PLANNING SUPPORT STATEMENT

PLANNING APPLICATION FOR EQUESTRIAN BUILDING FOLLOWING DEMOLITION OF STABLES (RETROSPECTIVE)

MEADOWLANDS, BRIESTFIELD ROAD,
BRIESTFIELD, DEWSBURY, WF12 0PA

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CONTENTS

1.0 INTRODUCTION

2.0 THE SITE, PROPOSAL AND BACKGROUND

3.0 PLANNING POLICY

3.1 Central Government Guidance

3.1.1 The National Planning Policy Framework

3.1.2 Planning Practice Guidance – Green Belt

3.1.3 Planning Practice Guidance - Design

3.2 Local Planning Policy

3.2.1 Local Plan

4.0 THE ISSUES - THE DEVELOPMENT PLAN & OTHER MATERIAL CONSIDERATIONS

4.1 The Development Plan

4.2 Other Material Considerations

4.2.1 The Green Belt

4.2.2 Visual Impact

4.2.3 Case Law

5.0 CONCLUSION

APPENDICES

1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission is for the development an equestrian building (incorporating stables and equestrian storage) on land at Meadowlands, Briestfield Road, Briestfield. The application is for private equestrian use only.

This application is submitted in retrospect and seeks to regularise the development undertaken. The subject building replaces the previous stables on the site which were unsightly and rundown. The redevelopment has improved the visual amenity of the site and Green Belt. The works carried out have been completed to a very high standard and have produced a building that represents a significant enhancement of the previous form of development on the site.

The buildings and associated land have a long history of equestrian use dating back to 2010. The development constitutes the redevelopment of a brownfield site for the purposes of outdoor sport and recreation (not inappropriate development) and it will be demonstrated that the proposal does not harmfully impact on openness for the reasons set out in this statement. As such, it is considered that the development does not constitute inappropriate development in the Green Belt. In any event, the clear improvement to the visual amenity of the Green Belt also amounts to “very special circumstances” to justify the development. There is very clear visual enhancement which contributes to the enhancement of the character of the Green Belt.

The following supporting documents/information is submitted with the application:-

(i) Full plans and details of the proposed building – Fox Architecture; and
(ii) Planning Support Statement – Townsend Planning Consultants.

It is considered that this statement, together with the accompanying plans and documents, clearly demonstrate to the Council that the proposal accords with national and local planning policy and, when judged against this and all material considerations, it is clearly the case that planning permission should be granted.

This statement now proceeds to provide details of the development, the historic use of the site and background. Relevant planning policy and central government advice in the

form of the National Planning Policy Framework and Planning Practice Guidance is then discussed. The issues that the proposal raises including the impact on the Green Belt; the provision of outdoor sport and recreation; the redevelopment of brownfield sites; and relevant case law are also examined. Finally, the conclusion is reached that planning permission should be granted for the proposal.

It is considered in the context of the Development Plan and all material considerations that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal.

2.0 THE SITE, PROPOSAL & BACKGROUND

The subject site has a lengthy planning history. Originally located on the site was a rundown detached dwelling house, together with a number of associated buildings including extensive stables and equestrian storage buildings. The site was unattractive and both the dwelling house and equestrian buildings formed an unsightly feature in the landscape. It is understood that the equestrian use in association with the site was established over 20 years ago.

The applicant purchased the site which had the benefit of planning permission for a replacement of the previous dwelling house with a new dwelling. The replacement dwelling was the first stage of the applicant's proposals to fully redevelop the site.

Following the completion of the construction of the replacement dwelling house, the next stage for the applicant was the removal and redevelopment of the unsightly equestrian building. Whilst the landowner now recognises that permission should have been sought from the Council prior to proceeding, he considered that given the nature of the buildings on site and their replacement with a sensitively designed building this would be to the benefit of the area. As the scheme was essentially a replacement building, he considered that permission would not be required.

The matter was brought to the applicant's attention by the Council's enforcement officer and, as a consequence, work was ceased on the building which still requires completion. This application now seeks to regularise the development.

As stated, the subject site constitutes former stables and equestrian use. Currently the equestrian use in association with the building extends to some 16 acres or thereabouts as shown on the submitted plans. The subject building, which has been carefully considered, will incorporate internal subdivisions for stables, tack room and associated equestrian storage (the internal work on the building has still to be completed).

The subject development has involved the redevelopment of a brownfield site. it is considered that the development undertaken has clear benefits to the visual amenity of the area and the visual character of the Green Belt. The building is of a high standard and clearly results in visual enhancement of the character of the area. The building will

be completed on the grant of planning permission, including the subdivision of the building as shown on the submitted plans.

It is contended that in the context of the development plan and all material considerations that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.

2.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

2.1 Central Government Policy Advice

2.1.1 The National Planning Policy Framework

The following are comments on the advice in the Framework which is considered to be relevant to the consideration of the proposal:

Para 2 of the 'Introduction' sets out that:

"Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise."

Section 13 deals with Protecting Green Belt Land. At Para 143 it states:

"Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances."

Para 149 goes on to state:

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

…(b) the provision of appropriate facilities (in connection with the existing use of land or 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 the land within it.

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

- not have a greater impact on the openness of the Green Belt than the existing development.".

The proposal is an appropriate facility for outdoor sport/recreation and does not conflict with the purposes of including land within it. As such, it will be noted that as the proposal does not constitute "inappropriate" development.

The site also constitutes a brownfield site and clearly the development is not appropriate subject to the test of openness, an issue which will be explored further in this statement. Of particular relevance is advice in the NPPG set out below.

3.1.2 National Planning Practice Guidance – Green Belts

National Planning Policy Guidance 'Green Belt' published on the 22nd July 2019 is clearly a material consideration.

The advice sets out "***what factors can be taken into account when considering the potential impacts of development on the openness of the Green Belt."*** The advice identifies that this ***"requires a judgement based on the circumstances of the case".*** It also goes on to set out that the Courts have identified a number of matters which may be taken into account, which include:

"• Openness is capable of having both spatial and visual aspects – in other words the visual impact of the proposal may be relevant as could its volume;

• the duration of the development and its remediably taking into account the provisions to return the land to its original state or to an equivalent or improved state of openness; and

• A degree of activity likely to be generated such as traffic generation."

In the context of the above, in this instance:

(i) In spatial and visual terms, the level of building proposed on site is larger than the one it replaces. However, it results in significant improvement to the visual amenity and Green Belt and in spatial terms is less impacting on openness than the previous building. As such, it is considered to pass the test of openness.

(ii) In terms of duration, both the previous and subject building buildings were of permanent construction. The impact is therefore considered neutral.

(iii) In terms of the generation of activity, the proposal will result in no more activity than previously. It is for private use only.

The proposals fully conform with this advice.

3.1.3 Planning Practice Guidance - Design

Planning Practice Guidance provides further advice in respect of design issues. With regard to how good design can guide planning and development proposals, it states:-

"Local Planning Authorities should give great weight to … innovative designs which to help raise the standard of design more generally in the area."

The proposal raises the standard of design in comparison with the previous building.

With regard to character, it states:-

"Local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer."

In terms of scale, it states:-

"This relates both to the overall size and mass of individual buildings and spaces in relation to their surroundings, and to the scale of their parts."

It goes on to state:-

"The size of individual buildings and their elements should be carefully considered as their design will affect the overshadowing and overlooking of others, local character, skylines, vista and views. The scale of building

elements should be both attractive and functional when viewed and used from neighbouring streets gardens and parks."

Clearly this replacement building conforms with this advice. It is considered that the scheme as proposed fully conforms with advice set out in Planning Practice Guidance 'Design'.

3.2 **Local Planning Policy**

2.1.2 Kirklees Local Plan

The Development Plan for the Kirklees District is the Kirklees Local Plan (2019). The site on the supporting proposals map is identified as being wholly within the Green Belt.

The following policies are considered relevant to the consideration of this application:-

(i) Policy LP10 – Supporting the rural economy

Amongst other requirements the policy sets out that where development is proposed in the Green Belt regard must be had to the relevant policies in the Local Plan and relevant national planning policy.

(ii) Policy LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

The policy sets out 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."

As demonstrated in this statement, the proposals are appropriate use in line with the requirements of the NPPF. The proposals have been designed to ensure openness is preserved through the careful design of the buildings which are synonymous in the landscape.

The policy further sets out 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 land form out of character with its setting that cannot be mitigated through the use of appropriate hard and soft landscape techniques."

In relation to these matters:-

a. There are significant landholdings to support the use and the building is reasonably required for the use.

b. The building is designed and constructed as a modern rural building of appropriate form and scale. It is clearly not urban in terms of design and there are no changes to the access and working area around the building.

It is therefore considered that the proposal conforms to the above policy.

3.0 THE ISSUES

3.1 The Development Plan

It is demonstrated in the section above that the proposal conforms with Development Plan policy. It is, therefore, considered that the applicant is entitled to the presumption inherent in Section 38 (6) to be weighed in their favour.

It now falls for the matter to be considered in the light of all material considerations.

3.2 Other Material Considerations

The following are issues which it is considered are material considerations in respect of the determination of this application.

3.2.1 The Green Belt

It is fully recognised that the development undertaken is located within the Green Belt and as such must conform with national and local policy with regard to Green Belt development.

The subject building replaces a previous equestrian building on the site. The building facilitates the use of the land for equestrian purposes (which is longstanding). The Council are invited to accept that the development, which constitutes outdoor sport and recreation, does not therefore constitute inappropriate development in a Green Belt.

Furthermore, the site is the redevelopment of a brownfield site. It is acknowledged that the scale of the building is larger than the building it replaces. However, by reference to the NPPG – Green Belt, it is considered that notwithstanding the increase in size owing to the clear improvement to the quality of the building there is an improvement on openness in spatial terms. Therefore, it is not inappropriate development.

3.2.2 Visual Impact

The previous building on site was unsightly and formed a detrimental visual element in the Green Belt. This has been replaced by appropriately designed and scaled modern

buildings built to a high standard, which replicates the form and nature of traditional rural buildings and is not out of place or keeping in the landscape. The development has clearly improved the visual amenity of the Green Belt in this area.

3.2.3 Case Law

Samuel Smith Old Brewery Tadcaster v North Yorks CC (2018) EWCA (CIV) 489. The Court of Appeal held that:

"Whether a development would "preserve" the openness of the Green Belt - cannot mean that a proposal can only be regarded as 'not inappropriate in the Green Belt' if the openness of the Green Belt would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful – understanding the verb "preserve" in the sense of "keep.. safe from harm – rather than maintain (a state of things)."

Having regard for case law, the degree of change is important in determining whether the proposal would 'preserve' openness. The change that has taken place has significantly improved the amenity of the site and improved openness in spatial terms.

Having regard to the above, it is considered that the development does not have a material impact on openness to the degree that it would be considered harmful. The new structure clearly improves the openness through the replacement of unsightly and rundown buildings with one which is much more appropriate to the Green Belt.

4.0 CONCLUSION

This submission seeks approval in retrospect for a replacement equestrian building. The previous building on site was unsightly and detrimental to the openness and character of the Green Belt in this location. As part of the ongoing improvements to the site which previously resulted in a replacement dwelling, the subject equestrian building has been constructed in a form wholly appropriate to this Green Belt location.

The equestrian use of the site and associated land is longstanding and the redevelopment of the site involves the redevelopment of a brownfield site. Evidence has been set out that the proposal passes the test set out in Para 149(g) and that notwithstanding the increase in size, there is an improvement in openness in spatial terms. However, irrespective of this, by reference to Para 149(b) the development constitutes the provision of appropriate facilities in connection with the existing use of land for outdoor recreation and as such does not constitute inappropriate development in the Green Belt.

It is considered in the context of planning policy and all material considerations that the proposal conforms with the development plan. As such the applicant is entitled to the presumption inherent in Section 38(6) to be weighed in his favour. The proposal does not give rise to any issues of harm and in the absence of harm it is anticipated that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.