

**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:	2022/62/93441/W
Site Address:	rear of, 330, Leymoor Road, Golcar, Huddersfield, HD7 4QL
Description:	Erection of stables and exercise area
Recommending Officer:	Katie Chew

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 24th January 2023

Officer Report

Site Description

Rear of, 330, Leymoor Road, Golcar, Huddersfield, HD7 4QL

The application site relates to a portion of undeveloped land located to the rear of no. 330 Leymoor Road in Golcar. The site is accessed via a partially adopted road and bridleway (COL/240/10) off Hollin Hall Lane. To the south-east and south-west of the site are existing residential dwellings. To the north are further undeveloped fields.

Officer note: Directly adjacent to the site to the south-east works are underway to implement application 2016/90153 for the erection of a detached dwelling. Concerns were raised previously with regards to the validity of this application which expired on the 23rd of March 2019. A certificate of lawfulness (app ref: 2022/92869) has now been issued stating confirming that a valid commencement has been made. It should be noted that the layout of the dwelling and parking shown on the submitted plan does not align with the planning permission granted for the dwelling. Of note, the approved scheme does not allow for vehicular access along Hollin Hall Lane to the side and rear of the dwelling, or a parking space to be formed to the north west of the dwelling. [Block plan](#)

The application site is not within a Conservation Area but is located in close proximity to Grade II Listed buildings, which are located to the south-east of the site approximately 36m away.

Description of Proposal

The application seeks planning permission for the erection of stables and exercise area.

The proposed building is to be 'L shaped' facing away from the adjacent bridleway to the south-west. The proposed exercise yard is to be located to the front of the stables and is to be approximately 136.30sqm in size. The proposed stable block is to measure around 11m x 9.5m, with a ridge height of approximately 3.8m. The stables are simple in design, providing 4 stables, with a large feed store and tack room.

The proposed stables are to be constructed from timber boarding and a profile metal clad roof.

History of negotiations/amendments received

No amendments have been sought in this instance as officer's had previously raised their concerns and requested additional information in respect of why the stables are required, and at the size proposed, details on access and

parking, how noise, dust, and waste will be managed and what impacts the proposals would have on the adjacent bridleway, within the previously withdrawn application reference 2021/94579. As this information has again not been submitted officers have sought to move the application forward to a decision.

Relevant Planning History

2021/94579 – Erection of stables and exercise area. Withdrawn 23rd July 2022.

Planning Enforcement

COMP/22/0050 – Alleged unauthorised excavations. Pending consideration.

Representations

Final publicity date expires:

Neighbour Letters – Expired 13th December 2022.

Site Notice – Expired 1st December 2022.

Press Notice – Expired 16th December 2022.

9 representations have been received in objection to the proposals, comments are summarised below.

- If these stables were to be erected any vehicles would need to access them via Hollin Hall Lane which is a designated bridleway;

Officer note: Noted. The Council's PROW and Highway officers have been consulted on the proposals; their comments can be found within the consultation responses section of this report.

- The stretch of Leymoor Road between Hollin Hall Lane and the 'main' road is a sharp bend with no pavements and poor visibility. There are 2 bus stops on the main road and so it is a busy route for pedestrians. Large vehicles such as horse boxes and feed wagons associated with the stables would create a significant additional road safety hazard in this area;

Officer note: Noted. The Council's Highway officers have been consulted on the proposals, their comments can be found within the consultation responses section of this report.

- The stables will be in very close proximity to residential dwellings and the bridleway; The plans show little or no regard regarding the impact on nearby properties and the environment. Look at the site plan the

stables are set as close to Hollin Hall lane as possible whilst allowing for possible widening?

Officer note: Noted. The Council's PROW and Environmental Health officers have been consulted on the proposals, their comments can be found within the consultation responses section of this report.

- The stables will generate significant waste, how will this be disposed of?;

Officer note: Noted. Should the application be recommended for approval the applicant will need to submit a Waste Management Plan prior to the stables being brought into use.

- These stables and exercise area will be detrimental to the wellbeing and green belt land that Golcar residents have enjoyed for decades, the proposal will result in the encroachment into green belt land;

Officer note: Noted. This is assessed in detail within the principle of development section of this report.

- Concerns over access to the public right of way during and after construction if approved; The highways reports state the bridleway should not be blocked, but has been blocked repeatedly during the build of the home on the land read of 330. Given the nature of stables how will the owners prevent blockages outside the bridleway.

Officer note: Noted. The Council's PROW officers have been consulted on the proposals, their comments can be found within the consultation responses section of this report.

- What has changed since the previous application taking the site from eight horses to four? Could the applicant add further stables to the site if approval is given?;

Officer note: Noted. Should planning permission be granted and the applicant wish to extend the stables in future a further planning application would be required.

- Will the stables be for private use or will other people's horses be kept there?;

Officer note: Should planning permission be granted a condition could be included which restricts the use of the stables to personal use only.

- There is no information on the application as to what vehicle access will be to the stables, including the delivery of feed etc. Parking is already limited given not all homes have a drive away, therefore where will the livery trucks park?

Officer note: Noted. The Council's Highways officers have been consulted on the proposals, their comments can be found within the consultation responses and impact on highway safety sections of this report.

- The 'scrubland' should be left in its natural condition and be preserved and allowed to flourish;

Officer note: Noted. This is assessed in the biodiversity section of the report

Will horses graze the adjacent land? Animal grazing could turn this area into a boggy mess as a considerable amount of water drains from the hillside and bridlepath onto this land; The fields are wet and unsuitable for livestock – it has been tried before and abandoned;

Officer note: Noted. No information has been provided to say whether this adjacent land is to be used as grazing fields for the horses however, this would fall outside the remit of this current planning application and therefore will not be assessed within this officer report. The keeping of horses on the land would not require planning permission.

- Concerns over the impact on outlook.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

Officer note: Unfortunately, residents do not have a right to a view and therefore this cannot be assessed within this officer report.

- Smells associated with stables will considerably impact on users of the bridleway; has any thought been considered about this toxic mix of large animals possibly with foals and small children lots of ramblers lots of dogs. All this on top of flies smells and possibly rodents.

Officer note: Noted. The Council's Environmental Health officers have been consulted on the proposals, their comments can be found within the consultation responses section of this report. The impact of users of the bridleway is also assessed in the report

- Concerned that if approved it would set a precedence for other Green Belt sites;

Officer note: Noted, however each application is based on its own merits.

- Concerns that the proposals would negatively impact on the wildlife in the area.

Officer note: Noted. The submitted plans do outline the installation of bird boxes and trees to the rear of the stables, should planning permission be granted a bat box would also be required to be installed within the stable block in the interests of 'biodiversity net gain' but this might not compensate for the loss of scrubland to facilitate the development.

- There is likely to be an increase in noise from any business activities which will have an adverse effect on the character of what is usually a very quiet residential area.

Officer note: Noted. Environmental Health officers have been consulted, their comments can be found within the consultation responses section and this is also discussed further within the residential amenity section of this report.

- The erection of the house on Hollin Hall Lane is still undecided/Given that the home on the land rear to 330 has been undertaken without the lawfulness consent being approved (2022/92869) there is little faith around the conditions and rules being adhered to

Officer note: Noted. The validity of the building work is being assessed under application 2022/92869 and therefore falls outside of the remit of this current planning application.

- The land to the rear of 330 Leymoor is incredibly boggy due to disruption of the water table. With waterworks, waste removal and drainage required, what actions will be taken to not disrupt it further? There is a natural channel dug into the land but this does not prevent cellars from being flooded, will this channel be protected to ensure surrounding homes are not impacted?

Officer note: there is only limited information regarding drainage submitted with the application. If the application was to be approved it could be the subject of a pre-commencement condition regarding drainage work.

- Lighting: how will the property be lit at night? The area has a lot of bats therefore their habitats should not be affected. We have found newts in our garden previously, has an environmental study been completed to ensure there are no protected species in the streams on the near by land?

Officer note: Noted. If permission was to be granted this could be the subject of a condition preventing any external lighting. No environmental study or preliminary environmental assessment has been undertaken.

- Bulk animal feed is usually delivered by large tractor in big black round bales covered in industrial cling film how is this waste going to be disposed of, hopefully not left to blow around as does builders waste on an adjacent development. Lastly will the stables be built out of large

prefabricated sections if so how will these be transported to the site?

Officer Note: An assessment of highway safety considerations and access to and from the site is set out in the report below. Should the application be recommended for approval the applicant will need to submit a Waste Management Plan prior to the stables being brought into use to ensure that any waste is disposed of correctly.

Officer note: The application has been advertised by neighbour notification as well as site notice and press notice (setting of listed buildings and public right of way) in line with the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being in close proximity to a Public Right of Way and Listed Buildings.

Consultation Responses

KC Highways Development Management – Comments received 13th December 2022. No objections subject to conditions and a footnote, restricting the stables and exercise yard area to private use only, the requirement for a schedule of the means of access to the site for construction traffic and to ensure that the public bridleway COL/240 is not obstructed prior to, during or after development works.

Yorkshire Water – Comments received 29th November 2022. No objections subject to conditions relating to drainage.

KC Environmental Health – Comments received 25th November 2022. No objections subject to conditions relating to the provision of electric vehicle charging points, restricted use of the stables for private use only, noise pollution, light pollution, waste and dust management.

KC PROW (informal) – Comments received 12th December 2022. PROW officers raise no objections subject to conditions restricting the use of the stables to private use only, and that no changes shall be made to the existing surfacing of the PROW such as tarmac.

KC Ecology (informal) – Comments received 16th January 2023. No objections although a Preliminary Ecological Appraisal should be undertaken prior to determination of the application.

Parish/Town Council

N/A.

Local Ward Members

Councillor Turner – Emailed officers on 9th January 2023 to be provided with an update on the application. Commented that the application is in Green Belt land and would have a serious and detrimental effect on the bridleway and surrounding houses.

Planning Policy Background

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 application site is located within the Green Belt. It is also important to note that to the south-east of the site there are Grade II Listed Buildings, in addition, running along the south-west of the site is a public bridleway, this bridleway will also form the access to the site.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable Energy
- **LP28** - Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** - Landscape
- **LP35** – Historic Environment
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP56** – Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and Policy LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land Allocation (Green Belt)

As outlined above, the application site is located within the Green Belt in the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph 149 or 150 of the NPPF.

Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that

openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.

Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. The exception at paragraph 149 b) allows for 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.

Similar to Paragraph 149 of the NPPF, Policy LP56 of the Kirklees Local Plan states that: *“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.”*

However, Policy LP56 goes on to state that: *‘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.”

The text supporting this Policy notes that: *“As a consequence of changes to agricultural practices and a decline in agriculture generally, the fragmentation of former agricultural holdings often results in individual land parcels being used for the keeping and grazing of horses, where a need for new stabling, including associated buildings for the storage of feed and tack, can arise. Usually, the proposal will be for ready-made stables and these are generally acceptable where they are of timber construction and can be appropriately and unobtrusively sited... Stables should where possible be sited where access already exists, as the impact of any new access will be taken into account in assessing impact”*

Within the submission no details have been provided by the applicant to demonstrate whether there is a genuine need for the proposed stable block, and if so, why the stables are proposed to be of this scale and size in this location. Furthermore, no details are available with regard to number of

horses either currently owned by the applicant/or proposed to be accommodated by the proposed stable block should planning permission be granted. Therefore, a full assessment cannot be undertaken to assess whether there is a genuine need for this structure, or if the scale of the facility is reasonably required to accommodate the applicant's needs. This additional information has not been requested in this instance as the need for these details were previously highlighted to both the applicant' and applicant's agent within the previously withdrawn scheme (ref: 2021/94579).

Whilst an exercise area is shown to be provided to the front of the stable block for the horses, again no details are provided with regards to any cut and fill, levelling out of the land, or the materials to be used within the hardstanding area. Whilst, it is acknowledged that this area does appear somewhat level and therefore minimal engineering operations are likely to be required to provide this exercise yard, it would still result in an urbanisation of the site, especially when viewed from the bridleway.

The keeping and riding of horses is generally accepted to be an outdoor countryside pursuit. Consequently, the provision of a suitable building to provide shelter for them could reasonably be considered an appropriate facility for outdoor sport or recreation in accordance with the NPPF and Policy LP56 of the Local Plan. However, in this case in the absence of information, to justify that the *scale of the facility is no more than is reasonably required for the proper functioning of the enterprise* the development is deemed to be inappropriate in the Green Belt. A further test of the appropriateness of the Green Belt in respect of policy LP56 and the Framework is whether the proposal would preserve the openness of the Green Belt. To conclude in summary the proposal would not, but this is assessed in detail below.

Impact on the openness of the Green Belt

In respect of openness of the Green Belt, 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.

As noted previously LP56(b) of the Local Plan outlines that facilities for outdoor sport and recreation should be unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including and new or improved access and car parking areas.

In this instance the application site and land extending to the north, east and north-west relates to undeveloped open countryside, whereby there is limited built form. The proposed introduction of a 4-bay stable block, tack room and feed store and large exercise yard is considered to clearly undermine both spatial and visual aspects of openness. Whilst the proposed building is of a design and construction that is typical of stables within the countryside, the simple inclusion of such structures and engineering works within this open

and undeveloped location would result in the urbanisation of the site. Furthermore, the stable block and access yard area is to be accessed by and located adjacent to public bridleway COL/240/10 which is a key non-vehicular access route from Golcar to Scapegoat Hill, the proposals would therefore see an increase in activity along this bridleway and would result in the site being openly visible from the public realm. Further afield views would also be had from Parkwood Road to the east.

To the front of the stable block is a substantial exercise yard and access area which is outlined on the submitted plans as being levelled and finished with a self-draining surface. No details are provided with regards to what this access area or why it is of this excessive size or how it would be used for in the future should planning permission be granted, however it is likely that it could be used to store paraphernalia relating to the proposed use such as horse boxes etc. thus adding to the overall intensification of the site within this exposed and undeveloped area. Whilst no vehicular access is stated to be proposed at the site or car parking areas, given the scale of development and nature of the facilities proposed it likely that vehicular trips would be made to the site which would further erode the openness of the Green Belt. It is reiterated that the dwelling indicated on the proposed block plan and access arrangements shown to this do not accord with the development approved on that site.

In spatial and visual terms therefore, the proposed development would intrinsically add built development where presently there is none and it would be visible from certain perspectives, resulting in a visual as well as physical reduction in openness. As such, the proposed development would result in harm to the openness of the Green Belt. For similar reasons, it would result in an encroachment into the countryside, in conflict with this Green Belt purpose, as set out in paragraph 138 (c) of the NPPF.

The conclusion is therefore that the proposed development would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. It would not therefore fall within the forms of development at paragraph 149 of the Framework or accord with Policy LP56 of the Local Plan. Accordingly, it would be inappropriate development in the Green Belt and would be inherently harmful to it, in conflict with the relevant provisions of Chapter 13 of the NPPF.

Very Special Circumstances

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 sets out that 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.

There are no very special circumstances apparent to the case officer that would clearly outweigh the harm caused to the Green Belt from the development proposed and none have been put forward by the applicant.

To conclude, the proposal would be inappropriate development in the Green Belt, which is by definition harmful. It would further harm the openness of the Green Belt and one of the purposes of including land within the Green Belt. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with it.

2 – Impact on Visual Amenity and Heritage Assets

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

“The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

Policy LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The stables and exercise yard would be overly prominent and incongruous in the context of undeveloped land in which they would be sited. They could not respect the landscape and would harm the landscape quality of the wider area, in particularly when viewed from the bridleway.

The development therefore would be unacceptable in terms of visual amenity and would conflict with Policy LP24a and LP32b of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.

Paragraph 199 of the NPPF states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”. This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

As outlined above, the application site is located proximate to Grade II Listed Buildings to the south-east (nos. 338, 340 ad 342 Leymoor Road). In relation to any impact on the setting and significance of these adjacent Listed Buildings the proposed stables would be located a significant distance away, would be single storey in height and be constructed with a design and materials which are not considered uncommon for such types of buildings in the countryside. It is also of note that the new build dwelling to the south of the stables would screen some of the view of the stables from these listed buildings. However, further built form would cause harm to the appreciation of these listed buildings in particularly by users of the bridleway as they would remove open land and replace this with a building and associated hardsurfacing and paraphernalia. The encroachment of development into open land would serve to further isolate the listed buildings from their original setting. It is concluded that this would result in less than substantial harm to the significance of these heritage assets.

Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the land use is currently open and there are no public benefits perceived to be arising from the development of this land for the purposes proposed. The development would therefore be contrary to Policy LP35 of the Kirklees Local Plan and para 202 of the NPPF.

3- Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Policy LP52 relates to the impact of pollution.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers and Chapter 15 includes Policies on the protection from pollution.

Impact on dwellings located on Spring Side Rise (backing on to the application site)

These neighbouring properties are located to the south-west of the application site, approximately 5-6m away (when measured from the rear garden areas). Given the differences in land levels and that the proposed stables are to be single storey in height, there are no concerns with regards to overshadowing or the proposals appearing overbearing. Furthermore, there is sufficient screening from boundary treatments to the rear of the above neighbouring properties to ensure that overlooking would not be an issue in this instance.

Impact on dwellings located on Leymoor Road (backing towards the application site)

These neighbouring properties are located to the south-east of the application site. Whilst the majority of the dwellings would be located a sufficient distance away to ensure overlooking, overshadowing, and the proposals appearing overbearing in nature would not be a concern, officers do note that a new dwelling has been erected directly to the south of the application site. The proposed stables are single storey in height and would be viewed against this existing two storey property and given the orientation of the dwelling to the stables it is unlikely that there will be issues with overshadowing. Although habitable room windows are located within the northern elevation of this new dwelling, due to the nature and use of the stables it is unlikely that there would be concerns arising from overlooking or the loss of privacy.

It is also important to note that the Council’s Environmental Health officers have been consulted on the proposals and do request a plethora of information to be submitted should planning permission be granted. Conditions are also proposed to restrict things such as construction working times and artificial lighting at the site, to ensure that no neighbouring properties would be impacted by stray light, glare and noise. The information required includes details of how waste and dust are to be managed, and a noise impact assessment should also be provided to ensure the residential amenity of the neighbouring properties is not negatively impacted upon.

Given the extent of information requested, and that no such detail has been provided, it has not been demonstrated that the development could be undertaken without negatively impacting upon the amenity of adjacent

neighbouring properties. The scale and proximity of the stables could result in both noise and odour pollution, however without such information being submitted to the Council a full assessment cannot be undertaken.

It is therefore concluded that for the proposals as submitted, it has not been demonstrated that the development could be undertaken without resulting in a material loss of amenity to nearby residents, in particular those to the south west of the site on Spring Side Rise through noise and odour pollution. Thus the development would be contrary to Policies LP24b and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application is for the erection of 4 stables, tack room and horse exercise area on land accessed via a new access point on to Hollin Hall Lane, an unadopted and unsurfaced track of approximately 3m width with no footways or streetlighting that hosts PROW bridleway COL/240. The application states that vehicular access would not be formed to the site, although the access gate would be of a width capable of accommodating a vehicle. It should also be noted that the parking and access arrangements indicated for the new dwelling to the south of the site does not accord with the development approved. No vehicular access or parking was permitted to the north west of the dwelling.

Whilst Highways DM raised no objections to the proposal it was noted that the red line boundary stops approximately 50m short of joining the adopted highway, this may mean that vehicular access to the site is not available: as set out above it is not 'proposed' but the access gate and the size of the associated exercise yard might indicate otherwise. Highways DM suggest the applicant contact their solicitor to check that they have a vehicular right of way over the unadopted section of Hollin Hill Lane.

Whilst no trip generation details have been provided, and it is indicated that no vehicular access is required to the site, highways officers consider that under normal domestic use, the trips generated would not be sufficient to have a severe impact on the operation or efficiency of the local highway network. As no parking has been indicated on the submitted plans, it is assumed that there will be no vehicular access required to the site after construction has been completed. Officers request that no vehicles should park on Hollin Hall Lane where it would obstruct the use of the adjacent PROW, this includes during construction.

To maintain a very low vehicular trip generation officers proposed to restrict the use of the stables and exercise yard to private use (by the applicant) only.

As the site is accessed along the PROW bridleway officers would not wish to encourage any additional traffic to use this route, the PROW should remain unobstructed by the proposals. The Council's mapping systems show that the PROW should be a minimum of 2.4m in width and be unsurfaced/rough surfaced. There should be no changes to this without consultation with, and written confirmation from the Kirklees PROW team. In addition, given the nature of this access Highways officers request the submission of a construction access plan prior to commencement.

Taking the above assessment into account, whilst no access or parking details have been provided within the submission, it is considered unlikely that vehicular access would not be required to the site at any time e.g., deliveries, moving horses, visiting the stables in general. It is also noted that a large hardstanding area is to be provided within the compound, if this is not to be used for the parking of vehicles, it is not clear as to why this area of the site is required. Furthermore, and as noted within the Highways officer's assessment an access could not be provided to the site for vehicles as the red line boundary for the site stops approximately 50m short of joining the adopted highway, this may mean that the use of the site is somewhat restricted. Without full details of what realistic access is required at the site officers cannot make a full assessment on whether or not the proposals would result in negative impacts on highway safety, including the public bridleway. At present, access to and along the bridleway in the vicinity of the site is unhindered and there are no conflicts between horses and vehicles beyond that historically associated with the access and parking arrangements for the dwellings to the south east of the site, including that approved for the new dwelling. The proposed development would likely create some degree of conflict between horses, pedestrians and any form of vehicle associated with the construction or ongoing maintenance of the use on site.

The information on the submitted plans conflicts with the information on the application form regarding access to the site, and the block plan inaccurately shows access and parking to the adjacent dwelling. In all, based on the submitted scheme the development would not be in the interests of Policy LP21 as it could adversely impact on users of the bridleway which would mean that could not be accessed effectively and safely by all users. Furthermore, it would be contrary to paragraph 110b of the NPPF which requires development to have a safe and suitable access...for all users.

5 - Other Matters:

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with the Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Whilst the application site is not located within a bat alert area, the land does exist as undeveloped marshy scrubland, of potential ecological value. An informal consultation was undertaken with the Council's Ecologist whereby they noted that due to the proximity of the site to the Kirklees Wildlife Habitat Network and the presence of semi-natural habitats at the site within the context of the Green Belt, a Preliminary Ecological Appraisal (PEA) would be required to be undertaken, prior to determination of the application. The PEA should identify the habitats present at the site and determine the site's suitability for protected and notable species. The applicant should engage with a suitably qualified ecologist to undertake this PEA in line with CIEEM guidance. The applicant should also provide details on how the adjacent Wildlife Habitat Network is to be safeguarded throughout the development and how the scheme will ensure that a biodiversity net gain is achieved, in line with policy LP30 of the Kirklees Local Plan.

Given the assessments made by officers on the principle and other material considerations such as visual, residential and highway concerns, a Preliminary Ecological Appraisal was not formally requested from the applicant and therefore officers cannot undertake a full assessment on what, if any harm there would be to biodiversity in the area, and should mitigation or compensation be required, to what extent this should be. It is acknowledged that 8 no. Rowan trees are proposed to the rear of the stables with the suggestion of bird boxes included within these trees. However, without any formal evidence of the enhancements required officers cannot conclude whether this isolated measure would be sufficient in this instance and there is no baseline information to demonstrate what habitat may be lost and why rowan trees would protect, mitigate or compensate for the loss of such habitat.

Had the application been otherwise acceptable, the officer would have required the submission of a PEA during the course of the application. However, it is not. The lack of information to assess the scheme against national and local policy is another reason to refusal the application. The submission fails to demonstrate that the development will not result in significant loss or harm to biodiversity through avoidance, mitigation and compensatory measures or provide opportunities to enhance biodiversity value and ecological links. This is contrary to Policy LP30 of the Local Plan and Policies in Chapter 15 of the NPPF.

Drainage

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). However, to the north and east of the application site there is an existing

culverted watercourse. It is also acknowledged that the application site is in an area which is known to be prone to localised flooding. As no details have been provided in respect to land drainage and how surface water flooding would be dealt with, officers cannot confidently conclude that the proposals would not cause further harm to the existing problem of flooding. Should the application be considered acceptable in all other respects, this would have been sought during the course of the application. This would have been in accordance with LP28 and the requirement to consider local conditions of potential local surface water risks.

Yorkshire Water were consulted on the proposals, and they raised no objections stating that they fully endorse the means of surface water being drained to a soakaway. However, they did note that there may be a private water main crossing the site, and that some off-site mainlaying may be required. This site could be supplied from gravity subject to the building's height and demand, their response also outlines that a live water main with washout also runs close to the red lie boundary, if this not required for the development these will need to be diverted/disconnected and all costs be borne by the developer. YW recommend conditions requiring separate systems of drainage for foul and surface water on and off the site (no foul drainage is proposed), and that no piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water have been completed.

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.

Due to the scale and nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development to reduce carbon emissions.

There are no other matters for consideration.

6 - 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, subject to conditions, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2022/93441

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed stables, feed store and tack room and associated exercise yard would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The development would therefore not fall within the forms of development referenced as not inappropriate development at paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) or accord with Policy LP56b of the Local Plan. Accordingly, the development would constitute inappropriate development in the Green Belt, would conflict with one of the purposes of including land within the Green Belt and would be inherently harmful to it, in conflict with the relevant provisions of Chapter 13 of the NPPF.
1. It has not been demonstrated that the development could be undertaken without negatively impacting upon the amenity of adjacent neighbouring properties through noise, dust and odour pollution emanating from the proposed stables. Without such information, neighbouring properties could be subjected to poor residential amenity and quality of life. On the basis of the submitted application the proposals are therefore contrary to Policies LP24b and LP52 of the Kirklees Local Plan and policies contained within Chapters 12 and 15 of the National Planning Policy Framework.
2. The proposed stables, feed store and tack room and associated exercise yard, by virtue of their overall massing, scale and location would introduce an overly prominent, urban and incongruous form of development within the context of open undeveloped land, adjacent to a public bridleway. The introduction of development of this nature within this open setting would not respect the landscape, causing harm to the visual quality of the wider area. This is contrary to Policies LP24a and LP32 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

3. The development would result in less than substantial harm to the setting of the nearby Grade II Listed Buildings nos. 338, 340 and 342 Leymoor Road, located to the south-east of the application site. The harm would arise through the development of open land from which the buildings can be appreciated and would serve to further isolate these listed buildings from their rural original setting. There are no public benefits which outweigh the less than substantial harm identified to these adjacent heritage assets. The proposal is therefore contrary to Policy LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990).
4. It has not been demonstrated that the application site can be accessed effectively and safely by all users. In particular, it has not been demonstrated that the development and use of the site could be undertaken without adversely affecting the use and users of the adjacent public bridleway (COL/240/10). In these circumstances the development would be contrary to Policy LP21 of the Kirklees Local Plan and paragraph 110b of the National Planning Policy Framework which requires development to have a safe and suitable access...for all users.
5. The application site comprises undeveloped marshy scrubland with semi-natural habitat of potential ecological value adjacent to a section of the Kirklees Wildlife Habitat Network KWHN. In the absence of the submission of a Preliminary Ecological Appraisal, a full and proper assessment of the impact of the development on: any identified habitats present at the site; the site's suitability for protected and notable species; how the adjacent KWHN is to be safeguarded throughout the development; and how a biodiversity net gain is to be achieved post-development cannot be undertaken. In these circumstances the development is contrary to Policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20 th October 2022
Proposed Plans and Elevations Stable Block	01	A	20 th October 2022
Proposed Site Plan	03	A	4 th November 2022

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 have, where possible, made a

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as officer's had previously raised their concerns and requested additional information in respect of why the stables are required, and at the size proposed, details on access and parking, how noise, dust, and waste will be managed and what impacts the proposals would have on the adjacent bridleway, within the previously withdrawn application reference 2021/94579. As this information has again not been submitted officers have sought to move the application forward to a decision.

Report Dated:

16/01/2023