

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	<b>2023/70/91844/E</b>
Site Address:	Stocksgate Farm, 20, Station Road, Stocksmoor, Huddersfield, HD4 6XN
Description:	Variation of condition 3 (use by owners of adjacent dwelling) on previous permission 2021/94591 for erection of equestrian storage building and conversion of existing storage building to stables
Recommending Officer:	Katie Wilson

**DECISION – VARIATION OF CONDITION APPROVED**

**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.**

Emma Thompson

***AUTHORISED OFFICER***

Date: 08-Dec-2023

## Officer Report

### Site Description

Stocksgate Farm comprises a two-storey detached dwelling built of natural stone, located at 20 Station Road in Stocksmoor. The application relates specifically to the existing stable building and adjacent fields which are located to the south east of the dwelling. Access to the site is taken through part of the curtilage of the dwelling from Station Road. There is an area of hardstanding immediately to the front of the stable block as well as a riding arena. Open fields extend to the east and south of the site. The stable block is located at a lower land level than the host dwelling and levels continue to fall towards the east.

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

### Description of Proposal

Permission is sought to vary of condition 3 (use by owners of adjacent dwelling) on previous permission 2021/94591 for erection of equestrian storage building and conversion of existing storage building to stables.

Condition 3 relates to who can use the equestrian storage building. It states the following:

3. The development hereby approved shall be used by the owners of the adjacent dwelling Stocksgate Farm, 20, Station Road, Stocksmoor, Huddersfield, HD4 6XN and shall not be used for commercial purposes or sold or rented separately.

**Reason:** In the interest of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

It is proposed to vary the wording of the condition as follows:

***“The development hereby approved shall be used by the owner/applicant for their private use only and shall not be used for commercial purposes or sold or rented out separately.”***

There are no visual changes to the approved equestrian storage building or converted storage building to stables.

### History of negotiations/amendments received

No negotiations have taken place nor have amended plans been sought or submitted.

### Relevant Planning History

2021/94591 – Erection of equestrian storage building and conversion of existing storage building to stables. Granted.

[Planning application details | Kirklees Council](#)

2003/92055 – Erection of swimming pool extension, erection of detached garage and stable and formation of riding area (modified proposal). Granted.

[Planning application details | Kirklees Council](#)

2002/91325 – Erection of swimming pool extension, erection of detached garage and stable and formation of riding area (modified proposal). Granted.

[Planning application details | Kirklees Council](#)

2000/90114 – Erection of swimming pool/link extension, alterations to roof, erection of detached garage, stable and formation of riding area. Granted.

[Planning application details | Kirklees Council](#)

## **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 28/07/2023.

No representations have been received.

## **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C Highways development management – no objections

## **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 27<sup>th</sup> February 2019).

The site itself is unallocated land for development and it is within Newsome Local Centre in the Kirklees Local Plan. The following are policies considered relevant to the proposed amendment of condition 3:

## **Kirklees Local Plan (LP):**

- **LP1 – Presumption in favour of sustainable development**
- **LP2 – Place shaping**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**

### **Supplementary Planning Guidance**

- Highways Design Guide SPD

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places

### **Assessment**

This Section 73 application seeks minor material variation to the original condition 3 which relates to who can use the approved development.

The wording of the current condition ties the use of the approved development to ‘the owners of the adjacent dwelling Stocksgate Farm, 20, Station Road, Stocksmoor, Huddersfield, HD4 6XN.....’

Whereas the proposed wording ties the use of the approved development to ‘*the owner/applicant for their private use only.....*’

The condition was imposed for highway safety reasons.

The Highways Development Management team have been consulted and reassessed the development proposals. Having considered the details submitted it is not considered that the development would result in detriment to highway safety and as such HDM raise no objection to the new wording.

Planning officers are therefore satisfied that the proposed wording is acceptable.

There are no other matters for consideration. No other conditions have been applied to be varied and none were required to be discharged since the granting of the previous permission.

#### *Review of conditions*

In the instance of any grant of approval of a S73 application a new consent is issued by the LPA, as such all conditions upon the original consent are required to be reviewed and where necessary re applied or amended. This section sets out a review of all conditions varied:

Three conditions were applied to the original approval (ref: 2021/62/94591/E)

Condition 1:

Original:

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.

The planning permission is dated 27<sup>th</sup> May 2022, therefore there is until 26<sup>th</sup> May 2025 to begin the proposed development.

Provided this is changed to the following, it will be acceptable

Varied:

*The development hereby permitted shall be begun before 27<sup>th</sup> May 2025.*

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition 2:

Original:

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, LP22, LP24, LP52 and LP56 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

To be kept.

Condition 3:

Original:

3. The development hereby approved shall be used by the owners of the adjacent dwelling Stocksgate Farm, 20, Station Road, Stocksmoor, Huddersfield, HD4 6XN and shall not be used for commercial purposes or sold or rented separately.

**Reason:** In the interest of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Varied:

3. The development hereby approved shall be used by the owner/applicant for their private use only and shall not be used for commercial purposes or sold or rented out separately.

**Reason:** In the interest of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

## **CONCLUSION & RECOMMENDATION**

There has been no significant change to the site allocation or national/local planning policy and guidance since the 27.05.2022 consent (2021/94591). It is therefore considered that, subject to the wording of conditions being amended, where relevant, to the wording set out in the 'Review of Conditions' section of this report and all informative notes imposed on the 27.05.2022 consent (2021/94591) being re-imposed on this Section 73 application the proposal is acceptable.

It is therefore concluded that the variations to the conditions proposed under this Section 73 application are acceptable and do not alter the conclusions reached and the recommendation made for application 2021/94591.

**Approval is recommended.**

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated**

**Application Number:** 2023/91844

**Officer Recommendation:** Approve

**Conditions:**

1. The development hereby permitted shall be begun before 27<sup>th</sup> May 2025.

**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, LP22, LP24, LP52 and LP56 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The development hereby approved shall be used by the owner/applicant for their private use only and shall not be used for commercial purposes or sold or rented out separately.

**Reason:** In the interest of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

**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	1016/04	A	24/05/2022
Existing Stables Plan	1016/01	-	09/12/2021
Proposed Stables Plan	1016/02	-	09/12/2021
Proposed Storage Building Plans	1016/05	A	24/05/2022
Planning Statement	-	Dec 2021	09/12/2021
Covering Letter	MJT/JMT/51/21	-	09/12/2021

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 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. The application was considered acceptable in its submitted format and no further information was sought from the applicant.

**Report Dated:**

07/12/2023
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