

**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:	2024/62/90244/W
Site Address:	Land adj, 14, Pymroyd and Deep Lane, Milnsbridge, Huddersfield, HD4 5PB
Description:	Change of use of existing stable block, paddocks, and exercise area to mixed equestrian/agricultural/hobby farm use
Recommending Officer:	Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 1st May 2024

Officer Report

Site Description

Land adj, 14, Pymroyd and Deep Lane, Milnsbridge, Huddersfield, HD4 5PB

The application site relates to a triangular shaped piece of land sandwiched between Pymroyd Lane and Deep Lane. The site comprises of an equestrian exercise area, 2 pens, grass paddocks, a single storey stable and store building, areas of planting and vegetation and a livestock area. The site is accessed by vehicles from the east onto Deep Lane, with a pedestrian access located to the north-west onto Pymroyd Lane.

Whilst there are numerous residential properties within the surrounding area, immediately to the north, east, south and west of the site is open undeveloped land filled with mature trees and planting.

The application site is not located within a Conservation Area but is located adjacent to the Milnsbridge Conservation Area (to the north and west). The site is also not located in close proximity to any Listed Buildings.

Description of Proposal

The application seeks retrospective planning permission for the change of use of existing stable block, paddocks, and exercise area to mixed equestrian/agricultural/hobby farm use.

From looking at google imagery, the site appears to have been in some form of equestrian use for in excess of 20 years. Whilst there is some planning enforcement history on the site which shows that a material change in the use of land did take place to use the site as a haulage and plant hire depot, with engineering works to extend and excavate the land, this was undertaken historically, with a enforcement noticed served on the 28th December 1990, and the land appears to have been reinstated as an equestrian use however, the land does still appear to be levelled out and therefore has not been returned to its original state.

No further works are proposed to the site other than what currently exists. As outlined above the site comprises of an existing stable block, storage building, a sand/eco fibre exercise area and grass paddocks. Within the site there is also a plethora of timber post and rail fences to separate the paddocks and exercise areas.

The main objective of the scheme is to continue to facilitate the applicants Equestrian and agricultural hobbies.

History of negotiations/amendments received

No amendments have been requested in this instance.

Relevant Planning History

93/00006 – Change of use of land from Class B2 to plant hire and haulage business and erection of workshop. Refused 24th June 1993. Appeal dismissed 11th February 1994.

90/03450 – Change of use of land to industrial. Refused 14th December 1990.

90/00697 – Outline application for residential development. Refused 8th May 1990.

88/05664 – Outline application for residential development. Refused 13th December 1988.

88/04749 – Outline application for residential development. Refused 11th October 1988.

88/02510 – Change of use from car body repair shop to haulage and plant hire. Refused 9th August 1988.

87/00066 – Change of use from car body repair shop to haulage and plant hire. Refused 21st July 1987.

Planning Enforcement

EN273 – Alleged breach of planning control for the use of land for haulage and plant hire depot on extended excavated land.

Representations

Final publicity date expires:

Neighbour Letters – Expired 13th March 2023.

Press Notice – Expired 22nd March 2024.

Site Notice – Expired 21st March 2024.

No representations have been received to date.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being located adjacent to the Milnsbridge Conservation Area, and Public Rights of Ways (HUD/277/20), (HUD/277/50) and (HUD/466/10).

Consultation Responses

KC Highways Development Management – Comments received 27th February 2024. No objections subject to a condition requiring the site to be used solely by the owner/applicant for their private use, ensuring that the site shall not be used for commercial purposes or sold or rented out separately.

KC Environmental Health – Comments received 12th March 2024. No objections subject to a condition to ensure that there be no commercial use of the site.

Local Ward Members

None.

Parish/Town Council

N/A.

Planning Policy Background

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 application site is located within the Green Belt, Strategic Green Infrastructure Network, and Wildlife Habitat Network. It is also important to note that the site is located adjacent to Milnsbridge Conservation Area (to the north/north-east), and there are PROW's (HUD/277/50 & HUD/277/60) running to the north of the site.

Kirklees Local Plan (2019):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP31 – Strategic Green Infrastructure Network**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP56 – Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)

National Planning Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 – Principle of Development:

1.1 – Sustainable Development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which

includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land Allocation (Green Belt)

The application site is allocated as being within Green Belt land on the Kirklees Local Plan. As such the proposal falls to be assessed having regard to NPPF Chapter 13.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to '*assist in safeguarding the countryside from encroachment*'.

Paragraph 153 of the NPPF advises that planning authorities should ensure that "substantial weight" is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated. As relevant to this application, under paragraph 154 the construction of new buildings as regarded as being inappropriate in the Green Belt unless they are (inter alia):

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. Policy LP56 of the Kirklees Local Plan is consistent with advice within the NPPF.

Local Plan policy LP56 (Facilities for outdoor sport, outdoor recreation and cemeteries) 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 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;
- 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 or retaining structures, does not result in incongruous or discordant landform out of character with its setting that cannot be mitigated through the use of appropriate hard and soft landscape techniques.

In relation to criteria (a) of LP56, the application proposes the retention of an existing stable block and storage building which measures approximately 45sqm in size and consists of a painted oak brown blockwork walls and a timber flat roof with green felt finish. The site also encompasses an existing sand/eco exercise area and grass paddocks. The exercise area measures approximately 370sqm in size and is located towards the southern boundary of the site, adjacent to 2 pens to the south-west, measuring approximately 323sqm in size. These facilities are considered to be of a reasonable size given the existing and proposed functioning of the land to which it is associated, which measures approximately 0.55ha in size.

Looking at criteria (b) of LP56, the development is located within a triangular shaped piece of land sandwiched between Pymroyd Lane and Deep Lane in Milnsbridge. Whilst set down from Deep Lane the application site is considered to be a somewhat prominent and open location however, the existing stables and storage building is set as far back from the highway entrance as possible given the restricted and historical layout of the site, and is somewhat concealed from views from the road, this is helped further by its single storey appearance and oak brown colouring which helps to blend the structure into the landscape. As per paragraph 19.21 of the Local Plan, proposals for stables are *usually* expected to be of timber construction, within the submitted statement it is outlined that the stables and storage building relate to painted oak brown blockwork walls and a timber flat roof with green felt finish, whilst this is not ideal the reasoning behind the use of timber is to ensure that the buildings can be appropriately and unobtrusively sited and that the use of more permanent materials can result in the proliferation of permanent structures to the detriment of the open character of the landscape should the use as a stables cease. As discussed above Officers consider the siting of the building to be acceptable, and although of more substantial materials given the site's location sat between Pymroyd Lane and Deep Lane it is considered that any expansion of the site in the future would be limited. Therefore, the proposals are considered, on balance, to be acceptable on this occasion. In addition, the site already benefits from existing accesses and these have been in situ for several years.

Moving onto criteria (c) of LP56, no engineering works have been proposed to create the existing exercise facility, this is due to the land being relatively flat following previous excavation works in the 1990's. The exercise area is bounded by a mix of hard and soft landscaping in the form of the access into the site and grassed paddock areas to the north. Taking the above into consideration, the proposals are considered to accord with criterion c of LP56.

Policy LP57 of the Kirklees Local Plan is also relevant, this is due to the erection of timber post and rail fencing throughout the site. LP57 outlines at criterion c that the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hardstanding's, curtilages and enclosures and means of access. On this occasion the proposals do include large portions of hardstanding in the form of the site accesses, exercise area and 2 pens. However, this level of hardstanding does not

appear to be uncommon in this location, as historic aerial imagery shows that the site has had a similar arrangement for at least 24 years. In addition, whilst the site has been separated throughout by fencing, which does add to the intensification of the agricultural/equine use of the site, however Officers consider the use of post and rail timber fencing to be acceptable and reflective of the rural nature of the area in which this site is located. These types of boundary treatments have also been in situ along Pymroyd Lane since at least 2012. Officers therefore concluded that these elements of the proposals are not considered to appear as alien features within the landscape, and that they would not have a detrimental impact on the openness of the Green Belt, therefore on this occasion, are considered to accord with LP57 of the Kirklees Local Plan.

Taking the above into account, it is considered that the development would preserve openness and would constitute appropriate development in the Green Belt in accordance with Policies LP56 and LP57 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.

2 – Impact on Visual Amenity and Heritage Assets

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 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”.

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Section 72(1) of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 72(1) of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by Paragraph 208 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this instance, the application site is located adjacent to the Milnsbridge Conservation Area, therefore it is important to also assess whether the proposals would have any impact on the character and appearance of this heritage asset and if so, whether there are any public benefits to outweigh the harm. Given the nature of the proposals which seek to retain existing structures and facilities in what is already and has been for a significant period of time used for agricultural and equine purposes, Officers do not consider the provision of an appropriately sized stable block and storage building, exercise area and pens/paddocks to be detrimental to the setting of the Conservation Area. It is acknowledged that the existing stables/storage building is single storey in height, coloured in oak brown and appears to be functional and utilitarian in design, as you would expect given its use. Again, with the existing exercise areas, pens and paddocks, these are not considered to be of a scale and size that goes beyond what you would expect to see within a portion of land of this size, and the timber post and rail fencing which delineates these facilities is considered to be appropriate in appearance and scale. Furthermore, aerial imagery shows that similar buildings and containers have been situated at the application site in excess of 20 years and therefore it is

not considered that the retention of the existing structures would be of a detriment to the surrounding area.

Given the above, Officers do not consider the development results in any harm to the setting and significance of Milnsbridge Conservation Area, of the character and appearance of the area as a whole, the proposals are therefore considered to comply with Policies LP24 and LP35 of the Kirklees Local Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and Chapters 12 and 16 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Chapter 15 of the NPPF sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable. Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Impact on nos. 10, 13 & 14 Pymroyd

These neighbouring properties are located to the north-west of the site, approximately 8+ metres away. Given the nature and scale of the proposals, coupled with the rural nature of the area and separation distances Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Furthermore, the Council’s Environmental Health Officers were consulted on the proposals in the interests of noise, air and light pollution. Officers assessed the scheme and noted that they did not consider there to be any significant Environmental Health impacts with this development. Thus, raising no objections to permission being granted for this development. However, they did highlight that within the submitted Planning Statement dated January 2024 it is stated that the use of the site is for personal use/hobbies only and therefore ENVH recommend a condition which ensures that there be no

commercial use of the site, this in the interests of protecting the amenity of neighbouring properties.

In conclusion, taking the above into account it is considered that subject to the recommended condition, the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapters 12 and 15 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 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.

The application seeks retrospective approval for the change of use of existing stable block, paddock, and exercise area to mixed equestrian/agricultural/hobby farm use. This retrospective application is for permission to use the existing stables, paddocks, and exercise areas for equestrian/ agricultural use only. No further works to the area are proposed. The main objective of the scheme will be to facilitate the applicant's equestrian and agricultural recreational hobbies.

Given that this proposal utilises an existing access onto Deep Lane and the mixed equestrian/agricultural/hobby farm will be for the applicant's personal use Highways Development Management have no objection to these proposals but do suggest a condition should planning permission be granted, which requires the development to be only used by the owner/applicant for their personal use and shall not be for commercial purposes or sold or rented out separately. This is in the interests of highway safety.

As such, it is concluded that the scheme would not represent any additional harm in terms of highway safety and would therefore comply with Local Planning Policies LP21 and LP22 and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Biodiversity and Trees

In respect to biodiversity the site itself is not within an identified or designated biodiversity area for protected species in the Kirklees Local Plan. The site is however located within the Strategic Green Infrastructure Network and therefore Policy LP31 of the Kirklees Local Plan is of relevance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they can provide. Given the

nature of the application site, the works undertaken and its previous history it is not considered that the proposed retrospective works would be detrimental to the aims of Policy LP31 of the Kirklees Local Plan.

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Officers acknowledge that whilst the application site contains several mature trees, none of these trees, or those that directly border the site are protected and given the nature of the proposals which are retrospective and relate to a simple change of use to a mixed equestrian/agricultural/hobby farm facility, Officers do not have any concerns in respect of any direct or indirect threats to trees within the area. The proposals are therefore considered to accord with LP33 of the Kirklees Local Plan.

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 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.

Whilst the proposals are not supported by a Climate Change Statement, given that this is for retrospective approval and given the nature of the proposals which are for a simple change of use, with no additional built form to be provided, it is not considered reasonable to require the applicant to put forward any specific resilience measures on this occasion. The proposals are therefore considered to accord with Chapter 14 of the National Planning Policy Framework.

6 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation – Delegated Powers

Application Number – 2024/90244

Officer Recommendation – Approve.

Conditions and Reasons:

1. 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, LP7, LP21, LP22, LP24, LP31, LP52, LP56, and LP57 of the Kirklees Local Plan, Chapters 2, 4, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

2. The development hereby approved shall not be used for commercial purposes.

Reason: In the interests of highway safety and residential amenity and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Existing Location, Site and Floor Plans	A100	1	30 th January 2024
Retrospective Planning Application Supporting Statement – Supporting Information	-	-	30 th January 2024

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 has, 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 instance no amendments were sought as the proposals were deemed to be acceptable upon submission.

Report Dated: 1st May 2024.