

**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:	2023/62/92029/E
Site Address:	Land Adj, Winfield Drive, East Bierley, BD4 6RJ
Description:	Development of equestrian centre for welfare and education
Recommending Officer:	Nicole Helliwell

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: 06 October 2023

Officer Report

Reference No. 2023/62/92029/E

Site Address: Land Adj, Winfield Drive, East Bierley, BD4 6RJ

Proposal: Development of equestrian centre for welfare and education

Site Description

The application site relates to a parcel of land located adjacent to Winfield Drive in East Bierley. The site is located within the designated Green Belt and is currently accessed via a track off Winfield Drive. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant seeks planning permission for the development of an equestrian centre for welfare and education. The private equestrian use on site has already been established. However, the use of the site commercially has not yet been established. The new centre will provide a wellbeing, health and education development centre for adults and youths with disabilities, mental health problems and those that lack confidence or may be socially anxious. The submitted plans confirm that no external alterations would be made to the existing stable building. However, a vehicle track, turning area and hard surfacing for parking would be proposed on site as part of the application.

Relevant Planning History

2021/92059: Formation of new access. [Planning application details | Kirklees Council](#) – **Refused (Upheld at appeal)**

2019/93197: Change of use of livestock building to 5 stables and equestrian storage, erection of menage and use of land for equestrian purposes. [Planning application details | Kirklees Council](#) – **Conditional Full Permission**

2011/92218: Erection of livestock building and external alterations to existing agricultural storage. [Planning application details | Kirklees Council](#) – **Conditional Full Permission**

Representations

The application was advertised by neighbour notification letters, which expired on 28th August 2023. As a result of the above publicity, 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):

KC Environmental Health – No objections subject to recommended conditions.

KC Ecology – No objections.

The Coal Authority – No objections.

KC 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 27th February 2019).

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP10** – Supporting the rural economy
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** – Design
- **LP28** - Drainage
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 56** - Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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, 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 8** - Promoting Healthy and Safe Communities
- **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

Assessment

1. Principle of development

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP56 and Chapter 13 of the NPPF.

Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt except for a limited number of specified exceptions, including criteria (b) 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. In this case, an equestrian centre would be considered an appropriate facility to support outdoor recreation in the green belt and may therefore be acceptable in principle subject to assessment against openness, the purposes of including land in the green belt and Policy LP56.

Paragraph 149 criteria (b) of the NPPF is supported by Local Plan policy LP56 (Facilities for outdoor sport, outdoor recreation and cemeteries) which states that 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. The relevant criteria for this proposal are;

- 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;
- a) 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;

The site of the application is on greenbelt land adjacent to Winfield Drive in East Bierley. The proposal would involve the development of the existing building to form an equestrian centre for welfare and educational purposes. Although no external alterations are proposed to the existing stable building, parking/turning areas and a new vehicle track are proposed as part of the application. However, given the scale of the alterations, it is considered that the proposal would not introduce a prominent urban element into a countryside location.

Furthermore, it is noted that the number of stables would increase from 5 to 8 as a result of the proposal. The British Horse Society states that one horse should have between 1 to 1.5 acres per horse. Although there are only approximately 5 acres of land within the blue boundary line, it is noted that the applicant also runs Cliff Hollins Riding School which incorporates 15 acres of land that could also be used for grazing. With regard to storage, there is an existing storage building on the site and the haylage used to feed the horses would arrive pre-wrapped. Therefore, it is considered that the size of the land would be reasonable for the keeping of these horses.

The proposals would also accord with Policy LP10 of the KLP in respect of supporting the rural economy.

On this basis, it is considered that the proposed development would preserve openness and would constitute appropriate development in the Green Belt in accordance with Policies LP10 and LP56 of the Kirklees Local Plan and Government guidance contained within Chapter 13 of the NPPF. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also 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.”*

The application does not propose any external alterations to the existing stable building but does seek to create parking/turning areas and install a new vehicle track. The access track has already been granted at appeal and as such, the principle of this has been established. As the access track has not yet been formed, it is considered necessary to impose the conditions imposed by the Inspector at the time of the appeal as these remain reasonable to the current proposals.

Although these alterations would change the appearance of the site to a degree, they are not considered to have any significant visual impact on the character and appearance of the surrounding area and would accord with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the NPPF.

2. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The submitted plans confirm that no properties located to the north, east and south of the application site would be affected by the proposed works. However, it is noted that there are a number of residential properties located west of the site. Given that the equestrian centre would occupy a position approximately 140m from the side elevation of 16 Winfield Drive and approx. 159m to the side elevation of 3 Winfield Drive, it is considered that there would be no significant detrimental harm on the neighbour's residential amenity.

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, 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.

KC Highways Development Management were formally consulted on the proposed scheme. Officers confirmed that vehicles will use the access which was approved under appeal in 2023. This will allow for the existing vehicle access off Winfield Drive to be closed, thereby reducing conflict in this residential street. The proposals are unlikely to significantly intensify the use of this road and parking is shown to be adequate on site with ample room for vehicles to turn to exit and leave the site in forward gear. On this basis, the proposal is considered acceptable from a highways perspective.

In view of the above, it is considered that the proposed development would not represent any additional harm in terms of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF and the Highways Design Guide SPD.

4. Other Matters

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Contaminated Land

The proposed development is adjacent to land that is potentially contaminated due to its former use (our site ref: 23/1) and is in an area that the Coal Authority classify as a development High Risk Area. Therefore, KC Environmental Health have recommended conditions relating to unexpected contamination being encountered during the construction phase.

Hours of use

It is unclear from the information provided if the menage will be lit by floodlights. Therefore, KC Environmental Health recommend a condition to restrict the hours of use, to safeguard loss of amenity to occupiers of nearby properties.

Ecology

The woodland forming the eastern boundary of site comprises part of a combined Wildlife Habitat Network as defined by the Council's mapping system. However, KC Ecology were formally consulted on the proposed scheme and raised no objections given that the proposed development will not have impacts on any ecological receptors.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area and therefore The Coal Authority were formally consulted on the proposed scheme. The Coal Authority records indicate that the southern portion of the site lies in an area of probable unrecorded underground coal mine workings at shallow depth. If shallow workings are present then those may pose a potential risk to surface stability and public safety. The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment. However, when considering the nature of this particular development proposal, it does not appear that any new buildings or physical changes to the site are proposed, other than compacted stone surfacing of the vehicle track and turning/parking area, which will not require substantial foundations or earthworks. Therefore, the Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the development of equestrian centre for welfare and education at land adjacent to Winfield Drive has been assessed against

relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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: 2023/92029

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, LP52, LP53, and LP56 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. If 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 works 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. Works 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. The premises shall not be open for business, outside the hours of 09:00 and 17:00 Monday to Sunday.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The use hereby approved shall be operated in accordance with the Highway Statement produced by Paragon Highways (Ref: 1916B) dated June 2023.

Reason: In the interests of highway safety and to accord with Policies LP 21 and LP 22 of the Kirklees Local Plan.

6. Except for the surface treatment of the proposed section of access track between the existing field gate entrance and the proposed parking and turning area, the development hereby approved shall be carried out in accordance with the details shown on Drawing No 1916-101E, dated June 2023 contained within the Highway Statement produced by Paragon Highways (Ref: 1916B dated June 2023). The proposed section of access track between the existing field gate and the proposed parking and turning area hereby approved shall be formed from a geogrid system.

Reason: To preserve the openness and character of the Green Belt, in accordance with Policy LP56 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

7. Details of the surface and drainage treatment of the first section of the existing access, from the back of the existing kerb line on Hunsworth Lane to the existing drainage channel, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to the proposed access track being brought into use.

Reason: In the interests of highway safety and to ensure adequate drainage in accordance with Policies LP21, LP24 and LP28 of the Kirklees Local Plan

8.A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which includes the existing and proposed ground levels of the section of track nearest the existing field entrance. The agreed details shall be implemented in full thereafter by the end of the first planting season following the access track hereby approved being brought into use.

Reason: In the interests of visual amenity and to preserve the openness and character of the Green Belt, in accordance with Policies LP24 and LP56 of the Kirklees Local Plan, and Chapters 12 and 13 of the National Planning Policy Framework.

9.Any specimens forming part of the approved landscaping scheme which die or become diseased or damaged within the 5-year period following their planting shall be replaced by a specimen of a similar size by the end of the next available planting season.

Reason: In the interests of visual amenity and to preserve the openness and character of the Green Belt, in accordance with Policies LP24 and LP56 of the Kirklees Local Plan, and Chapters 12 and 13 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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.

NOTE: The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

NOTE: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Site Location Plan	1544/004	d	14/07/2023
Proposed Equestrian Centre	1544/006	-	14/07/2023
Planning Support Statement	-	-	14/07/2023
Highway Statement	1916B	-	14/07/2023

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. In this case, the original scheme has been found acceptable and no further amendments or details were sought thereafter.

Report Dated: 02/10/2023