



Appeal Decision

Site visit made on 5 December 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/Z4718/W/23/3319385

Bradshaw Road Stables, Bradshaw Road, Honley, Kirklees, Holmfirth HD9 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bradshaw Road Stables and Riding School against the decision of Kirklees Council.
 - The application Ref 2022/62/92355/W, dated 7 July 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the enclosure of existing menage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Other than the paragraph numbers, the provisions in the revised Framework relating to 'Proposals affecting the Green Belt' are the same as those that were in the previous version of the Framework when the council made its decision. Therefore, it has not been necessary to seek the views of the main parties on this matter.
3. The appellant has submitted visual images¹ of the appeal site showing increased planting along the boundary. The council has therefore been able to review these details. No party would be prejudiced by my consideration of them and I have had regard to them in reaching my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework including the effect upon the openness and purposes of the Green Belt;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

¹ Visuals - Proposed Visual Site Plan, Proposed Visual 1 and Proposed Visual 2

Reasons

Whether or not inappropriate development in the Green Belt

5. The appeal site consists of a large menage that is enclosed by a post and rail fence with existing floodlighting columns. It also includes the access from Bradshaw Road and parking area. The wider site has a number of existing buildings and facilities including agricultural type buildings, stables, storage buildings and metal storage containers used in association with Bradshaw Road Stables and Riding school (the Riding school).
6. The appeal site is located within the Green Belt and within a rural area with sporadic clusters of dwellings, farmsteads and equestrian buildings. The appeal site runs alongside woodland outside the site. Although the surrounding area also contains numerous copses of trees it is predominantly an open landscape consisting of fields with undulating slopes.
7. The proposed development would cover the existing menage. It would comprise a rectangular pitched roof steel portal frame building incorporating Yorkshire boarding on two sides and solar panels on the roof. Like the menage its longer side would run parallel to the north eastern boundary of the appeal site. It would have the appearance of a large scale agricultural building not out of character with the rural context.
8. The council has not referred to any development plan policies relating to the general principles of development in the Green Belt in its refusal reason, instead relying on policies contained within the Framework. Paragraph 152 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.
9. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, an exception to this includes sub paragraph b) the provision of appropriate facilities 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.
10. As such, paragraph 154 b) of the Framework sets tests which must be satisfied before such a building can be regarded as not inappropriate. The building must (in this case) provide appropriate facilities for outdoor sport or outdoor recreation, be appropriate for the intended purpose, preserve the openness of the Green Belt and not conflict with the purpose of including land in the Green Belt. The term building includes any structure or erection. The covered menage is a building for the purpose of the Framework test.
11. Given the extensive land within the ownership of the appellant and surrounding countryside I have no substantive evidence from the council to suggest that horse riding or exercising of horses, which are stabled on the site could not take place in association with the Riding school in the wider part of the appeal site, area and not just the menage.
12. Notwithstanding the effect on openness the proposed development for the menage would be related to an existing lawful use. In principle it would be consistent with the Framework in that it would provide appropriate facilities in connection with an existing outdoor sport and recreation use.

Openness

13. A fundamental aim of Green Belt policy is to keep land permanently open. There is no definition of openness in the Framework but in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are therefore their openness and permanence.
14. Although the appeal site is 200 metres (m) from Bradshaw Road and 300m to 400m from Wood Nook Lane, it is clearly visible and recognisable in full view from the locations identified in the visual assessment. It would also be visible within the fields towards the south of the site.
15. From the above locations the existing site is seen against the backdrop of the woodland and in the distance, land does begin to rise and buildings are not seen against the skyline. However, the existing menage is relatively flat and level. The post and rail fencing is low and the lighting columns are slim. This open space above the menage allows views across it. The area of land which would be covered by the appeal building spatially and visually currently has a very minimal effect on the openness of the Green Belt.
16. The council's officer report states the proposed building would measure 60m by 30m and have a pitched roof measuring 4.65m to the eaves 7.6m to the ridge, these figures are not disputed by the appellant. The building would have a significant volume and would take up a considerable amount of space above the flat menage and the area between the woodland and the appeal site boundaries. This would prevent views across the site. Spatially and due to the overall scale of the building, the openness of the Green Belt would be significantly eroded.
17. Whilst not standing in isolation, it is evident from the submitted drawings, the proposed building would be higher and longer than the adjacent steel portal building and the stables and structures towards the eastern side of the appeal site. The appellant asserts the building is no greater than the cumulative size of the buildings on the site. However, due to its position and scale the appeal building would appear bulkier and more prominent than these lower individual buildings and structures which would not screen or mitigate its visual appearance.
18. The woodland behind the appeal building would provide some moderation to the development within the wider landscape as it would enclose one side of the development and the building would therefore not break the skyline. However, the overall fall of the land from Wood Nook Lane and down Bradshaw Road would allow extensive and elevated views of the building including its expansive roof which the woodland would not conceal. The development would also be very noticeable even in the 50m and 200m stretches from the public roads where the views are available.
19. The visualisations provided with the appeal show increased planting to screen the development. This is not supported by substantive details in relation to planting lists, species, numbers, mixes, spacings, protection and management. The absence of detail was of concern to the council's landscape consultee, who suggested a robust and appropriate native woodland planting screen. On the basis of the information before me I cannot be certain that the visualisations provided could be achieved or would be successful. A planting scheme would

need to mature, whereby the visual appearance of the building and effect on visual openness would be apparent for a long time. The fact that the proposal could be sited with screen landscaping surrounding it, viewed within the context of the wider site with limited public views does also not affect the concept of spatial openness. This therefore limits the weight I can attach to the indicative visuals.

Purposes

20. Turning to Green Belt purposes, the site is clearly within the countryside and the proposal would result in physical encroachment of development into it. The effect of development as encroachment on the countryside may also be in the form of loss of openness or intrusion and through the loss of openness, there can also be an intrusion or encroachment into the countryside. As a matter of judgement, the proposal would not assist in safeguarding the countryside from encroachment and it would conflict with one of the five purposes of the Green Belt contained within paragraph 143 c) of the Framework.

Conclusion on whether inappropriate development

21. The proposals would not preserve the openness of the Green Belt thereby resulting in conflict with paragraph 154 b). Overall the spatial and visual effects of the development would cause significant harm to the openness of the Green Belt, which carries substantial weight against the development. The proposal would therefore represent inappropriate development in the Green Belt.

Other considerations

22. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special 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.
23. The proposal was promoted on the basis of that there would be benefits which would constitute very special circumstances. This includes the use of the facility by the Riding for the Disabled Association and an organisation for young people and adults called Waves. I have also read the correspondence from the appellant and interested parties that many children use the facility, and 200 to 300 people can use the facility each week.
24. I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability and age are relevant protected characteristics to which the PSED applies.
25. It is evident that the site is windy and the menage can become waterlogged. As such, the evidence suggests that the cold weather curtails activities, causes cancellations and can make it unsafe to ride horses and impossible for some riders to use the facilities. I recognise that the creation of an indoor menage would provide more certainty against cancelled lessons, greater flexibility for visits, a safer environment at times and therefore potentially enable greater use and allow others to use the facility when otherwise they could not. I do not

doubt that the provision of a facility that could be used all year round would benefit those who share the above protected characteristics to visit the site for recreation, exercise or for therapeutic reasons.

26. However, no evidence has been submitted to demonstrate that the appeal proposal is the only feasible or realistic option available. I have no evidence regarding the number of riders who use the facility at any one session or the dimensions required to accommodate riders. Whilst the height is required for show jumping, it is not clear if the overall space is particularly generous or whether it could be accommodated within a less voluminous building with corresponding reduction to the spatial and visual openness of the Green Belt. Therefore whilst there are significant benefits and weight associated with the development in respect of the PSED the weight is moderated by the above factors.
27. It is also appreciated that private lessons, training, parties, clubs and summer holiday camps afford the opportunity for access to recreational activities which support healthy and active and safe lifestyles, and in this respect the proposal would accord with Policies LP47 and LP50 of the Kirklees Local Plan Strategy and Policies 2019. However for similar reasons to the above this only attracts limited weight.
28. There would also be some economic benefits through the construction of the development. Although the proposal is claimed to provide 4 jobs, there is very little information provided in this respect. There are no details regarding whether the development is essential to support the operation of the Riding school nor is there any evidence that it would cease to operate without the covered menage. The overall scale of the economic benefits would therefore in this instance be small, and the weight to be attached would be limited.
29. The appellant also suggests the development would be in a more accessible location than another facility in Glossop due to the absence of similar facilities in the locality. Whilst the appellant contends that students from Kirklees College make unsustainable trips to study at Hargate Hill Equestrian Centre in Glossop, there is no evidence from Kirklees College to demonstrate why the appeal business is not used or even if they would use it. As such, I can only attribute limited weight to this aspect.
30. I note the comments that the proposed development could result in a tidier site. However, there is no substantive evidence to show that this is a significant problem that can only be resolved by the development. The proposed landscaping schemes could include native woodland and notwithstanding the final comments on 10% biodiversity net gain, potentially could increase the biodiversity of the site. The steel roof would provide a full array of solar/photovoltaic cell panel along one side of the long elevation of the building. These environmental benefits are small scale, and therefore only attract limited weight.

Other Matters

31. The appellant has drawn my attention to a number of local authority approvals in respect of covered menages. I note that several of these sites also included specific outside riding areas. However, in principle I agreed with the appellant view that it was an appropriate facility in connection with an existing outdoor sport and recreation use, but as to the effect on openness there is a degree of

subjectivity which require site-specific judgements to be made taking into account the surroundings.

32. In relation to the Archery Fields permission, it is noted that the council considered the proposed development to be the likely reasonable minimum size building for the activity. However, in this case I do not have the evidence to be satisfied that this is the case and for these reasons the examples do not alter my views.
33. The voting outcome by the planning committee may have been close. As with the representations received, I have noted the elements which support the proposal, which are similar to those above. However, notwithstanding the content of the debate, which addresses similar arguments as my decision, it is the final decision of the council I must have regard to.

Green Belt Balance

34. The proposal would be inappropriate development which would be harmful by definition. It would result in a reduction to visual and spatial openness and would conflict with one of the reasons for including land within the Green Belt. This harm carries substantial weight by definition.
35. The other considerations do not clearly outweigh the substantial weight that I give to the significant harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, the proposal would conflict with the Framework with regard to protecting Green Belt land.

Conclusion

36. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR