



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93441/W

To: Alan Davies
Northern Design (Oldham)
17, Station Lane
Grotton
Oldham
OL4 5QY

For: Mr And Mrs Heffron

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

ERECTION OF STABLES AND EXERCISE AREA

At: REAR OF, 330, LEYMOOR ROAD, GOLCAR, HUDDERSFIELD, HD7 4QL

In accordance with the plan(s) and applications submitted to the Council on 03-Nov-2022. The reasons for the Council's decision to refuse permission for the development are:

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 National Planning Policy Framework.

2. 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.

3. 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.

4. 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 & Conservations Areas) Act (1990).

5. 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.

6. 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	-	-	20th October 2022
Proposed Plans and Elevations Stable Block	01	A	20th October 2022
Proposed Site Plan	03	A	4th 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 officers 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.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [the Planning Inspectorate website](#)
Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 24-Jan-2023

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/62/93441/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
