
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Sep-2022

Subject: Planning Application 2022/90175 Erection of 4 stables/tackroom and equestrian use of land north of, Stocks Moor Road, Stocksmoor, Huddersfield, HD4 6XL

APPLICANT

R Winn

DATE VALID

20-Jan-2022

TARGET DATE

17-Mar-2022

EXTENSION EXPIRY DATE

14-Apr-2022

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: APPROVE

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to Heavy Woollen Sub Committee due to a significant volume of local opinion (34 representations) and at the request of Councillor Bill Armer. Cllr Armer's reasons are as follows:
- 1.2 *"1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.*
- 2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.*
- 3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.*
- 4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.*
- 5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.*
- 6(a) the provision of hardstanding for a dungheap is an unnecessarily over-engineered approach which introduces a permanent feature into the Green Belt, and that this use does not require a hard base;*
- 6(b) that the proposed location for the dungheap is very close to the road and associated pavement*
- and is in such a position as to cause a nuisance (by smell) to passers-by*

7). *The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal... is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.*

8). *There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.*

9). *Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt."*

- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Armer's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a parcel of land to the north of Stocks Moor Road, Stocksmoor, Huddersfield. The site is bounded on two sides by dry stone walls, with an existing vehicle access. The land falls gently to the north. The site is located within the Green Belt and appears to currently be in agricultural use.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of 4 stables/tackroom and equestrian use of land. The stables and tack room would each measure 3.65m x 3.65m and would be arranged in an 'L' shape. The stables would have partial blockwork walls, with timber exterior cladding. The overall height would be 3.8m.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2021/92506 - Erection of 6 stables, tackroom and equestrian use of land. Refused.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Following comments from third parties and the ward councillor, officers asked the agent to provide details of waste storage and disposal, which was submitted. This was re-advertised. Officers asked the agent to clarify the situation regarding land ownership. The agent confirmed that they were satisfied that the correct red and blue outlines and ownership forms have been submitted with the application. An amended plan was also submitted following KC Highways comments.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development
LP 2 – Place shaping
LP 21 – Highways and access
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity & geodiversity
LP 51 – Protection and improvement of air quality
LP 52 – Protection and improvement of environmental quality
LP 56 – Facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.
- 6.4 In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
 - Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Planning Guidance:

- 6.5 **Chapter 2** – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

7.2 The application was advertised by neighbour letters giving until 9th March 2022 to comment on the initial plans. As a result of the above publicity, 27 representations have been received from 21 addresses. These have been published online. The material considerations raised are summarised as follows:

- Harm to character of the area.
- Design and siting of stable block.
- Noise.
- Odour.
- Highway safety/parking.
- Ecology
- Impact on Green Belt
- Waste storage and disposal.

7.3 The amended plans were also advertised by neighbour letters giving until 5th April 2022 to comment. 7 further representations were received (6 from the same addresses as the initial publicity and 1 from an additional address); however, no new material considerations were raised.

7.4 Cllr Bill Armer has also submitted an objection to the application, which is as follows:

"1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.

2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.

3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.

4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.

5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.

6). The application does not indicate how waste generated by the horses will be stored and/or disposed of. There is a clear potential for nuisance to be caused to neighbours and passers by.

7). The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal... is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning

or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.

8). There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.

9). Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt.”

7.4 Kirkburton Parish Council were consulted; however, no response was received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – no objections subject to conditions.

KC Environmental Health – no objections.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development (including impact on Green Belt and visual amenity)
- Impact on residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development (including impact on Green Belt and visual amenity)

Sustainable development

10.1 Policy LP1 of the Kirklees Local Plan (KLP) and paragraph 11 of the National Planning Policy Framework (NPPF) outline a presumption in favour of sustainable development. 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.

- 10.2 Paragraph 8 of the NPPF identifies the objectives 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.

Impact on the Green Belt

- 10.3 The site is within the designated Green Belt on the KLP. Therefore, the impact of the development on the Green Belt needs to be assessed.
- 10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in “very special circumstances”. Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to ‘inappropriate development’.
- 10.5 The proposal is for the erection of stables and tackroom and change of use of the land to private equestrian use. As such, Policy LP56 of the KLP is relevant, which state that proposals for appropriate facilities associated with outdoor recreation will normally be acceptable in the Green Belt as long as they preserve openness and do not conflict with the purposes of including land within the Green Belt. This is consistent with the NPPF.
- 10.6 Policy LP56 continues: *“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;”*
- 10.7 The text supporting Policy LP56 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. The use of more permanent materials should be resisted as this can result in a proliferation of permanent structures to the detriment of the open character of the landscape should the use as a stable cease. 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”*

Whether the proposal is inappropriate development in the Green Belt

- 10.8 Each stable (and the tackroom) would measure 3.65m x 3.65m (12ft x 12ft) internally, which is in line with British horse society recommendations for minimum stable sizes for horses (<https://www.bhs.org.uk/horse-care-and-welfare/health-care-management/stable-safety/>). The total footprint of the stable block would be approximately 82sqm. The agent has confirmed that the

stables are to be used solely for private use, and not for commercial purposes. This could be controlled by condition, should members be minded to approve. It is considered by officers that the scale of the stables is acceptable and “no more than is reasonably required”, as per Policy LP56 of the KLP.

- 10.9 As noted in the submitted Planning Support Statement, the site (within the blue line boundary) measures approximately 23 acres. The British Horse Society recommends a ratio of 1-1.5 acres per horse for permanent grazing. The available land would be more than sufficient for permanent grazing for up to four horses.
- 10.10 The proposed stable block would be of an acceptable appearance, having an L-shaped layout. It would be set slightly back from Stocks Moor Road and would be separated by the existing boundary wall and proposed native screen planting. It is considered to be unobtrusively positioned as the western elevation would be adjacent to the existing dry-stone wall. Furthermore, there is a slight elevation change. It would be constructed of breeze block to a height of 1.4m and clad in timber with a felt roof and canopy. The materials are considered acceptable for a stable in the Green Belt. The breeze block at the lower level is considered an acceptable material for stables as it is strong, helps stables remain cool and mitigates some of the sound should the horse(s) kick out.
- 10.11 The proposed stable would use the existing access from Stocks Moor Road. The submitted plans indicate the inclusion of a yard area to the western side of the proposed stable block, which would be surfaced in limestone chippings. This is considered acceptable due to its less permanent construction and appearance.
- 10.12 In this case, the principle of development is considered acceptable and the proposal would constitute appropriate development in the Green Belt, in accordance with the aims of Policies LP24 and LP56 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

Residential Amenity

- 10.13 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.
- 10.14 In this case, the nearest residential properties to the application site are approximately 145m to the east (Whitstones Barn, Stocks Moor Road) and approximately 185m to the west (2 Ing Head Lane). Given the distance to these neighbouring properties, officers consider that there would be no detrimental impact on residential amenity.
- 10.15 As mentioned previously, the agent has confirmed that the stables are to be used solely for the private use of the applicant, and not for commercial purposes. This is recommended to be controlled by condition, should members be minded to approve.

- 10.16 With respect to waste management, an area of hardstanding has been included to ensure safe transfer of horse waste which will be transferred from the stables by wheelbarrow. In terms of waste disposal, an informal arrangement has been made with local farmers. KC Environmental Health were consulted and consider there are no significant environmental health impacts related to this development, including noise and odour, and have no objections. However, it is recommended that details of a waste management strategy are conditioned in the event that planning permission is approved.
- 10.17 After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policies LP24 and LP52 of the Kirklees Local Plan, and Paragraph 130 (f) of the National Planning Policy Framework.

Highway issues

- 10.18 KC Highways Development Management were consulted and requested that nothing should be erected or planted within 2.0m from the carriageway edge of Stocksmoor Road in excess of 1.0m high to ensure suitable visibility is maintained. This could be secured via condition should members be minded to approve. Furthermore, following Highways comments an amended plan was received showing tarmac surfacing for the first 5.0m from the back of footway into the site in order to stop any limestone chippings dragging on the footway/highway from within the site. Following further discussion, notwithstanding the submitted details, the area annotated as “tarmac” on the submitted plan (ref: 102-67-04B) should be surfaced in grasscrete. It is considered this would be less impactful on the Green Belt. This is recommended to be secured via condition should members be minded to approve.
- 10.19 Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the KLP, the guidance within the Council’s Highways Design Guide SPD, and Chapter 9 of the NPPF.

Representations

- 10.20 Following the initial round of publicity, 27 representations were received from 21 addresses. The material considerations raised are summarised as follows:
- Harm to character of the area.
 - Design and siting of stable block.
 - Noise.
 - Odour.
 - Highway safety/parking.
 - Ecology.
 - Impact on Green Belt.
 - Waste storage and disposal.
- 10.21 Officer comment: The above material considerations have been addressed within the report.

- 10.22 Following the amended plans publicity period, 7 further representations were received (6 from the same addresses as the initial publicity and 1 from an additional address); however, no new material considerations were raised.
- 10.23 Cllr Bill Armer has also submitted an objection to the application. The objection is set out below and responded to by officers:

1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significant discrepancy.

Officer comment: The proposed internal floor space would be approximately 66.6sqm, as per submitted plan ref: 102-67-04B.

2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.

Officer comment: Submitted plan ref: 102-67-04B shows each stable and the tack room as measuring 3.65m x 3.65m, as per British Horse Society Standards.

3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.

Officer comment: The proposed stables would be constructed of breeze block to a height of 1.4m and clad in timber with a felt roof and canopy. The materials are considered acceptable for a stable in the Green Belt. The breeze block is considered an acceptable material for stables as it is strong and helps stables remain cool.

4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.

5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.

Officer comment: With reference to points 4 & 5, KC Highways Development Management were consulted and raised no objection to the proposal (subject to conditions).

6). The application does not indicate how waste generated by the horses will be stored and/or disposed of. There is a clear potential for nuisance to be caused to neighbours and passers by.

Officer comment: Some details regarding waste storage and disposal have been submitted. KC Environmental Health consider there are no significant environmental health impacts related to this development and have no objections. However, in the event that planning permission is approved, a condition is recommended for submission of a waste management strategy.

7). *The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal... is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.*

Officer comment: The condition restricting the stables to personal use (not for commercial purposes) would run with the land and would not be a "personal" permission. Government Guidance in the NPPG states that "it is rarely appropriate" to use conditions to limit the benefits of the planning permission to a particular person or group of people. The condition would ensure that the site is used for private use only.

8). *There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.*

Officer comment: Clarity has been sought from the agent regarding this matter. They confirmed that the correct red and blue outlines and ownership forms have submitted with the application. As mentioned previously, the condition restricting the stables to personal use (not for commercial purposes) would run with the land and would not be a "personal" permission.

9). *Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt."*

Officer comment: These concerns have been addressed within the report.

Other Matters

- 10.24 Ecology – The site is partly located within a bat alert layer. The site is approximately 200m from woodland and the nearest watercourse. There are no trees within the site. It is considered that the site is unlikely to have any significant bat roost potential. Should members be minded to approve, an informative footnote would be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This accords with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

10.25 Future residential development – Concerns have been raised relating to the application setting a ‘precedent’ for future residential development. Any residential development would require a separate planning application and would be considered on its own merits against the relevant policy considerations.

11.0 CONCLUSION

11.1 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.

11.2 The proposed stables/tackroom and equestrian use of the land are considered to constitute an acceptable form of development within the Green Belt and would have no adverse impact on residential or visual amenity, or highway safety.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Commencement of development within 3 years.
2. Development to be in accordance with the approved plans.
3. Stables solely for private use and not for commercial purposes.
4. Nothing over 1.0m high within 2.0m from Stocksmoor Road (visibility).
5. Grasscrete surfacing of area annotated as ‘tarmac’.
6. Waste management strategy.

Background Papers:

Current application:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90175)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90175>

Previous application:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92506)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92506>

Certificate of Ownership – Notice served on other owners/agricultural tenants located at Ram Mill, Gordon Street, Oldham and certificate B signed.