



PLANNING SUPPORT STATEMENT

**APPLICATION FOR CHANGE OF USE FROM
EQUESTRIAN STUD FACILITY (PRIVATE USE) TO
EQUESTRIAN FACILITY (PRIVATE USE) AND
COMMERCIAL STUD, INCLUDING RETENTION OF
THE EXISTING MENAGE (PART RETROSPECTIVE)**

**SPRINGHEAD FARM AND SPRINGHEAD STUD,
SCHOLES MOOR ROAD,
HADE EDGE,
HOLMFIRTH,
HD9 1RU.**

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1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission is for the change of use from equestrian facility (private use) to equestrian facility (private use) and commercial stud, including retention the existing ménage (retrospect) at Springhead Farm and Springhead Stud, Scholes Moor Road, Hade Edge, Holmfirth.

This application follows the recent appeal decision regarding the site issued on the 18th September 2024 (appeal ref APP/Z4718/W/23/3331570 and application reference 2023/62/90656/W) when the Inspector granted permission for ***“Change of use of agricultural building and land for equestrian stables/storage, formation of stallion walk out area and erection of field shelter, including part extension of agricultural building.”***

However, it is acknowledged that the Inspector dismissed the appeal ***“insofar as it relates to the formation of ménage.”*** This application, notwithstanding the Inspector’s decision, seeks retention of the ménage as part of the overall proposals for a change of use to incorporate commercial stud farming in this lawful equestrian facility. Detailed evidence is provided that there is a requirement to retain the ménage in connection with the establishment of the commercial stud business, together with the ongoing equestrian use of the site. It will be demonstrated that the operational requirements of a commercial stud farm constitute “very special circumstances” to justify the retention of the ménage.

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

- (i) Full plans and details – Stamford Geomatics;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Recent appeal decision;
- (iv) Supporting letter from veterinary consultant;
- (v) DEFRA publication on equestrian welfare; and
- (vi) Springhead Farm Commercial Stud, business plan (private and confidential for Planning Officer only, to be submitted during validation).

The application site forms part of a mixed use holding with the applicants involved in livestock farming as well as the breeding and keeping of horses. The equestrian use was originally private and included the applicants breeding horses for their own use.

However, there has been in the past the sale of some livestock and, owing to an increase in demand, it has been determined to proceed with breeding as a full commercial enterprise. This will sit alongside the use of the equestrian site for keeping the applicants' own horses for leisure use. As the Council are fully aware, in the application of planning policy there is no distinction between private or commercial equestrian facilities in the Green Belt.

It is considered that this statement, together with the accompanying plans and documents clearly demonstrate to the Council that the proposal accords with national and local planning policy. When judged against this and all material considerations, it is clearly the case that planning permission should be granted for both the change of use together with the retention of the existing ménage.

This statement now proceeds to provide details of the subject proposal. Detailed reference will be made to the Inspector's previous decision. Relevant planning policy and central government advice in the form of the National Planning Policy Framework is then discussed. The issues that the proposal raises including the impact on the Green Belt, the requirement for the ménage and the issue of equestrian welfare are also examined and finally the conclusion is reached that planning permission should be granted for the proposal to proceed, including retention of the ménage. This statement should be read in conjunction with the submitted business plan which provides full details of how the commercial stud will operate, together with the functional requirements for the retention of the ménage. The business plan also shows how the business will become economically viable, albeit that is not a requirement for the justification of the development.

It is considered in the context of the Development Plan and all material considerations, including the recent appeal decision, that planning permission should be forthcoming for the change of use and retention of the ménage. Nevertheless, the applicant remains willing to discuss all aspects of the proposal.

2.0 THE SITE, PROPOSAL AND BACKGROUND

This application seeks to establish commercial breeding at this lawful equestrian site together with the retention of the existing ménage which is required to facilitate the equestrian activity at the site, including its necessity for the development of a commercial stud enterprise.

The subject site incorporates two dwelling houses known as Springhead Stud and Springhead Farm (both owned by the applicants) located off Scholes Moor Road, Hade Edge. The overall landholdings extend to some 15 acres or thereabouts and constitute a small mixed use holding with the appellant rearing a small amount of livestock on the farm, including chickens and sheep as well as utilising the landholdings for equestrian purposes which includes specialist horse breeding. These activities have been established at the site since the appellant purchased the site in 2016. The equestrian activity is lawful since the grant of planning permission on appeal for ***“Change of use of agricultural building and land for equestrian stables/storage, formation of stallion walkout area and erection of field shelter, including part extension of agricultural building”***.

The subject former agricultural building which is utilised for equestrian purposes was constructed following the Council granting Prior Notification approval (ref 2016/N/9262/W). The building was used solely for agricultural purposes in line with the approval until September 2021. Prior to September 2021, horses were kept mainly outside on the fields, also utilising the field shelter and temporary stables which were brought onto the site temporarily during bad weather and the winter months. The change of use and associated works were undertaken following a decision by the appellant to commence with a horse breeding programme. The appellants undertook the change of use of the building to equestrian use, which involved the internal construction of stables and equestrian storage areas. The change of use involved only internal works, including the formation of 15No stables together with storage areas. A small scale extension to house straw was later added to the building after the change of use.

At the time of the commencement of breeding (and at the submitting of the previous planning application – 2023/62/90656/W and subsequent appeal) the breeding was for hobby (private) purposes only with the breeding of horses for their own private

enjoyment and not for commercial purposes. The breeding programme has, however, been much more successful than anticipated and numbers of horses at the site have increased to the point where a small number of foals have been sold off. However, the demand for the foals has exceeded expectation and it has been determined to undertake the breeding on a commercial basis.

Full details of the evolution of the breeding activities are set out in the detailed business plan which outlines both the history of the breeding together with projecting this into the future. It also sets out the functional requirements for the retention of the ménage.

As set out in the business plan, due to the nature of breeding horses the appellant has to keep the male and female horses separate. The stallions and broodmares have completely different routines which is why the equestrian facility was set up with the stallion walkout area to one side and the turnout facilities (ménage) for mares on the other. It will be noted that this is required to ensure the safety of stallions and other horses. It will also be noted that the stallion turnout area which has been approved on appeal is of insufficient size to provide for horse exercise and the functional requirements of the equestrian breeding activity. It is an operational requirement of the equestrian activity to provide this essential ancillary facility.

Due to having to separate stallions and mares in foal from the other horses, the second outdoor all weather facility is required. In general terms, it is noted that the development of ménages is an ancillary use to the equestrian activity and a feature of the landscape where equestrian activities are involved. Indeed, within this area of the valley equestrian activities (including ménages) are a distinct feature and characteristic of the rural landscape.

Ménages are an ancillary development to equestrian uses and typical of the area. They constitute facilities for outdoor sport and outdoor recreation. However, in this instance the requirement for the separate ménage to the stallion breakout area is required to facilitate the breeding of horses, as set out in more detail in this statement and as such there are “very special circumstances” in Green Belt policy terms to justify its retention.

It is considered that the proposal fully conforms with planning policy and as such planning permission should be forthcoming.

3.0 PLANNING HISTORY – THE APPEAL DECISION

Planning permission was granted on appeal for ***“The change of use of agricultural building and land for equestrian stables/formation of stallion walkout and erection of field shelter including part extension of agricultural building.”***

It is fully acknowledged that the Inspector dismissed the appeal insofar as it relates to the ménage. This application seeks to retain the ménage as part of the establishment of the site as a commercial stud facility and it is considered by reference to the Inspector’s decision that the proposals are clearly acceptable, as will be demonstrated.

The use of the site, buildings and land for equestrian purposes is clearly established and lawful by virtue of the appeal decision. The evolution of the equestrian activity will involve a significant increase in breeding from incidental (which the Inspector was aware of) to a commercial activity as demonstrated in the submitted business plan.

The following comments are noted from the Inspector’s decision:-

At Para 7 the Inspector notes:

“The breeding of horses and subsequent sale may be incidental to an equestrian use if carried out on a small scale. The appellant refers to a history of horse breeding on the site as a hobby for their own private enjoyment, although this has proven to be more successful than anticipated and a number of foals have been sold off.”

Paragraph 8 the Inspector goes on to state:

“...I have determined this appeal on the basis of the proposal relating to an equestrian use as stated in the description of the development, rather than relating to a horse breeding enterprise.” (TPC underlining).

Paragraph 9 it goes on to state:

“The matter has been raised as to whether the use of the site is for personal or business use. However, an equestrian use could be both. That said, this does not

alter my conclusion in respect of the consideration of the horse breeding use.”
(TPC underlining).

At Para 22 the Inspector considers the issue of the ménage in detail. In reference to Local Plan policy, he states:

“Policy LP56(a) also specifies that the scale of the facility should be no more than is reasonably required for the proper functioning of the enterprise and use of the land to which it is associated. The proposal includes two horse exercise areas – the ménage and the stallion walkout area. In this context, i am mindful that the proposal relates to an equestrian use rather than a horse breeding use.”

Clearly the Inspector was considering the ménage in the context of the use of the site for hobby (private) use.

Paragraph 23 goes on to state:

“The appellant’s statement of case specified that due to the nature of breeding horses, the male and female horses need to be separated. Further details are given on the operational requirements and the resultant development that arises from this, including a supporting letter from a vet which refers to the handling of stallions. However, these matters indicate that the need for a separate ménage work out area are driven by the horse breeding operation rather than the equestrian use, even allowing for the management of thoroughbreds. This indicates that the ménage exceeds that which is reasonably required for the use of land to which it is associated, i.e. the proposed equestrian use.” (TPC underlining).

Quite clearly the inference in this part of the decision is that the Inspector acknowledges a requirement for the ménage in respect of horse breeding. As set out, the proposed horse breeding and establishment of a commercial stud requires that separate work out area. Thus justifying the retention of the ménage.

At Para 46 the Inspector goes on to consider “very special circumstances” and states:

“I have only identified harm arising from the proposal in respect of the ménage both in terms of the Green Belt and character and appearance. I have regard to the evidence provided by the appellant in respect of the operational need for a separate ménage and walkout area. However, the evidence indicates that this need relates to the use of the site for horse breeding rather than an equestrian use. Although some element of horse breeding may be incidental to an equestrian use, given its incidental nature this should not be of an intensity which justifies the scale and location of the ménage.” (TPC underlining).

The intention now is to incorporate commercial breeding at the site which is not “incidental” and which necessitates for the functional requirements for the health and welfare of livestock the retention of ménage. This requirement for the ménage to facilitate horse breeding is clearly acknowledged in the Inspector’s decision. He clearly highlights the requirement for separate exercise facilities, the ménage facility relating to the activity of commercial horse breeding rather than “incidental” horse breeding.

4.0 PLANNING POLICY

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

4.1 Central Government Policy Advice

4.1.1 The National Planning Policy Framework

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

- (i) Para 2 of the 'Introduction' sets out that:

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

- (ii) Section 13 deals with Protecting Green Belt Land.

- (iii) Para 142 of the Framework sets out that the essential characteristics of Green Belts are their openness and permanence. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

- (iv) Para 143 notes that the Green Belt has five purposes which include safeguarding the countryside from "encroachment".

- (v) At Para 152 it states:

"Inappropriate development is by definition harmful to the Green Belt and

should not be approved except in very special circumstances.” (TPC underlining).

It is considered that in this instance very special circumstances arise in respect of the retention of the ménage for the functional requirements of the commercial stud farm. It is noted in terms of the previous appeal that the Inspector concluded that very special circumstances did not arise as the requirement for the retention of the ménage related to horse breeding. At that stage the horse breeding was incidental. This proposal will establish commercial horse breeding which justifies the retention of the ménage on the basis of demonstrable “very special circumstances” arising.

4.2 Planning Policy

4.2.1 Local Planning Policy - Kirklees Local Plan

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

Relevant policies within the Local Plan are set out below.

(i) Policy LP56 – Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries

The policy sets out that:

“In the Green Belt proposals for appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it.”

The policy further sets out that:

“a. the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of land to which it is associated;”

It is considered that notwithstanding the Inspector’s decision, the stallion breakout area is of insufficient size to utilise for horse exercise and that the ménage is

required for general equestrian use constituting a necessary facility for the operation of the breeding enterprise.

“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;”

Ménages are not an urban feature. Indeed, the writer and applicants are not aware of any ménage located within an urban area. A feature of this part of the valley is that they are characteristic and numerous in the general location.

“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 the land, including any earth mounding and retaining structures, does not result in incongruous or discordant land form out of character with its setting that cannot be mitigated through the use of appropriate hard and soft landscaping techniques.”

In relation to these matters:

- a. The scale of the facility is no more than reasonably required for the functioning of the use. The ménage is required to facilitate the breeding enterprise.
- b. The ménage (which is inherently acceptable for the breeding enterprise by reference to the Inspector’s decision) is an ancillary facility for equestrian activities and a characteristic feature of the landscape around this part of the District, where there is a predominance of equestrian uses.

4.2.2 Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan became part of the statutory development plan for Kirklees Council in December 2021. The application site falls within the Neighbourhood Plan Area. It also defines the site as being within LCA3 Hade Edge Upland Pastures Character Area. It should be noted that this is a Neighbourhood

Development Plan designation and the whole Neighbourhood Plan is covered by character areas:

(i) Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

This policy sets out that:

“All development proposals should demonstrate how they have been informed by the key characteristics of the LCA in which they are located. Proposals should be designed in accordance with the character management principles in respect of landscape set out in paragraph 4.1.17 for each of the LCAs in order to avoid detrimental impact on the LCA.”

The application site is located in the LCA3 Hade Edge Upland Pastures which covers a large area including settlements. Reference is made in the LCA to an open and agricultural landscape. The management plan fails to identify the numerous sporadic equestrian developments in the area, which is a clear characteristic of this part of the District.

It goes on to state that ***“proposals should aim to make a positive contribution to the quality of the natural environment”***.

It sets out that the design and siting of new development and associated landscaping schemes should address:

- 1) Respecting long distance views and minimising any impact on the wider landscaping.
- ...3) Boundary treatment should be sensitive to the character area.
- 4) Landscaping scheme to be submitted with applications.

There is no element of harm in such terms.

(ii) Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

The policy forms a general policy for all developments in the Holme Valley in relation to building character and design, some of which is not relevant to the proposals. It is considered that:

1. The proposals do not cause issues of harm in relation to the built character;
2. There is no negative impact on the visual appearance of the area;
3. The proposals use traditional materials for equestrian uses; and
4. The proposals do not result in issues harm in relation to residential amenity.

5.0 THE ISSUES – THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

5.1 The Development Plan

It is demonstrated in the section above that the proposal conforms with Development Plan policy. There are demonstrable “very special circumstances” to justify the retention of the ménage. In respect of horse breeding, the Inspector makes it clear that there is no difference between private or commercial equestrian facilities in policy terms. It is, therefore, considered that the applicant is entitled to the presumption inherent in Section 38 (6) to be weighed in their favour.

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

5.2 Other Material Considerations

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

5.2.1 The Green Belt/Very Special Circumstances

Clearly, by reference to Para 154 of the NPPF, the development of appropriate facilities for outdoor sport and outdoor recreation are acceptable as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of Green Belt. It is clear by reference to the appeal decision that the Inspector concluded that the ménage did conflict with the openness of the Green Belt. This is fully acknowledged. The Inspector concluded that the second external exercise area (i.e. the ménage) could not be justified on the basis of “very special circumstances” as the breeding part of the enterprise was for private hobby purposes only. As a consequence, he considered that no “very special circumstances” arose. This proposal now seeks the development of a commercial stud enterprise and as such notwithstanding the Inspector’s decision, it is clear that “very special circumstances” now arise in terms of animal welfare and the operational requirements of commercial breeding which is proposed with this application.

5.2.2 Equestrian Use, Breeding and the Ménage

The Inspector makes it clear in his decision that in planning terms there is no difference between private and commercial uses for the implementation of policy. This proposal will introduce a commercial development. However, it is clear that that in itself is no basis to object to the proposals. The introduction of breeding will not result in any issues of harm. In terms of the ménage, as set out in the section below this is required for the proper, safe functioning of the commercial breeding activity.

It is acknowledged that the Inspector stated that only one “exercise area” was required and he granted permission for the significantly smaller area – the stallion breakout area. However, what the Inspector appears to have overlooked is that this smaller area is of insufficient size to exercise horses – hence the original construction of the ménage. Ménages are required for training, principally during winter months when fields are too wet and boggy to utilise for such purposes. Irrespective of the issue of breeding, the ménage is an essential ancillary facility for the keeping of horses for leisure purposes. The stallion breakout area is of insufficient size to exercise and train horses. Irrespective of this, it is clear that the ménage is required for the functional requirements of commercial horse breeding.

5.2.3 Guidance on Keeping Horses and Veterinary Guidance

The Council’s attention is drawn to the “**Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids**” issued by the Department of the Environment, Food and Rural Affairs. Appended with this submission is the full document (Appendix 2). This advice has been used to inform the site owners how to run and manage their equestrian facility including commercial horse breeding, which fully complies with the guidance as set out.

At Para 1.9 it will be noted that there is specific reference to the requirements for keeping stallions which require higher fencing, a double fence line and electric fencing:

“This is to prevent aggression between occupants of different paddocks as well as to contain the stallion within the allocated areas.”

Para 3.1 sets out the need for horses to have adequate exercise. Stallions require adequate and safe exercise and turnout daily which is why an all-weather walkout area for the stallions is provided separately to the ménage for the other horses.

Para 4.5 relates to aggressive horses, which stallions usually are. At Para 4.5 it states:

“Aggressive individuals may not be suitable for mixing in fields or communal barns. Incompatible individuals should be separated. These may include uncastrated males (colts, stallions) and “rigs” (a stallion with undescended testicles or a horse which has been incompletely castrated).”

Para 4.6 goes on to state that mares in foal or with young foals also need to be separated from other horses and under certain circumstances such mares need to be kept separate from members of the public.

At Para 4.8 it goes on to state:

“Stallions have special requirements and may not be suitable for turnout with other horses. It is important that stallions receive adequate exercise and environmental stimulation.”

At Para 5.9, in terms of breeding it states that pregnant mares should be kept separate from other horses to avoid infection.

In Annex 1 regarding tethering, it states that animals should not be exposed to excessive elements and shelter needs to be provided. Furthermore:

“Animals must be given freedom to exercise off the tether for a reasonable period at least once per day.”

It is considered that the development of commercial stud farming and the keeping of stallions results in the need for a separate exercise areas in line with the guidance

outlined above. This gives clear justification for, in this instance, providing both a stallion breakout area and a separate ménage for other horses at the site. It is clear that care must be taken in the welfare of animals and in particular both stallions, mares in foal and young mares need to be separated. This is hence the development of two separate exercise areas which are clearly required for the safety of the horses and horse handling in a safe manner. The ménage is essential to the safety and welfare of livestock within a stud farm.

The applicants' veterinary surgeon sets out in the submitted statement the reasoning why two external separate exercise areas were required in this instance. This states amongst other things:-

“Stallions by their nature can be unpredictable, extremely strong and aggressive making them dangerous to handle and on occasions can endanger themselves as well as other animals around them. In order to lessen the risk it is imperative to have a management plan that allows stallions to be kept apart from other horses on the yard.”

6.0 CONCLUSION

Planning permission for the overall equestrian facility located at Springhead Farm and Springhead Stud was granted on appeal in retrospect. The only element of the development which was dismissed by the Inspector was the ménage. This proposal seeks a change of use of an essentially recreational facility to a mixed use recreational equestrian facility and commercial stud farm.

As the Council are fully aware in dealing with the previous application/appeal, at that time some horse breeding was being undertaken at the site. The Inspector appeared to conclude that this was minor and incidental to the overall recreational use. This proposal, owing to the increase in demand for the livestock bred at the facility, has resulted in the decision to proceed to develop the enterprise and to incorporate commercial breeding as set out in the submitted business plan.

It is fully acknowledged that the Inspector previously dismissed retention of the ménage and that he considered it to be harmful to the openness of the Green Belt. The Inspector also considered that in terms of the justification for two outside exercise areas, i.e. the subject ménage and the stallion breakout areas, whilst one was acceptable there was no justification for the second as he considered that that justification for this related to the breeding of horses (which at that time was incidental). This proposal seeks permission for the commercial breeding of horses at the site. As the Inspector noted, in planning terms there is no difference between private and commercial equestrian facilities. Furthermore, by reference to the Inspector's decision it is considered that the retention of the ménage is acceptable and that the "very special circumstances" required to justify the development in Green Belt terms (according to the Inspector) arise in this instance, i.e. the evolution of the equestrian activity to commercial breeding which in turn necessitates the second external exercise area for the functional requirements of that activity.

In the context of the recent planning history, it is clear that the proposal is acceptable when judged against the development plan and all material considerations, including the specific reference to the previous appeal decision. The change of use is clearly acceptable and is not inappropriate development. In respect of the ménage, "very special circumstances" arise in respect of the commercial stud activity. Planning

permission for the change of use and retention of the ménage should therefore be forthcoming.