

**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:	<b>2024/62/93420/W</b>
Site Address:	adj, 330a, Leymoor Road, Golcar, Huddersfield, HD7 4QL
Description:	Erection of stables and hay store
Recommending Officer:	Joanna Rednall

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 2<sup>nd</sup> October 2025

## **Officer Report**

### **Site Description**

Rear of, 330, Leymoor Road, Golcar, Huddersfield, HD7 4QL

The application site relates to a portion of undeveloped land located to the rear of no. 330 Leymoor Road in Golcar. The site is accessed via a partially adopted road and bridleway (COL/240/10) off Hollin Hall Lane. To the south-east and south-west of the site are existing residential dwellings. To the north are further undeveloped fields.

The application site is not within a Conservation Area but is located in proximity to Grade II Listed buildings, which are located to the south-east of the site approximately 36m away.

### **Description of Proposal**

The application seeks planning permission for the erection of stables and hay store.

The proposed building is to be 'L shaped' facing towards No.330a to the south-west.

The proposed stable block is to measure around 12.9m x 7.7m, with a ridge height of approximately 2.9m. The stables are simple in design, providing 3 stables, with a hay store.

The proposed stables are to be constructed from timber with a fibre cement profiled sheet roof of a grey colour finish.

### **History of negotiations/amendments received**

Officers requested additional information in response to comments received from the Council's Conservation and Design Team, as well as from KC Ecology in relation to the Preliminary Ecological Appraisal and Biodiversity Net Gain assessment.

### **Relevant Planning History**

2021/94579 – Erection of stables and exercise area. Withdrawn 23<sup>rd</sup> July 2022.

2022/93441 – Erection of stables and exercise area. Refused.

*Reasons:*

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 and 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.*

This report evaluates whether the reasons for refusal of planning application 2022/93441 have been overcome.

It is noted that the previous proposal was for an alternative layout, featuring a large exercise yard, and was for a larger building which was 11m x 9.5m, with a ridge height of approximately 3.8m.

### **Representations**

The application has been publicised in accordance with the Council's Development Management Charter which incorporates the requirements of The Town and Country Planning (Development Management Procedure) Order 2015 (As amended) with regard to publicity of applications.

Final publicity date expires: 22<sup>nd</sup> January 2025

8 representations have been received as a result of the publicity. These are summarised below:

- The site is situated within sight of listed buildings and lies in the middle of a designated green belt area.
- Granting permission for stables could potentially set a precedent for future changes of use.
- The proposed stables would be constructed on land behind 330 Leymoor Road, which is known to be boggy and unsuitable for development.
- The surrounding area serves as a natural habitat for a variety of wildlife, plants, and birds.
- Access to the site is limited, with no available parking nearby.
- The size of the stables suggests a commercial rather than personal use, likely leading to increased traffic from horse boxes, visiting owners and deliveries
- The development of 330a Leymoor Road is already inconsistent with the character of nearby properties.
- Keeping horses on site is likely to cause disturbances, including odours, an increase in flies, and potential rodent issues associated with animal feed storage.

- The proposed development would be out of character with the surrounding properties and negatively impact the visual character of the locality.
- The anticipated increase in vehicle movements related to the stables could compromise the safety of users of the PROW.
- There are concerns that the approved plans may not be strictly adhered to, especially given that the existing house has already encroached onto the adjacent bridleway..
- The position of the stables would interrupt residents views and in turn reduce property values.
- Having horses along with the hens, ducks and geese would be a welcome view.
- The applicants have made some improvements to the fields where the horses will graze
- The stable would be better placed further towards the Bridle Path, as this will have the dual purpose of removing a direct obstruction
- The structure will encroach into the Green Belt, but we would hope this does not lead to further construction.
- This field used to have horses on it, but we are not happy with the position of the stables as they will interrupt peoples views and possibly affect property values.

The content of the summarised representations is addressed in the 'Assessment' section of this report.

### **Consultation Responses**

**KC Highways Development Management** – 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.

**Yorkshire Water** – Consulted as part of the previous application on site (2022/93441). Advised they have no objections and recommended conditions relating to undertaking separate surface / foul means of drainage and that surface water drainage is not into a public sewer.

**KC Environmental Health** – No objections subject to conditions relating to restricting use of the stables for private use only and working times.

**KC PROW (informal)** – Consulted as part of the previous application on site (2022/93441). 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.

**KC Ecology (informal)** – Following submission of a Preliminary Ecological Appraisal confirms they have no objections subject to conditions.

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

The application site is located within the Green Belt. It is also important to note that to the south-east of the site there are Grade II Listed Buildings, in addition, running along the south-west of the site is a public bridleway, this bridleway will also form the access to the site.

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

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable Energy
- **LP28** - Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** - Landscape
- **LP35** – Historic Environment
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP56** – Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries

### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

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

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **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**

### **1 - Principle of Development:**

#### **1.1 – Sustainable Development**

NPPF Paragraph 11 and Policy 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)**

As outlined above, the application site is located within the Green Belt in the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph 154 or 155 of the NPPF.

Paragraph 153 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.

Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. The exception at paragraph 154 b) allows for 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.

Similar to Paragraph 154 of the NPPF, Policy LP56 of the Kirklees Local Plan states 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.”*

Policy LP56 goes on to state that: *‘Proposals should ensure 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 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 and 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.”*

The text supporting this Policy notes that: *“As a consequence of changes to agricultural practices and a decline in agriculture generally, the fragmentation of former agricultural holdings often results in individual land parcels being used for the keeping and grazing of horses, where a need for new stabling, including associated buildings for the storage of feed and tack, can arise. Usually, the proposal will be for ready-made stables and these are generally acceptable where they are of timber construction and can be appropriately and unobtrusively sited... Stables should where possible be sited where access already exists, as the impact of any new access will be taken into account in assessing impact”*

In respect of openness of the Green Belt, case law (Turner v Secretary of State for Communities and Local Government [2016] EWCA) establishes that the concept of openness is open textured and that several factors are capable of being relevant when applying it to the particular facts of a specific case. National Planning Practice Guidance (NPPG) broadly identifies openness as being divisible into spatial and visual aspects.

As noted previously LP56(b) of the Local Plan outlines that facilities for outdoor sport and recreation should be unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including and new or improved access and car parking areas.

In this case, passports have been provided for the applicant's three horses which are proposed to be accommodated by the stable block. The British Horse Society (BHS) recommends a general ratio of one horse per 1-1.5 acres of land for the grazing of horses, however this is dependent on the size and weight of the horse. As such, the land is sufficient for more than 3 horses thus complying with LP56(a) of the Kirklees Local Plan.

The application site, along with the adjoining land extending to the north, east, and northwest, is characterised by undeveloped open countryside, within which there is a limited presence of built form. This rural setting is defined by its openness and the absence of significant structures, which contributes to the overall visual and spatial aspects of the landscape. The proposed stable block is located within the southwest corner of the site, situated approximately 13 metres from the main dwelling at 330a Leymoor Road. This siting brings the stable block closer to the existing built environment (than the previous refusal), which serves to reduce its visual impact as a result of spread of built form into the countryside and minimize any adverse effects on the openness of the surrounding countryside.

The design and construction of the proposed stable block have been considered to reflect the typical characteristics of equestrian buildings commonly found in rural areas. The structure is intended to be lightweight, constructed from materials that avoid creating the impression of a heavy, solid, or permanent building within the landscape. This approach ensures that the stable integrates more harmoniously with the natural surroundings, maintaining the rural character of the area. Importantly, the scale of the proposed stable block has been reduced compared to the previous submission (planning application 2022/93441), responding directly to earlier concerns regarding its visual dominance and potential impact on the Green Belt.

Furthermore, the stable block has been repositioned away from the nearby PROW, thereby limiting its visual and spatial impact on public views and preserves the openness of the Green Belt. By relocating the development closer to the existing built form, in this case the dwelling to which the stables would be linked / used in operation with, the proposal ensures that the stable block and associated arena are read in conjunction with the existing built environment. This spatial relationship helps to merge the new structures within the context of the dwelling, reducing the encroachment of built form into the wider countryside.

The overall size of the stables has also been reduced, which is a factor in limiting the scale and extent of the development. This reduction follows the omission of previously proposed hardstanding and exercise areas, which

further minimises the footprint of the development and its potential impact on the openness and character of the Green Belt.

In light of these design modifications and siting considerations, it is concluded that the proposed development would not result in the urbanisation of the site. There is a clearly demonstrated need for equestrian facilities in this specific location to accommodate the horses, which supports the justification for the development. Moreover, the smaller scale and sensitive siting of the stable block reduce its prominence within the public realm. While the structure will remain visible from the adjacent bridleway and from further afield along Parkwood Road, its visual impact will be significantly lessened. On balance, considering the demonstrated functional need and the design mitigation measures implemented, the visual and spatial impacts are considered acceptable.

Access to the stables would be via the applicants private drive via timber field gate, utilising an existing access to reduce any impacts on the adjacent public bridleway COL/240/10. The proposals would therefore avoid any vehicular activity along this bridleway by using alternative access routes.

Consequently, the revised scheme is considered to be sufficient in overcoming the concerns previously raised by officers, particularly in relation to the scale, siting, and impact of the proposed stable block and associated works within the Green Belt.

In this case, the principle of development is considered acceptable, and in accordance with the aims of LP56 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework. On balance it is considered that reason no.1 of 2022/93441 has been overcome by this proposal.

This conclusion is drawn on the basis operation of the stables is in connection with occupiers of the nearest dwelling, and a condition to ensure this is the case is recommended to ensure the impact of the development is not intensified through commercial operation with associated increased number of users, and resultant pressure for access / parking to the site as a result, which would have a greater impact than that as sought for personal use in connection with the nearest dwelling.

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”.*

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.

Policy 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...”*

As outlined above, the proposed stable block has been carefully designed and sited to ensure it responds appropriately to the local context and character of the surrounding rural area. Positioned within the southwest corner of the site, the stable is closely associated with existing built form. This siting reinforces the layout and character of the site, helping the development to integrate with its immediate setting and reduce visual intrusion into the open countryside.

The form, scale, and appearance of the stable block reflect typical rural equestrian structures. The building is of a modest scale, utilising lightweight materials that prevent it from appearing overly dominant or incongruous within the landscape. These design choices ensure that the stable respects the visual qualities of the area and maintains the rural character of the locality.

In response to previous concerns, the proposal has been reduced in scale from the earlier submission (2022/93441). The omission of associated hardstanding and an exercise area has further reduced the physical and visual footprint of the development, enhancing its compatibility with the surrounding landscape.

The stable has also been re-sited further from the adjacent PROW, reducing its visibility from key public viewpoints and maintaining the openness of the Green Belt. While it may remain partially visible from the bridleway and Parkwood Road, its reduced scale and more discreet positioning help limit its prominence in the public realm.

Overall, taking in account the above, the development is therefore considered to comply with the design principles set out in Policy LP24 and LP32b of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF. On balance it is considered that reason no.3 of 2022/93441 has been overcome by this proposal.

### *Historic Environment*

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 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.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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”*.

As outlined above, the application site is located proximate to Grade II Listed Buildings to the south-east (nos. 338, 340 ad 342 Leymoor Road). As outlined within the previous application, the proposal was considered to result in less than substantial harm to the significance of these heritage assets:

*“...It is also of note that the new build dwelling to the south of the stables would screen some of the view of the stables from these listed buildings. However, further built form would cause harm to the appreciation of these listed buildings in particularly by users of the bridleway as they would remove open land and replace this with a building and associated hardsurfacing and paraphernalia. The encroachment of development into open land would serve to further isolate the listed buildings from their original setting. It is concluded that this would result in less than substantial harm to the significance of these heritage assets.”*

The application was concluded that, in accordance with paragraph 202 of the NPPF, there would be no public benefit perceived to be arising from the development of the land for the purposes proposed and was therefore considered 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).

During the course of determining this revised application, KC Conservation & Design were reconsulted to review the amendments in light of their previous assessment of application 2022/93441. In their earlier response, KC Conservation acknowledged that although the scale of the proposed stable block had been reduced, its siting closer to the adjacent listed buildings meant that it would still be viewed in close proximity to these heritage assets. This proximity was considered likely to result in less than substantial harm to the significance of the listed buildings. KC Conservation further advised that this harm could potentially be mitigated through the introduction of natural screening, such as additional vegetation or hedgerow planting, to soften the visual relationship between the new development and the heritage assets.

In response to these concerns and recommendations, the applicant's agent submitted revised plans which incorporated an 18-metre-long hedgerow along

the boundary closest to the listed buildings. Furthermore, the stable block was repositioned slightly to the southwest of the originally submitted location, thereby increasing the separation distance between the proposed building and the listed structures. Following receipt of the amended plans, KC Conservation were reconsulted to assess whether the proposed landscaping and revised siting adequately addressed their earlier concerns. Upon review, KC Conservation confirmed that the additional natural screening and the increased separation had satisfactorily mitigated the potential harm to the listed buildings' setting. As a result, they withdrew their previous objections, concluding that the revised scheme no longer posed a significant adverse impact on the significance of the adjacent heritage assets. A condition to secure the landscaped screening is recommended.

Weight is afforded the reduced quantum of the development proposal the subject of this application and fact that there has been a reduction in the level of development being undertaken, with a reduction in the size of the stables and removal of additional elements including the creation of the exercise yard. On balance it is considered that reason no.4 of 2022/93441 has been overcome by this proposal.

Taking the above into account, the proposal is considered to comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990).

### **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’.*

Policy LP52 relates to the impact of pollution.

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 and Chapter 15 includes Policies on the protection from pollution.

#### *Impact on dwellings located on Spring Side Rise (backing on to the application site)*

These neighbouring properties are located to the south-west of the application site, approximately 15m away (when measured from the rear garden areas). Given the differences in land levels and that the proposed stables are to be single storey in height, there are no concerns with regards to overshadowing or the proposals appearing overbearing. Furthermore, there is sufficient screening from boundary treatments to the rear of the above neighbouring properties to ensure that overlooking would not be an issue in this instance.

*Impact on dwellings located on Leymoor Road (backing towards the application site)*

These neighbouring properties are located to the south-east of the application site. Whilst the majority of the dwellings would be located a sufficient distance away to ensure overlooking, overshadowing, and the proposals appearing overbearing in nature would not be a concern, officers do note that a new dwelling has been erected directly to the south of the application site (ref: 2016/90153 and 2022/92869). The proposed stables are single storey in height and would be viewed against this existing two storey property and given the orientation of the dwelling to the stables it is unlikely that there will be issues with overshadowing. Although habitable room windows are located within the northern elevation of this new dwelling, due to the nature and use of the stables it is unlikely that there would be concerns arising from overlooking or the loss of privacy.

It is also important to note that the Council's Environmental Health officers have been consulted on the proposals and have not raised concerns with regard to loss of amenity issues upon neighbouring dwellings. They draw this conclusion on the basis of the inclusion of a condition restricting the use to that of the occupiers of no.330a.

The siting of the proposal is further from dwellings on Springside Rise than the previous proposal. The previous refused scheme was 16.6m from properties on Springside Rise, this is now a distance of 27 metres. Properties to the south east are at a distance of 29m from the proposal.

Given the scale of the development, whilst an hours of construction condition is not considered necessary it is recommended hours of construction are suggested via informative note.

Having regard to the re-siting of the proposal the subject of this application, the lesser scale of the development and fact it is further from properties on Springside Rise, it is considered that on the basis the operation of the site is for personal use for the occupiers of no.330a the proposal is acceptable in terms of impact upon the amenity of neighbouring occupiers.

A condition restricting the use to personal use for occupiers of 330a is considered necessary to ensure that the stables is not used on a more intensive commercial basis which could give rise to greater noise / odour as a result. Furthermore, it is considered necessary to ensure the proposal would not impact upon occupiers of 330a were the use of the stables to be disaggregated from the residential occupation and used by different occupiers.

Subject to condition it is therefore considered that there would be limited harm to residential amenity and therefore the works are considered to comply with Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the

NPPF. On balance it is considered that reason no.2 of 2022/93441 has been overcome by this proposal.

#### **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 116 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.

This application is for the erection of 3 stables and a hay store accessed via a new access point on to Hollin Hall Lane, an unadopted and unsurfaced track of approximately 3m width with no footways or streetlighting that hosts PROW bridleway COL/240. The application states that no new means of vehicular access would be formed to the site.

Whilst Highways DM raised no objections to the proposal it was noted that the red line boundary stops approximately 50m short of joining the adopted highway, this may mean that vehicular access to the site is not available: as set out above it is not 'proposed' but the access gate and the size of the associated exercise yard might indicate otherwise. Highways DM suggest the applicant contact their solicitor to check that they have a vehicular right of way over the unadopted section of Hollin Hill Lane.

Whilst no trip generation details have been provided, and it is indicated that no vehicular access is required to the site, highways officers consider that under normal domestic use, the trips generated would not be sufficient to have a severe impact on the operation or efficiency of the local highway network. As no parking has been indicated on the submitted plans, it is assumed that there will be no vehicular access required to the site after construction has been completed. Officers advise that there should be no vehicles should park on Hollin Hall Lane where it would obstruct the use of the adjacent PROW, this includes during construction.

To maintain a very low vehicular trip generation officers proposed to restrict the use of the stables and exercise yard to private use (by the applicant) only. On such a basis it is considered the impact of the development would not be significant given that it would not result in additional vehicles utilising the access / site significantly over and above that which takes place already.

As the site is accessed along the PROW bridleway officers would not wish to encourage any additional traffic to use this route, the PROW should remain unobstructed by the proposals. The Council's mapping systems show that the PROW should be a minimum of 2.4m in width and be unsurfaced/rough surfaced. There should be no changes to this without consultation with, and written confirmation from the Kirklees PROW team. In addition, given the nature of this access Highways officers request the submission of a construction access plan.

The Highways Team request that a construction access plan is provided prior to commencement to show how access to the site will be obtained, where constructors and delivery vehicles will park, where materials will be stored and details of any requirements for a banksman for deliveries and wheel washing facilities to stop mud or debris from being dragged on to the adopted highway for road safety reasons. They recommend a condition to ensure this is provided is included upon any grant of permission.

Taking account of the response of the highways team, revised scale of the proposal and on the basis of inclusion of the recommended conditions the proposal is therefore considered to be acceptable and to have overcome reason no.5 of refused application 2022/93441 in relation to highway safety and parking, given the proposal would be used by occupiers of the site only and this could be ensured by condition.

## **5 - Other Matters:**

### Biodiversity

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Initially, KC Ecology officers objected to the scheme due to the absence of a Preliminary Ecological Appraisal. Following the submission of a PEA dated May 2025, officers consider the conclusions set out in this report reasonable and acceptable. There are recommendations for pollution prevention, amphibians, badgers, bats, birds, and invasive species, and these can be covered by a suitably worded condition.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), a Biodiversity Net Gain Assessment was submitted. The summary of this document concludes that the development proposals will result in a net loss (-1.44%) on site after the works and would therefore fail to meet the 10% net gain requirements. The report concluded that a 10% net gain on site would be achievable through small changes to the site habitat types.

However, under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As such, subject to the inclusion of an informative note drawing this to the applicants attention, the proposal is considered to be acceptable in regard to biodiversity / ecology.

In summary, subject to conditions, the proposal is considered to be acceptable in regard to biodiversity / ecology and to have overcome the previous reason for refusal (no.6 of 2022/93441).

### Drainage

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). However, to the north and east of the application site there is an existing culverted watercourse. It is also acknowledged that the application site is in an area which is known to be prone to localised flooding. The submitted Design and Access Statement sets out improvement works have already been undertaken on 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.

Yorkshire Water were consulted on the previous proposal, and they raised no objections stating that they fully endorse the means of surface water being drained to a soakaway. However, they did note that there may be a private water main crossing the site, and that some off-site mainlaying may be required. This site could be supplied from gravity subject to the building's height and demand, their response also outlines that a live water main with washout also runs close to the red line boundary, if this not required for the development these will need to be diverted/disconnected and all costs be borne by the developer. YW recommend conditions requiring separate systems of drainage for foul and surface water on and off the site, however as no foul drainage is proposed as part the scheme and given the scale of the development, officers consider the implementation of these conditions would not be necessary / proportionate in this case.

Taking the above into account, the proposals are consider to accord with the aims of Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the NPPF.

### Climate Change

On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the scale and nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development to reduce carbon emissions.

There are no other matters for consideration.

## **6. Representations**

The summarised, representations are listed and addressed as follows:

- The site is situated within sight of listed buildings and lies in the middle of a designated green belt area.

*Officer Response:* This is addressed in sections 1 and 2 of the assessment of this proposal.

- Granting permission for stables could potentially set a precedent for future changes of use.

*Officer Response:* The consideration of future applications would be on their merits, this application is assessed on the basis of the scheme as proposed. It would be unreasonable of the LPA to refuse permission on a speculative basis of whether a future application for change of use would be forthcoming at some point in the future.

- The proposed stables would be constructed on land behind 330 Leymoor Road, which is known to be boggy and unsuitable for development.

*Officer Response:* Drainage considerations are addressed in section 5 of the assessment of this proposal.

- The surrounding area serves as a natural habitat for a variety of wildlife, plants, and birds.

*Officer Response:* This is addressed in section 5 of the assessment of this proposal.

- Access to the site is limited, with no available parking nearby.

*Officer Response:* This is addressed in section 4 of the assessment of this proposal.

- The size of the stables suggests a commercial rather than personal use, likely leading to increased traffic from horse boxes, visiting owners and deliveries  
The development of 330a Leymoor Road is already inconsistent with the character of nearby properties.

*Officer Response:* The consideration of the application is on the basis of being used by occupiers of 330a only, and a condition to ensure this is the case is recommended.

- Keeping horses on site is likely to cause disturbances, including odours, an increase in flies, and potential rodent issues associated with animal feed storage.

*Officer Response:* This is addressed in section 3 of the assessment of this proposal.

- The proposed development would be out of character with the surrounding properties and negatively impact the visual character of the locality.

*Officer Response:* This is addressed in sections 1 and 2 of the assessment of this proposal.

- The anticipated increase in vehicle movements related to the stables could compromise the safety of users of the PROW.

*Officer Response:* This is addressed in section 3 of the assessment of this proposal.

- There are concerns that the approved plans may not be strictly adhered to, especially given that the existing house has already encroached onto the adjacent bridleway.

*Officer Response:* It would be unreasonable of the LPA to refuse permission on a speculative basis of whether the scheme would be adhered to.

- The position of the stables would interrupt residents views and in turn reduce property values.
- This field used to have horses on it, but we are not happy with the position of the stables as they will interrupt peoples views and possibly affect property values.

*Officer Response:* Impact upon views and the property values of neighbouring premises is considered to be a material consideration which could be afforded minimal weight in this case given the scale of the development.

- Having horses along with the hens, ducks and geese would be a welcome view.

*Officer Response:* Noted

- The applicants have made some improvements to the fields where the horses will graze

*Officer Response:* Noted

- The stable would be better placed further towards the Bridle Path, as this will have the dual purpose of removing a direct obstruction

*Officer Response:* This application is assessed on the basis of the submitted scheme and on its own merits.

- The structure will encroach into the Green Belt, but we would hope this does not lead to further construction.

*Officer Response:* This is addressed in section 1 of the assessment of this proposal. Any further applications would be considered on their own merits should any be forthcoming in the future.

## **7. 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, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation:**

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2025/93420

Officer Recommendation: Approve.

1. The development hereby permitted shall be begun within three years of the date of this permission.

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51, LP52 and LP56 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The stables and hay store hereby approved shall be used solely for private use by the occupants of the dwelling 330a, Leymoor Road, Golcar, Huddersfield, HD7 4QL outlined in blue within submitted drawing 24/1047/03c and shall not be used for any commercial purposes.

**Reason:** To ensure the proposed development does not cause noise and/or odour pollution within neighbouring sensitive locations, in the interest of the Green Belt, residential amenity and Highway safety to comply with Policies LP21, LP22, LP24, LP52 & LP56 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.

4. Development shall not commence until a scheme is submitted to, and approved in writing by, the Local Planning Authority which details highway construction management arrangements. The submitted scheme shall detail the means of access to the site for construction traffic, the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. The development shall be undertaken in accordance with the approved scheme for the entirety of the construction phase of development.

**Reason:** In the interests of highway safety to accord with policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

5. No works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- a) Summary of potentially damaging activities

- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** In the interests of biodiversity and in accordance with LP30 and policies within Chapter 15 of the National Planning Policy Framework.

6. Within the first planting season following the substantial completion of the stables and hay store hereby approved the 18m long hedgerow planting consisting of native species of Rowan, Mountain Ash and Field Maple in the location coloured green upon submitted plan 24/1047/03c shall be planted. Following completion of the landscaping scheme all areas of soft landscaping shall be retained as soft landscaping for the lifetime of the development. If, within a period of at least five years from planting, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to mitigate the visual impact of the development to accord with policies LP24, LP30 & LP35 of the Kirklees Local Plan and the policies contained within Chapters 12, 15 & 16 of the National Planning Policy Framework.

7. The walls of the stables and hay store hereby approved shall be constructed from timber. The roof of the Stables and hay store hereby approved shall be fibre cement profiled sheet of a grey colour finish. The materials of construction and colour finish approved by this condition shall be retained thereafter.

**Reason:** For the avoidance of doubt as to what is being approved in the interests of visual amenity to accord with policies LP24, LP35 & LP56 of the Kirklees Local Plan and the policies contained within Chapters 12, 13 & 16 of the National Planning Policy Framework.

**NOTE:** No construction related noise should be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours Saturdays With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

**NOTE:** PROW bridleway Col/240 is the access to and adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works The Council's public rights of way unit may

be contacted by telephone 01484 221000 and the email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority.

#### Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	24/1047/01	-	11/12/2024
Existing Block Plan	24/1047/02	-	11/12/2024
Proposed Block Plan	24/1047/03c	-	14/03/2025
General Arrangements as Proposed	24/1047/04a	-	11/12/2024
Planning Supporting Statement dated September 2024	-	Rev A	11/12/2024
Application form	-	-	11/12/2024
Climate Change Statement	-	-	11/12/2024
Biodiversity Net Gain Assessment	-	-	11/12/2024
Preliminary Ecological Appraisal dated May 2025	-	-	30/05/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Officers requested additional

information in response to comments received from the Council's Conservation and Design Team, as well as from KC Ecology, specifically in relation to the Preliminary Ecological Appraisal and Biodiversity Net Gain assessment.

**Report Dated:** 25/09/2025

Coal – low

BNG