PLANNING SUPPORTING STATEMENT

location	Land to North East of 330a, Leymoor Road, Golcar, Huddersfield, HD7 4QL.
application	Erection of Stables and Hay Store.
client/applicant	Mr & Mrs R Heffron
job number	24/1047
date	September 2024 Rev A December 2024

PAUL MATTHEWS ARCHITECTURAL Ltd

ARCHITECTURE | PLANNING | DESIGN

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Existing Site

The existing site consists of the host dwelling, 330a, Leymoor Road, with adjoining grassland to the North West.

The existing grassland has recently undergone extensive improvement works to enhance the grass and improve drainage.

The host property, 330a, is a detached dwelling predominantly built from stone with a pitched stone slated roof.

The grassland field has no existing structures.

The application site is served access via a substantial PROW (COL/240/10) from Hollin Hall Lane. The PROW is of sufficient size and construction state to allow vehicular access over the short distance required to access the site, please note this access is existing albeit not used for many years.

It is important to note the recent planning application, by others, 2022/62/93441/W , titled "Erection of stables and exercise area". This was refused on the 24th January 2023. The decision notice can be found in Appendix B of this statement. This 2022 application followed on from a 2021 planning application (2021/62/94579/W) which was withdrawn.

Both these above mentioned previous applications were for the same applicant as this application, neither of the previous applications had an accompanying planning statement or documents to evidence the genuine requirement of the proposed stables.

This revised proposal aims to address and rectify issues that were brought to light by KMC and associated others to achieve a successful proposal.

The application site is owned outright by the Mr & Mrs Heffron and provides as ideal opportunity to permanently stable their own three horses on the land.

The horses will be brought onto the subject land as soon as the enhancement works to the grassland have been completed.

The passports for these three horses can be found within Appendix A of this report.

The horses are for personal/private leisure purposes only. It's important to note the land will be used for grazing purposes only with riding taking place locally.

We contend the exposure and space separation ensures this proposal has no detrimental impact on the applicant's neighbours and properties nearby.

The site falls within the Green Belt, however the dwelling of the applicants adjacent to the site to the South West, does not. See Kirklees Local Plan screen shot overleaf.

MALBERRY DRIVE
WILLIN HALL LANE
MAIDS SIDE
SPRING SIDE
RISE

The application site;

Proposal

The proposal is for the erection of one equine building consisting of 3 stables and a hay store for domestic use only in conjunction with the applicant's adjoining residential property.

Mr and Mrs Heffron own 3 horses of which their details and passports can be found within Appendix A of this statement. The horses require sufficient housing space on the land to ensure/enable welfare standards.

The equine building, in addition to the three stables, will provide a small hay and bedding store where the small hay bales and bedding (extracted wood shavings) will be stored undercover and sheltered from the elements.

The proposed hay store is not large enough (door size) to accommodate large round bales and so smaller conventional bales will be produced, furthermore the applicants do not own a tractor to facilitate the movement of larger and heavier round bales.

The hay store, at 5.1 x 3.6m internally, will be capable of storing circa 105 bales of hay.

Traditional small bales are circa 460 x 360 x 1040mm. These are manageable to lift and move without the need for machinery/plant.

21 bales (460 x 1040mm), stacked 5 high, (1.8m O/A height) = 105 bales. This leaves a small area (1.8 x 3m) where wood shavings (bedding) can be stored on pallets.

The horses get through circa 2 bales each per week. 3 horses equates to 6 bales per week. Based upon the number of bales stored 105 bales will last just over 17 weeks. We did consider a larger hay store to reduce the number of hay deliveries in providing more storage space but this would naturally increase the proposed building size which has been designed to a minimum.

Hay bales will be bought in/delivered from local agricultural contractors.

The size of the hay and bedding store has been dictated by using only the adjoining space between the 3 stables to ensure the structure is as small in mass as possible in response to minimizing the impact on the Green Belt.

The hay is unwrapped and simply cannot be stored externally, also bales of dust extracted shavings whilst wrapped and palletised, also cannot be stored externally.

Naturally the levels of hay will diminish throughout the year from the summer crop time of June-July but the proposed hay and bedding store also has other purposes too, including:

- Storage of day-to-day tools and equipment used to look after the horses (wheel barrow, mucking/skipping out tool, brushes, head collars, fly spray/masks, seasonal rugs etc).
- Supplemental hard feed kept in dustbins away from vermin.
- The hay and bedding store would also be used occasionally for farrier and vet purposes especially in inclement weather, which in winter months is often.

Whilst storing tack within stables is not usually ideal or promoted from a security aspect given the location of the equine building close to the applicants property, we contend the location and natural surveillance is satisfactory in this particular instance.

The location of the stables has been carefully considered with many aspects taken into account before arriving at the proposed location:

- Minimising sprawl into the Green belt
- Minimising disruption on the adjacent PROW
- Structure oriented to be masked by the host dwelling from the south and east
- Location facing away from the PROW that falls within the applicant's land ownership to prevent interference/obstruction and for reasons of security.
- Located close to the applicants host dwelling to enable ease of access.
- Located close to the existing/proposed built form to prevent unnecessary sprawl/encroachment into the greenbelt.

An informal pre-application discussion was held with Katie Chew (LPA planning case officer for both the previous two equine associated applications). The purpose of the initial informal discussion was to initially discuss the most appropriate location of the proposed stables.

The location is a very important factor, not only considering functionality of the stables but also when considering the impact on the greenbelt setting and the other nearby unassociated dwellings.

To ensure minimal encroachment into the Green belt, the proposed equine building is sited in close proximity to the host dwelling just over the domestic curtilage to the North East.

It is important that the proposed stables do not appear to be a new urbanisation of the site and allows the site to remain visually open as green space. The stables will not appear to be an isolated structure within the Green Belt due to their proximity to the host dwelling and existing urban space.

This will also ensure that the visual amenity of the Green Belt and how the site is seen by the public will be protected with the structure becoming part of the existing urban fabric.

The proposed location also ensures that minimal impact on the PROW (COL/240/10) bridleway by bringing the proposal as far down this access track as possible. This also aims to minimise impact on highway safety.

By providing shelter and housing for the applicants horses will result in lesser vehicle movements to and from the site. This in itself provides a positive impact on the PROW.

The stables are of a traditional construction. A timber framed single storey, low level/squat structure.

The stables are a standard size internally (12' x 12') as recommended within the Code of practice for the welfare of horses, ponies, donkeys and their hybrids (Department for Environment Food and Rural Affairs document) and the British Horse Council guidelines.

The design is clearly for equine purposes with substantial justification - given the applicants ownership of the land and their owning of 3 horses which require appropriate housing, feed, bedding and equipment space.

We contend the proposed location of the stables would not have an urbanising impact on the site and continues the established pattern of development around Leymoor Road.

The stables, in relation to scale within the existing site do not impose on the undeveloped land and aim to respect the landscape in which they are to be constructed. When the public view the stables from the bridleway from a south to north direction, the stables will be quickly out of site rather than becoming a central negative focal point than if they were to be constructed further north within the overall site holding.

The position of the proposed stables would aim to ensure that the impact on nearby Listed Buildings is minimised and that the construction would be shielded by the host dwelling due to site orientation. We contest that this would alleviate any issue surrounding harm subjected upon the Heritage Assets as a result of this proposal.

As the position of the proposed equine building being close to the applicant's home, the smaller size hay bales and smaller horse related items can be transported to the stables via the applicant's home by hand which will further minimise any disruption or impact to the PROW (COL/240/10). Access on this bridleway by horses causes no impact as by definition, the bridleway is for pedestrians and people leading or riding horses.

Drainage

Land improvement works have already been undertaken on the site and ongoing basic drainage works which have aimed to enhance the overall grassland.

The surface water runoff from the stables will discharge into a separate drainage system leading to a soakaway.

Pollution / Noise Control

The immediate locality to the North is green space with other sporadic farms and houses.

We contend the space separation/distance to neighbouring properties that noise, smells and flies will not be an issue. The stables will be kept clear of muck, with picking daily and responsible disposal. The applicant proposes to have a small trailer to the rear of the stables that muck will be deposited within then taken by a local farmer when full.

The location of the proposed replacement stables provides significant space separation to the other nearby dwellings, some 30m from No 336,338 &340 and 50m from dwellings on Hollin Hall Lane to the West.

Taking into account the exposure and distance to other unrelated properties we contend this proposal will not create any pollution or noise control issues.

Lighting to the stables does not form part of this application therefore light pollution is not an issue.

The proposed equine development is a similar distance to other unrelated residential properties to the other nearby equine yard/stables just off Ashford Park to the West. See 3d google image overleaf;

Spring Side Rise
Spring Side Rise
Ashford Park
Ashford Park
TPK Safety
Ashford Park
14
7

Scale of Development

The overall scale of the development has been carefully considered and fits in well with the topography of the land, the drystone walls feature and assist in screening the proposals. No trees will need to be removed as a result of this application, indeed the overall site is being enhanced with regards to biodiversity as referenced in the accompanying BNG report.

This application also reduces the extent of development from that shown on the previous 2022 planning application where 4 stables were indicated along with a feed store and tack room. The other previous, 2021 planning application, indicated 8 stables along with a feed store and tack room.

Layout & Highways

Access to the land is available from the PROW but also via the applicants private drive via timber field gate. This existing access, via the private driveway will form the principal access to reduce any impact/effect on the PROW.

No new means of access are proposed as part of this application. The existing access will be utilised with some access being afforded from the host dwelling (domestic curtilage) due to its close proximity to the proposed stables.

As noted on the map extract below, there are a number of PROWs within close proximity of the application site. The proposed stables are sited over a physical boundary from the nearest PROW. Whilst it is expected care will be taken with deliveries and plant/machinery involved in the formation of the equine building, the site is relatively open and has good direct access. This proposal will not block or interfere with this or any other PROW.

Planning Policy

The National Planning Policy Framework (NPPF) sets out within paragraph 142 that ‘’*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*” Paragraphs 152 and 153 of the NPPF also states that “*inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”

In respect of paragraph 142, we contest that the positioning of the proposal within the site ensure that urban sprawl is minimised and the openness of the Green Belt will be in fact, preserved.

The proposed stables represent a recreational and personal use, we have no objection in this being formally conditioned, therefore this proposal, we contend is acceptable when considered in relation to paragraph 154 of the NPPF which outlines, recreational uses can form an exception to inappropriate development provided that these are: *“appropriate facilities” and “…as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*”

These points are also reflected within Kirklees Local Plan Policy, LP56. This refers to appropriate facilities associated with outdoor recreation. *Such facilities 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. This should ensure that;*

> *a. The scale of the facility is no more than is reasonably required for the proper function of the enterprise or the use of 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.*

The passports of the applicant’s 3 horses are within Appendix A of this document. The proposed stables are of a justifiable scale and size in relation to their intended use and the site.

The proposed stables are positioned in a way to not appear as prominent urban development and protect the existing visual amenity for the PROW and the surrounding listed buildings.

We contend that the proposals and use will not negatively impact on the openness of the greenbelt setting.

With regards to residential amenity, Local Plan Policy LP24 states *that proposals should ensure that a high standard of amenity is achieved for neighbouring occupiers*. We contest that the positioning and distance of the proposals in connection with the surrounding dwellings will create no negative impact on the residential amenity.

Planning Issues

We take this opportunity to address the issues raised in the previous and most recent refused planning application (by others).

The reasons for the refusal as referenced in the planning decision notice dated 24th January 2023 are as follows;

1. The proposed stables, feed store and tack room and associated exercise yard would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The development would therefore not fall within the forms of development referenced as not inappropriate development at paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) or accord with Policy LP56b of the Local Plan. Accordingly, the development would constitute inappropriate development in the Green Belt, would conflict with one of the purposes of including land within the Green Belt and would be inherently harmful to it, in conflict with the relevant provisions of Chapter 13 of the National Planning Policy Framework.

Considering this revised proposal, specifically the reduced scale of development and revised location, we contend this proposal could be considered as acceptable given the three horses and land ownership.

The revised location goes a long way to preserving the openness of greenbelt and preventing an isolated development.

The proposal itself is clearly associated with facilities for outdoor sport and recreation therefore is not, by definition, inappropriate within the greenbelt and does not require VSC (very special circumstance) to be demonstrated.

Furthermore there are other sporadic stable yards and equine developments within the immediate locality and wider Kirklees district.

2. It has not been demonstrated that the development could be undertaken without negatively impacting upon the amenity of adjacent neighbouring properties through noise, dust and odour pollution emanating from the proposed stables. Without such information, neighbouring properties could be subjected to poor residential amenity and quality of life. On the basis of the submitted application the proposals are therefore contrary to Policies LP24b and LP52 of the Kirklees Local Plan and policies contained within Chapters 12 and 15 of the National Planning Policy Framework.

We contend, given the direct access to the field and proposed stables form the applicants private drive that the proposals do not negatively impact on the PROW.

Furthermore, the applicants do not need planning consent to graze their horses on the overall holding. Support of this application will result in fewer vehicle movements to and from the site to transport the horses. If stables are supported and permitted it will result in less vehicle movements.

3. The proposed stables, feed store and tack room and associated exercise yard, by virtue of their overall massing, scale and location would introduce an overly prominent, urban and incongruous form of development within the context of open undeveloped land, adjacent to a public bridleway. The introduction of development of this nature within this open setting would not respect the landscape, causing harm to the visual quality of the wider area. This is contrary to Policies LP24a and LP32 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

We agree that the previous location of the larger equine development would have created an isolated development further from the host dwelling than what is presented as part of this application. The proposals are smaller and sited closer to the existing built form, specifically closer to the applicants property yet a significant distance from other unrelated dwellings.

4. The development would result in less than substantial harm to the setting of the nearby Grade II Listed Buildings nos. 338, 340 ad 342 Leymoor Road, located to the south-east of the application site. The harm would arise through the development of open land from which the buildings can be appreciated and would serve to further isolate these listed buildings from their rural original setting. There are no public benefits which outweigh the less than substantial harm identified to these adjacent heritage assets. The proposal is therefore contrary to Policy LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990).

Whilst the proposed development is sited closer to the listed buildings, we contend the small scale and low/squat structure built from natural materials (timber clad on a timber frame) does not result in substantial harm to the nearby listed buildings. We are however more than willing to discuss the proposed location and also any screening that may be considered appropriate to provide natural screening.

5. It has not been demonstrated that the application site can be accessed effectively and safely by all users. In particular, it has not been demonstrated that the development and use of the site could be undertaken without adversely affecting the use and users of the adjacent public bridleway (COL/240/10). In these circumstances the development would be contrary to Policy LP21 of the Kirklees Local Plan and paragraph 110b of the National Planning Policy Framework which requires development to have a safe and suitable access…for all users.

The stables will be accessed via the applicants property, a private drive off Hollin Hall Lane.

Vehicle movements will be reduced as a result of the stables being supported/approved.

Furthermore any vehicle movements will be slow moving vehicles (non electric vehicles) that naturally present a small level of noise that would alert any PROW users of the PROW.

All vehicle movements will be carried out with others present, This will ensure a safe entry and exit reducing any safety issues for others using the PROW adjacent to the private drive. It will form a double visual aid/warning.

6. The application site comprises undeveloped marshy scrubland with semi-natural habitat of potential ecological value adjacent to a section of the Kirklees Wildlife Habitat Network KWHN. In the absence of the submission of a Preliminary Ecological Appraisal, a full and proper assessment of the impact of the development on: any identified habitats present at the site; the site's suitability for protected and notable species; how the adjacent KWHN is to be safeguarded throughout the development; and how a biodiversity net gain is to be achieved post-development cannot be undertaken. In these circumstances the development is contrary to Policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

The site is a former neglected grazing land that has previously/historically been farmed. This land has and is in the process of being enhanced/improved to reinstate the grassland for grazing purposes.

A BNG (Biodiversity Net Gain) report accompanies this application that demonstrates an enhancement to the biodiversity of the site in conjunction with central government and LPA guidelines.

Previous application consultees (2022/93441)

The previously refused application had a number of internal consultees responses recorded. These are as follows;

Consultation Responses

***KC Highways Development Management** – Comments received 13th December 2022. No objections subject to conditions and a footnote, restricting the stables and exercise yard area to private use only, the requirement for a schedule of the means of access to the site for construction traffic and to ensure that the public bridleway COL/240 is not obstructed prior to, during or after development works.*

This consultation seemingly supported the proposals. Given the reduced built form we contend a reduced intensification of use that will result in even less vehicle movements to and from the application site. We'd like to think this will result in KMC Highways again supporting the application.

Please also note we have no objection to a formal condition restricting the use of the stables for private use only of the residents of 330a Leymoor Road.

***Yorkshire Water** – Comments received 29th November 2022. No objections subject to conditions relating to drainage.*

Again given the reduced proposals we'd like to think YW will have no objection to the proposals.

We have detailed how surface water will be discharged via a soak away.

***KC Environmental Health** – Comments received 25th November 2022. No objections subject to conditions relating to the provision of electric vehicle charging points, restricted use of the stables for private use only, noise pollution, light pollution, waste and dust management.*

We contend that an electric vehicle charging point is not relevant on this particular application, the applicants do not own and electric vehicle, electric vehicles are not prevalent with associated towing/horse movements.

We trust the Pollution / Noise control part of this statement provides sufficient information to prevent any pre-condition being imposed in relation to Environmental Health.

No external lighting is proposed.

I reiterate we have no objection to a formal condition restricting the use of the stables for private use only of the residents of 330a Leymoor Road.

***KC PROW (informal)** – Comments received 12th December 2022. PROW officers raise no objections subject to conditions restricting the use of the stables to private use only, and that no changes shall be made to the existing surfacing of the PROW such as tarmac.*

Again given the proposed access, via the private drive and reduced building size which will result in a less intensified use we trust the KMC PROW dept will offer no resistance to the proposals.

I reiterate we have no objection to a formal condition restricting the use of the stables for private use only of the residents of 330a Leymoor Road.

***KC Ecology (informal)** – Comments received 16th January 2023. No objections although a Preliminary Ecological Appraisal should be undertaken prior to determination of the application.*

Please refer to the BNG (Biodiversity Net Gain) that indicates an enhancement to the biodiversity of the application site. We trust this report satisfies the KMC Ecology department but are more than willing to incorporate bird nesting boxes on the proposed stables if this is considered appropriate.

***Parish/Town Council** N/A.*

No comment

***Local Ward Members Councillor Turner** – Emailed officers on 9th January 2023 to be provided with an update on the application. Commented that the application is in Green Belt land and would have a serious and detrimental effect on the bridleway and surrounding houses*.

We understand Cllr Graham Turner represented many local residents with regards to this application. Hopefully the direct contact from the applicant with Cllr Graham Turner has reduced concerns and that this revised application, with this accompanying statement explains the rationale and proposals in more detail to enable support from Cllr Turner and local residents.

Conclusion

We contend the proposals will not affect the openness of the green belt due to their size, location and design.

The proposals are within the accepted guidelines of development in the green belt.

We feel the development is in-keeping with its surroundings and does not detract from the area and both elements are within the NPPF guidelines.

I would be grateful if you could contact Paul Matthews Architectural Ltd prior to drafting up your recommendation for determination.

APPENDIX A

Horse passports

PASSPORT
30th April 2009
Brown Filly
JCS ARAMOON (ARASTIN / RAYMOONAH)
THE ARAB HORSE SOCIETY
GREAT BRITAIN

DOCUMENT OF REGISTRATION

Horse Passport Agency

PO Box 74, Ellesmere,
SY12 2AD
03330 124 112

www.horsepassportagency.co.uk

Unique Life Number

826069000229090

REPLACEMENT

Microchip Number

981000008960951

Name

PRINCE TINKER TOY

Passport despatched to

MR TORY BURNS
WHITEHOUSE FARM STABLES
FARM LANE
PRESTWICH
MANCHESTER
M25 2RX

NOTICE TO OWNERS:

It is a requirement that any changes to the owner, or animal details, are reported to the Horse Passport Agency within 30 days. **ALTERING DETAILS ON THIS PASSPORT IS AN OFFENCE**

This document of registration (horse passport) is issued as an aid to the identification of the animal. It is not a certificate of legal ownership and should not be considered as such. It remains the property of Horse Passport Agency Ltd and can be recalled at any time. Whilst the issuers of this document believe the information contained within it to be correct they cannot guarantee its accuracy, in particular where it is dependent on information supplied to them, and cannot accept liability for any loss resulting from errors that may arise.

Page: 1 of 24 for Life Number 826069000229090

Horse passport
LOKI
pet id equine
from pet works

APPENDIX B

2022/62/93441/W decision notice

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93441/W

To: Alan Davies
Northern Design (Oldham)
17, Station Lane
Grotton
Oldham
OL4 5QY

For: Mr And Mrs Heffron

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

ERECTION OF STABLES AND EXERCISE AREA

At: REAR OF, 330, LEYMOOR ROAD, GOLCAR, HUDDERSFIELD, HD7 4QL

In accordance with the plan(s) and applications submitted to the Council on 03-Nov-2022. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed stables, feed store and tack room and associated exercise yard would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The development would therefore not fall within the forms of development referenced as not inappropriate development at paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) or accord with Policy LP56b of the Local Plan. Accordingly, the development would constitute inappropriate development in the Green Belt, would conflict with one of the purposes of including land within the Green Belt and would be inherently harmful to it, in conflict with the relevant provisions of Chapter 13 of the National Planning Policy Framework.

2. It has not been demonstrated that the development could be undertaken without negatively impacting upon the amenity of adjacent neighbouring properties through noise, dust and odour pollution emanating from the proposed stables. Without such information, neighbouring properties could be subjected to poor residential amenity and quality of life. On the basis of the submitted application the proposals are therefore contrary to Policies LP24b and LP52 of the Kirklees Local Plan and policies contained within Chapters 12 and 15 of the National Planning Policy Framework.

3. The proposed stables, feed store and tack room and associated exercise yard, by virtue of their overall massing, scale and location would introduce an overly prominent, urban and incongruous form of development within the context of open undeveloped land, adjacent to a public bridleway. The introduction of development of this nature within this open setting would not respect the landscape, causing harm to the visual quality of the wider area. This is contrary to Policies LP24a and LP32 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

4. The development would result in less than substantial harm to the setting of the nearby Grade II Listed Buildings nos. 338, 340 ad 342 Leymoor Road, located to the south-east of the application site. The harm would arise through the development of open land from which the buildings can be appreciated and would serve to further isolate these listed buildings from their rural original setting. There are no public benefits which outweigh the less than substantial harm identified to these adjacent heritage assets. The proposal is therefore contrary to Policy LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990).

5. It has not been demonstrated that the application site can be accessed effectively and safely by all users. In particular, it has not been demonstrated that the development and use of the site could be undertaken without adversely affecting the use and users of the adjacent public bridleway (COL/240/10). In these circumstances the development would be contrary to Policy LP21 of the Kirklees Local Plan and paragraph 110b of the National Planning Policy Framework which requires development to have a safe and suitable access…for all users.

6. The application site comprises undeveloped marshy scrubland with semi-natural habitat of potential ecological value adjacent to a section of the Kirklees Wildlife Habitat Network KWHN. In the absence of the submission of a Preliminary Ecological Appraisal, a full and proper assessment of the impact of the development on: any identified habitats present at the site; the site's suitability for protected and notable species; how the adjacent KWHN is to be safeguarded throughout the development; and how a biodiversity net gain is to be achieved post-development cannot be undertaken. In these circumstances the development is contrary to Policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20th October 2022
Proposed Plans and Elevations Stable Block	01	A	20th October 2022
Proposed Site Plan	03	A	4th November 2022

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No amendments have been sought in this instance as officers had previously raised their concerns and requested additional information in respect of why the stables are required, and at the size proposed, details on access and parking, how noise, dust, and waste will be managed and what impacts the proposals would have on the adjacent bridleway, within the previously withdrawn application reference 2021/94579. As this information has again not been submitted officers have sought to move the application forward to a decision.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.

- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at the Planning Inspectorate website
  Further information on the Planning Appeal process can be found online at the Planning Inspectorates website
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 24-Jan-2023

Signed:

David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Kirklees Planning Website, by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/62/93441/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL