage, it would no longer qualify as “outdoor sport and recreation”.
- 2.6 The proposed development does not change the sport of horse riding, which will always be considered to be an outdoor sport. The facility, whilst covered, will help promote the ‘outdoor’ sport of horse riding by providing people with the skills to participate in the sport.
- 2.7 Sports clubs such as football, rugby and cricket clubs are frequently located in the Green Belt, and yet club houses, changing facilities and club rooms are all considered acceptable, even though the sport does not take place in those buildings. Clubhouses are also used for training sessions, where strategies and tactics are taught and explained. It could be argued that this could take place outside, but by being inside the sessions will be better attended increasing the attendance and helps with the overall participation in the sport.
- 2.8 In this case weather conditions, such as wind, stop the sporting activity taking place, so the covered facility helps increase the participation time for the sport at the facility.
- 2.9 The Council have accepted covered menages in Kirklees over the last 10 years, which suggests they consider them to be appropriate facilities for outdoor sport and recreation. The following applications are examples of where the Council have accepted covered menages in the Green Belt:
- Lumb Head Farm, Lumb Lane, Almondbury (Ref: 2019/93455)
See appendix 4
- 2.10 In their justification for the development the applicant explains that the stud business has been established for over 30 years, and the indoor area would allow the applicant to diversify the business, by exercising young colts and basic training before selling them on.
- 2.11 On page 9 of the officers report (Appendix 4) the Council conclude that the proposed development represents appropriate development in the Green

Belt, through the exceptions of Paragraph 145(b) of the NPPF and LP56 of the Kirklees Local Plan.

- 2.12 In this regard, irrespective of scale and the subsidiary elements of Paragraph 145 (b), the Council have viewed the indoor equestrian exercise area for horses as being outdoor sport and recreation. This alone points to a lack of consistency by the Council who state in their assessment of the Bradshaw Road Stables (the appealed site) that if riding '*takes place within a building it would no longer qualify as "outdoor sport and recreation"*'.
- 2.13 We believe the Lumb Head Farm application is simply a business and as explained in the applicant's supporting information the covered area provides the opportunity to diversify the business rather than being an outdoor sport and recreation facility. We believe the proposed development at Bradshaw Road Stables aligns with 'outdoor sport and recreation' for more than the approved development at Lumb Head Farm.

Australia Farm Wilshaw Road, Meltham (Ref: 2013/90300)
See Appendix 5

- 2.14 The applicant's justification is that the menage is required as 'Diversification of the Rural Economy', however there is no justification as to why the menage has to be covered, it would seem that it is acceptable to have a covered menage to facilitate outdoor sport and recreation.
- 2.15 This planning approval is then conditioned to ensure that the development shall be used by the owner of the farm for their private use and not used for commercial purposes. As it is not for commercial use we question how this would help diversify the rural economy. Furthermore, the public benefit is very limited as only the owner benefits from the covered menage, whereas with the appealed application site at Bradshaw Road Stables, a wide cross section of the community would benefit.

Deershaw Farm, Deershaw Lane, Cumberworth (Ref: 2009/91557)
See Appendix 6

- 2.16 As with the Australia Farm application, the justification for this covered menage was the 'Diversification of the Rural Economy', and yet the approval is conditioned to prevent any additional use of the premises, i.e., the covered menage will not increase numbers using the facility. The indoor menage is justified due to the poor weather conditions. In their supporting information that applicant stated "*The proposal is intended to enhance the existing facilities on site for the horses and owners. Approval of the outdoor exercise area earlier this year has prove very successful but because of the exposed nature of the site it has meant that there have been many times when the area could not be used due to bad weather. The indoor exercise area will extend the existing facilities and ensure all year round use*".

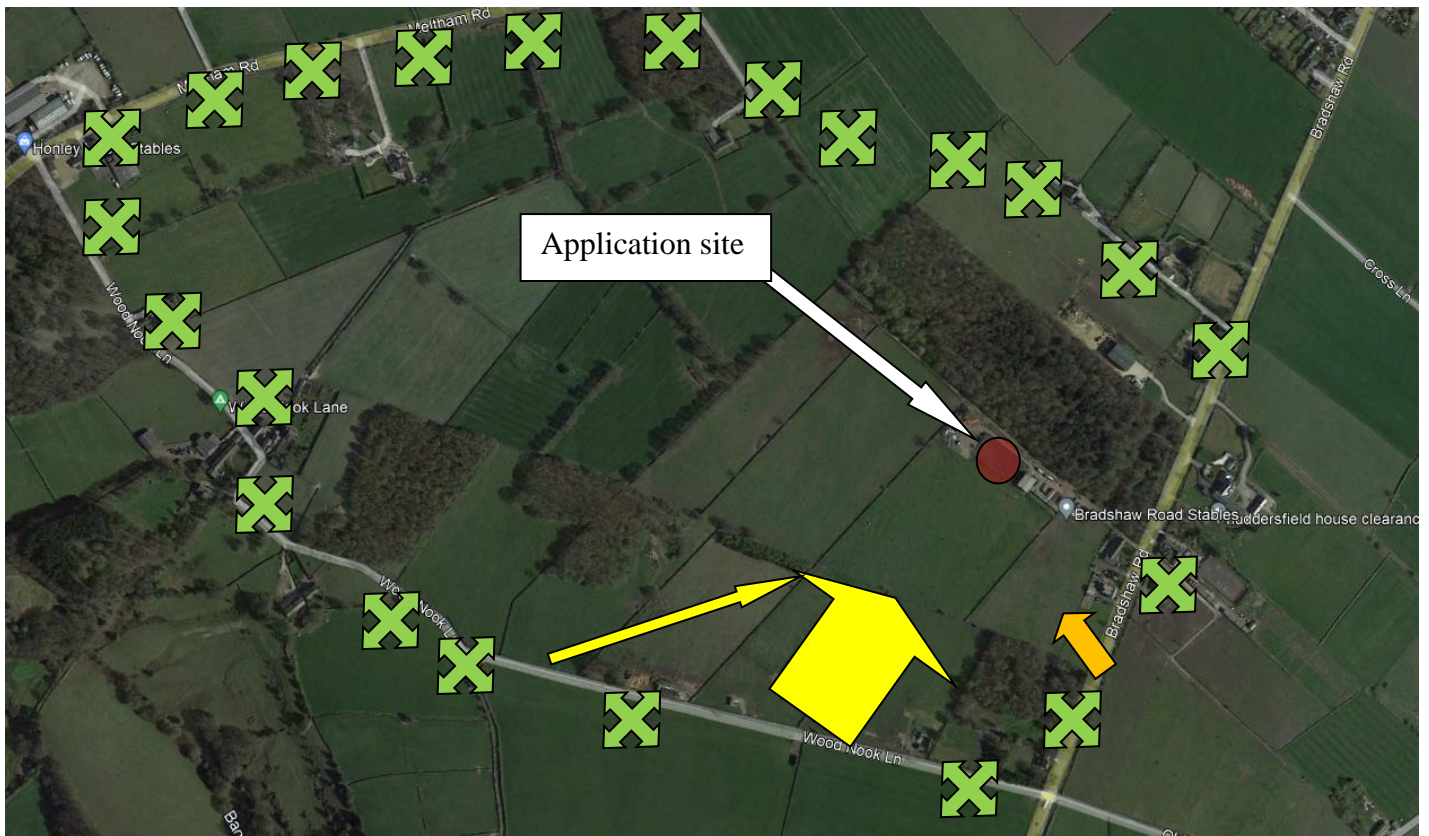
- 2.17 This is the same justification as made with the appealed application for Bradshaw Road Stables, yet the Council have dismissed this as not being outdoor sport and recreation.
- 2.18 We would then conclude that the proposed development at Bradshaw Road Stables should be considered to be for outdoor sport and recreation and therefore Paragraph 149 (b) of the NPPF should apply and the proposed development is an exception to inappropriate development.

Harm to the openness of the Green Belt

- 2.19 Almost all development would cause some harm to the openness of the Green Belt. There is no specific guidance to measure harm to the openness of the Green Belt. It is a subjective matter that has to be assessed on a case-by-case basis.
- 2.20 The Committee report (paragraph 10.13) states that the visual impact of the existing buildings, although they are in open countryside, is limited because they are seen in the context of rising land to the south-west and woodland to the north-east. The planning officer correctly points out that the building would be larger than buildings already on the site and that it would extend the cluster of buildings northwards, rather than being sited amongst the existing buildings. However, the size of the proposed development is no greater than the cumulative size/space occupied by the existing buildings on the site, yet the planning officer explains that the proposed development would be *'clearly visible when viewed from the southern approach from Bradshaw Road'*. Whilst we would not dispute this, as explained later the proposed development would only be visible from a short stretch of the southern approach.
- 2.21 In 10.14 the committee report explains that the resultant harm to the openness of the Green Belt would be substantial, however it's not clear how the planning officer came to this conclusion when the report has already commented that the visual impact of the existing buildings is limited. The proposed development is set in the same location, in the same topography and context as the existing buildings, and therefore the visual impact should also be considered to be limited.
- 2.22 As explained above, the committee report states the proposed development would be clearly visible from the southern approach from Bradshaw Road. The report also sets out that the proposed development would also be *'a highly visible feature when viewed from Wood Nook Lane'*.
- 2.23 In figure 1 below we have carried out a brief visual assessment of the site, from 360 degrees surrounding the site. The green crosses indicate the locations from where the proposed development is not visible. This leaves the three arrows from where the proposed development will be visible from

- a public area. A site visit of the area will confirm these are the only locations from where the site is visible.
- 2.24 The proposed development is mostly visible from Bradshaw Road, however the proposed development is 200m from the road, is set down a slope against a back drop of trees, beyond a cluster of existing buildings. At most the visual impact of the proposed building in this location could be moderate, however the proposed building would only be visible from a 50m length of road, as it is screened by trees and other buildings from the rest of Bradshaw Road.
- 2.25 The proposed building would be visible from a 200m length of Wood Nook Lane, however from here the proposed building would be between 300m – 400m away and set down a slope against a backdrop of trees. We would disagree with the Council's assessment that the proposed development is 'highly visible' from this location, and we would assess the visual impact of the building to be less than moderate from a 200m length of road.
- 2.26 The visibility of the proposed development is clearly very limited from the surrounding area. However, there are further mitigating factors comprising:
- 1) The building will resemble agricultural buildings that would be in keeping with the agricultural vernacular.
 - 2) The proposed development includes tree planting along the southern side of the building to provide screening.
- 2.27 In light of the assessment above, alongside the mitigation factors, we believe the impact on the openness of the Green Belt is minimal if not negligible.

Figure 1 – Visibility of the Proposed Development



Purpose of including land within the Green Belt

- 2.28 Paragraph 138 of the NPPF sets out the five purposes of including land within the Green Belt. In their assessment the Council sets out that the proposed development would amount to encroachment into open countryside.
- 2.29 We do not believe the proposed development would result with 'encroachment' into the countryside. There is no definition for the term encroachment, however perceived wisdom, defines this as a defined strong, defensible boundary between the existing urban area and the countryside. 'Encroachment into the countryside' would be the movement or breaking down of the defensible barrier. In this case we don't believe a single building in the middle of the countryside comprises encroachment.
- 2.30 Notwithstanding the above, we don't believe paragraph 138 of the NPPF comprises an assessment for development. This paragraph would appear to be background information and an aid/assessment for defining or moving Green Belt boundaries.
- 2.31 The way Kirklees Council have used paragraph 138 (c) in their assessment of this development would suggest any new building or structure in the Green Belt would be an encroachment into the countryside, even if the development comprised an exception to inappropriate development as defined by paragraphs 147 – 151 of the NPPF.

- 2.32 We therefore don't believe the proposed development comprises encroachment into the countryside, however, we don't believe paragraph 138 of the NPPF should be used as an assessment for development.

Very Special Circumstances

- 2.33 Whilst we believe the proposed development comprises an exception to inappropriate development as set out in paragraph 149 of the NPPF, we believe the proposed development also comprises 'very special circumstances' as set out in paragraphs 147 and 148 of the NPPF.
- 2.34 As set out above the riding school at Bradshaw Road Stables is used by approximately 200 – 300 people a week. As set out above in paragraph 1.4 the facility is used by a number of groups, including the Riding for the Disabled Association (RDA), which is a national organisation promoting equestrian activities for disabled groups. The RDA use the facility twice a week. Attached to this statement is a letter of support from the RDA– see appendix 1.
- 2.35 The facility is also used by WAVES, which is an organisation based in Slaithwaite that offers young people, adults with learning difficulties and disabilities, opportunities to improve the quality of their lives. Attached to this statement is a letter of support from Waves – see appendix 2.
- 2.36 As explained above the school is also used for private lessons, training and children's parties, Saturday pony club and summer holiday camps.
- 2.37 The riding school accords with Local Plan Policy LP47 (Healthy, active and safe lifestyles), whereby the Council supports healthy, active and safe communities and reduces inequality, by facilitating access to high quality well maintained and accessible open spaces and sports, leisure and cultural facilities. As explained above the facility is used by disadvantaged groups and young people, however their experiences and usage of Bradshaw Road Riding School are frequently curtailed by weather conditions outside their control.
- 2.38 There are no other covered riding school facilities in the area, the nearest one being in Glossop, which means these groups miss out on their recreation experiences or they make the long, unsustainable journey to the facility in Glossop. This is what happens with students at Kirklees College taking Equine Studies. They study at Hargate Hill Equestrian Centre in Glossop. This is a 22 mile, one hour's drive that the students make on a regular basis. Kirklees College won't use Bradshaw Road Stables as they are unable to guarantee use of the facility all year round, due to the impacts from the weather referred to above.
- 2.39 The proposed development will provide a more suitable facility ensuring the riding school can be used all year round. The assurances of not having to cancel sessions means that other groups would commit to using the facility,

increasing access to outdoor sport and recreation for more people in the area. As such the proposed development accords with Local Plan Policy LP50, which sets out that the Council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible.

2.40 By promoting these active lifestyles, and the benefits the facility brings to young people as well as disadvantaged groups we believe the proposed development comprises Very Special Circumstances that we believe outweigh the potential harm to the Green Belt, which as explained above, we believe is minimal.

2.41 It should be noted that Kirklees adopted the approach for Very Special Circumstances when approving a planning application for an indoor archery range less than one mile to the west of this site:

Archery Field, Slate Pitts Wood, Knowle Lane, Meltham (Ref: 2020/94405)
See Appendix 7

2.42 The building was for a private archery club, who used the field and in winter months used an indoor hall at Royds Hall Sports Centre. The Covid 19 Pandemic meant the access to those facilities were restricted. The Council approved the building as Very Special Circumstances, as the proposed development accords with Local Plan Policy LP50, it is one of the few archery clubs in the wider area, and the indoor building suitable for this use cannot be easily shared with other sports clubs.

2.43 Whilst the approved building for the archery club was much smaller than the proposed enclosure, the community benefits and Very Special Circumstances for the proposed enclosed menage are far greater.

2.44 There is simply not space or affordable land for such a development (covered menage) in the urban area. The archery club had history of using a sports centre for their purposes and yet the Council still agreed that a new building for their own use comprised very special circumstances. The archery club is a private members club, whereas the proposed development at Bradshaw Road Stables provides a facility that can be, and is, used by a wide cross section of the community.

2.45 When this planning application was determined at the Strategic Planning Committee on 3 November, members of the planning committee voted to support the officer's recommendation to refuse the application by four votes in favour of the recommendation for refusal, and three against the recommendation for refusal. Clearly this was a close vote, yet we believe the members of the planning committee did not focus on the full benefits or the Very Special Circumstances that the proposed development brings.

- 2.46 The planning committee meeting is available to view on YouTube. A transcript of the members debate is set out in Appendix 8.
- 2.47 Members of the planning committee only focus on the public benefit of the proposed facility being used by the Riding for the Disabled. They seem to disregard all the other groups that use or would use the facility and the benefits it brings to the area. We believe, that considering the closeness of the vote, had the wider benefits of the scheme be considered during the debate the members of the committee may well have voted in favour of the proposed development.
- 2.48 For the reasons outlined above we believe the Council has misinterpreted the use of its planning policies. We believe the proposed development accords with national and local planning polices and this appeal should be upheld.

APPENDIX 1

LETTER OF SUPPORT FROM HUDDERSFIELD RIDING FOR THE DISABLED ASSOCIATION

HUDDERSFIELD GROUP

Charity No: 1074144

Chairman

Mrs. C. Charlesworth,
7 The Village,
Thurstonland,
Huddersfield, HD4 6XU
(01484 666197)

Treasurer:

Mrs. S. Matthewman,
31 Warburton,
Emley, Huddersfield,
HD8 9QP
(01924 840833)

Secretary:

Mr. J. Jones,
14 Becket Crescent,
Dewsbury Moor,
WF13 3PW
(07825 128607)



GROUP ORGANISERS:

MONDAY – EVENING.

Mrs P Conroy
Slater Lane Farm.
49 St George's Road,
Scholes,
Holmfirth. HD9 1UQ
(01484 687499)

TUESDAY – EVENING.

Mrs A Pogson,
43 Thornhill Road,
Edgerton,
Huddersfield.
HD3 3DD
(01484 313720)

14 April 2021

To Whom it May Concern

Dear Sirs,

Re: Bradshaw Road Riding School of Honley, Huddersfield

I understand from Emma Daniels of the riding school that she is hoping to create a covered riding arena at the premises to facilitate riders wanting to ride in all weathers.

Our Riding for the Disabled Group here at Huddersfield began riding at Bradshaw Road Stables in 2019, although since the lockdown first began, our riding operations have been on hold. When the social distancing rules relax and it is safe to do so, we hope to return to the stables in order to continue providing riding lessons for our riders.

For your information, RDA is a national charitable organisation, who celebrated 50 years in 2019, and since 1976 HRH The Princess Royal has been our President. The organisation provides horse riding lessons to disabled persons, which can include the different activities of riding, including jumping and dressage, also carriage driving. Each Group is self-supporting, responsible for its own funding, and our group is 1 of 20+ in the Yorkshire and Cleveland Region. Our particular Group was formed in 1974 and we offer riding and preliminary dressage to around 24 children and adults from in and around our area. Our aims are simple - to give each individual the chance to achieve their own personal goal - gain therapeutic benefit - learn a new skill – have fun.

The site is rather exposed to cold winds and driving rain coming down from the moors, not just in the wintertime. As bad weather conditions can adversely affect our vulnerable riders, having the use of a covered arena would be most beneficial to them, giving us wider flexibility in allowing us to ride when the weather is poor.

Yours sincerely

Chris Charlesworth

Chairperson of Huddersfield Group of Riding for the Disabled |

APPENDIX 2

LETTER OF SUPPORT FROM WAVES



APPENDIX 3

PHOTOS SHOWING WATERLOGGED MENAGE

