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:	**2023/62/90134/E**
Site Address:	Meadow View, Briestfield Road, Briestfield, Dewsbury, WF12 0PA
Description:	Erection of stables with haybarn
Recommending Officer:	Nina Sayers

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 04 August 2023

Officer Report

Site Description

The application relates to Meadow View, a recently constructed detached, two-storey dwelling created through the redevelopment of the wider site. The dwelling is constructed from stone and benefits from a detached outbuilding, as well as an attached garage to the southeast. The site is set back in relation to Briestfield Road, accessed via a shared driveway. It is sited within a large plot, with garden areas to the front and a driveway to the side. The erection of an extension to connect the attached and detached garages was approved under application reference 2022/90844, and an application to erect an underground basement to connect to timber framed glazed extension and existing house was approved under application reference 2022/92903, however these do not appear to have been implemented.

The site is located within the Green Belt amongst a cluster of development in Briestfield. The properties vary in terms of their character and style.

Description of Proposal

The application seeks planning permission for the erection of a stables with haybarn.

The proposed stables would be located south-east of the existing dwelling and would be oriented south-east. It would be an L-shaped structure with a total depth of 5.8m and a total width of 11.5m. The roof would be pitched with a total roof height of 3.8m. The proposal would serve a 2-bay stables with a haybarn.

The proposal would be finished in timber panelling under a onduline roof.

History of Negotiations/Amendments Received

During the course of the application, the applicant’s agent was made aware of officers’ concerns regarding the harm to the Green Belt. Amended plans were submitted showing a reduced scheme with amended materials. The proposed amendments were assessed and considered acceptable.

Relevant Planning History

2022/92903 - Erection of underground basement to connect to timber framed glazed extension and existing house. Conditional full permission.

2022/90844 – Erection of extension and alterations to connect two existing outbuildings to extend living accommodation. Granted.
2018/92680 – Erection of stable. Conditional full permission.
2016/92041 – Demolition of existing building and erection of three dwellings. Granted.
There have been a number of applications to discharge and vary conditions in relation to the above application (2016/92041).

Representations

The application was advertised by neighbour letters and online and publicity expired on 30th March 2023.

One representation has been received as a result of this publicity. They raised the following concerns:

- Encroaches onto neighbours land
- Boundary fence required under previous permission not erected
- Noise, fireworks and parties from host dwelling
- Base already erected encroaches 2m onto neighbouring land
- In keeping with existing uses surrounding the site.

These concerns will be discussed in section 6 of this report.

Consultation Responses

KC Environmental Health – No objection subject to conditions
KC Policy – No objection.
The Coal Authority – No objections subject to conditions

Policy

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 site is located on land allocated as Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping

- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 56 – Facilities for outdoor sport, outdoor recreation and cemeteries

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and 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.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

<u>Principle of development (including impact on the Green Belt and visual amenity):</u>

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). The application is for the erection of stables with a haybarn.

NPPF paragraph 149 states that a local planning authority should regard the construction of new buildings in the green belt as inappropriate except for a limited number of specified exceptions, including criterion b) the provision of appropriate facilities, in connection with an existing use or a change of use, for outdoor sport or recreation, provided that the facility preserves the openness of the green belt and does not conflict with the purposes of including land within it.

Local Plan policy LP56 (facilities for outdoor sport, outdoor recreation and cemeteries) supports NPPF paragraph 149, stating that proposals should ensure (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, and, (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. In this case, stables with an integrated haybarn are considered an appropriate facility to support outdoor recreation in the green belt and may therefore be acceptable subject to assessment against openness, the purposes of including land in the green belt and Policy LP56.

It is noted that application 2018/92680 for the erection of a 2-bay stable and food store was approved in 2019 on the same portion of land to which this current application relates. This current application was originally seeking planning permission for a larger 3-bay stable with haybarn; however, this has been amended to a scheme similar in scale to that approved under 2018/92680. This proposal stands at a different orientation to the previous approval, sitting tighter with a neighbouring building positioned directly adjacent. It is noted that work has commenced on site.

The amended scheme would have 2 stables with a haybarn and the scale is considered appropriate for the application site. It would be finished in timber panelling under an onduline roof. This complies with paragraph 19.21 of the Local Plan, which states that proposals for the erection of stables in the green belt are generally acceptable where they are of timber construction.

The proposed development is set to the rear of the application site so would not be visible from the highways, however given the openness to the rear, the scheme would likely be visible from public vantage points to the south. The proposed design and materials would be keeping with the rural character of the surrounding area and would be similar to the adjacent stables at the neighbouring property. Therefore, no significant additional harm would be caused to visual amenity of the host dwelling or wider street scene.

Officers originally raised concerns regarding the number of stables proposed and the amount of land available for grazing. The revised design and access statement outlines that the applicant owns 2 ponies. The site plan confirms the applicant has approximately ~1.5 acres of land in their ownership on which to graze these ponies. The applicant would also have access to a neighbouring field for grazing. The British Horse Society (BHS) recommends a general ratio of one horse per 1-1.5 acres of land for the grazing of horses, however this is dependent on the size and weight of the horse. Ponies are smaller than horses and therefore 2 stables are considered sufficient in this instance, thus complying with LP56(a) of the Kirklees Local Plan.

The proposal would be set within the corner of the site and would be adjacent to the stable at the neighbouring property. An amended plan was provided to demonstrate that the structure would not protrude above the roof height of the existing neighbouring stable. The tighter configuration of the stable works to mitigate impacts on openness and is considered an improvement on the previous scheme. As such the proposal complies with policy LP56(b).

In this case, the principle of development is considered acceptable, and in accordance with the aims of Policies LP24 and LP56 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

Impact on residential amenity:

The proposed development would remain approximately 24m from the nearest residential dwelling. The existing neighbouring stable, which has a higher roof height than the proposal, would shield the proposed scheme from the neighbouring dwelling. It is considered that there would be a sufficient separation distance between the proposal and neighbouring properties to prevent any significant harm to residential amenity.

It is noted the proposed would be adjacent to an existing stable, whilst it is noted that there are some openings in the south-eastern elevation, this building does not serve an inhabited space and therefore the proposal would not cause harm to occupants. The proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the Kirklees Local Plan (b) as well as Paragraph 130 (f) of the NPPF.

Impact on highway safety:

The proposal is for a stable for private use by the applicant and would not change the parking provision at this property. The access would adjoin the existing access off Briestfield Road. Therefore, no additional harm would be caused to highway safety as a result of the proposal.

As such, the scheme would not represent additional harm in terms of highway safety complying with Policies LP21 and LP22 of the KLP as well as Key Design Principles 15 and 16 of the House Extensions and Alterations SPD.

Other matters:

Carbon Budget

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 predates 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.

The proposal comprises domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Land contamination

The application site falls within the defined Development High Risk Area. As such the applicant was required to submit a Coal Mining Risk Assessment which was referred to The Coal Authority for consultation.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, conditions would be added ensuring the applicant provided a scheme of intrusive investigations and clarifies the safety of the site.

The CMRA was also reviewed by KC Environmental Health Officers. The report identifies that the site is underlain by Pennine Middle Coal measures and the Coal Authority places the site in an area of “probable shallow coal mine workings”. The report goes on to say that there is the possibility of unrecorded mine workings at or close to the surface of the proposed development site, and the risk of mine gas migration. The report concludes that further intrusive site investigation is required involving 2 or 3 rotary boreholes to a depth of 30m to determine the presence of mine workings. The report also recommends long-term gas monitoring to assess the ground gas conditions. Alternatively, it recommends precautionary gas protection measures in line with “Characterisation Situation 2” (CS2). As such, KC Environmental Health recommends land contamination conditions are added to any positive decision notice.

The proposal therefore complies with LP51 and LP52 of the Kirklees Local Plan.

Ecology

The application site is located within a Bat Alert layer on the Council's mapping system. The site consists of a two-storey dwelling with an area of hardstanding and managed lawn around it. It is considered that the area in which this application relates likely to have low potential for protected species given the current use of the land as domestic curtilage and the proposal would not include any demolition. It is therefore considered that the proposal is unlikely to cause harm to protected species.

The proposal therefore complies with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD.

Representations:

One representation has been received as a result of the publication of this application. They raised the following concerns:

- Encroaches onto neighbours land
- Base already erected encroaches 2m onto neighbouring land

Officer response: The applicant has signed certificate A which demonstrates they own all the land within the application site. Officers have also received clarity from the agent regarding the ownership and land registry. It is the applicant's responsibility to ensure the correct ownership certificate is signed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000. The granting of planning permission would not override any private rights of ownership and it is the applicants responsibility to ensure they have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside their ownership.

- Boundary fence required under previous permission not erected

Officer response: This is a separate planning application and therefore has been assessed on its own merits.

- Noise, fireworks and parties from host dwelling

Officer response: This application is for a stable and therefore the above is not a material planning consideration.

- In keeping with existing uses surrounding the site.

Officer response: This is noted and aligns with officer assessment.

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 the

development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2023/90134

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51, LP52 and LP56 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority. **Reason**: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

4. Within 2 months of the date of this consent;

a) a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity; and

b) the findings of these investigations, and recommendations for any remedial works and/or mitigation measures necessary measures to

address land instability arising from coal mining legacy, shall be submitted to the LPA for consideration and approval in writing.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

5. Within 4 months of the date of this consent, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	N2022-015-018		20/02/2023
Grouped Plans and Elevations	N2022-015-017A	A	08/06/2023
Section Plan	N2022-015-026		01/08/2023
Design and Access Statement			08/06/2023
CMRA			20/02/2023

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. During the course of the application, the applicant's agent was made aware of officers' concerns regarding the harm to the Green Belt. Amended plans were submitted showing a reduced scheme with amended materials. The proposed amendments were assessed and considered acceptable.

Report Dated: 02/08/2023