



Report of the Chief Planning Officer

North & East Plans Panel

Date: 11th May 2016

Subject: 16/01228/FU – Use of land for private equestrian use (sui generis), erection of detached stable block and storage facilities, laying out of manege and installation of septic tank on land at Willow Wood, Westfield Lane, Clifford, Wetherby

APPLICANT

Ms A Leggatt

DATE VALID

16.03.16

TARGET DATE

11.05.16

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Standard time limit.
2. Plans list to be approved.
3. No floodlighting of manege.
4. No other external lighting except in accordance with a scheme to be submitted for approval.
5. Private use only (in connection with the equestrian use falling within the application site).
6. Timber finishes to stables to be dark stain.
7. Details of cut and fill operations.
8. Details of septic tank installation.
9. Details of fencing and gates.
10. Details of generator.
11. Scheme for management of waste.

1.0 INTRODUCTION

- 1.1 The application proposes a manege with stabling (for 4 horses), a storage building with generator and welfare facilities, and a change in use of the land edged red to private equestrian use. The site is within the designated Green Belt but represents appropriate recreational development as such the proposal is considered to be policy compliant and acceptable on its merits in all other regards. The proposal is a resubmission following unsuccessful proposals for the same level and nature

development, but which differs in siting and design without any floodlighting of the manege and which is supported by additional information that is considered to address the reasons for refusal given under the earlier proposals. No Ward Councillor request for Panel consideration has been received at the time of compiling this report. However, the previous application was the subject of such a request, in the event that approval was recommended, due to concerns over the impact of the proposal. In light of this and the recommendation for approval it is considered expedient to report this application to Panel.

2.0 PROPOSAL:

- 2.1 The application proposes the change of use of agricultural land to form a private equestrian use (*sui generis*) and the erection of two buildings; one for stabling of up to four horses and one for storage of a quad bike, harrow and bedding. To the rear of the storage building is a small lean-to which would house a generator and toilet, in order to provide power and welfare facilities given the application site is divorced from the applicant's home. The stable building would contain 4 stables and together the two buildings would form an L shape in plan form, though they would be separated by a small passageway, and to the front of them would be a concrete hard standing. The buildings shown would measure approximately 2.23m to the eaves with shallow dual pitched roofs typical of small scale private stable buildings.
- 2.2 The application also proposes the laying out of a 40m x 25m outdoor manege, enclosed by a simple timber post and rail fence with gates, and the installation of a septic tank to serve the toilet proposed in the storage building. The manege, stable and storage buildings are sited in the western field, close to the northern boundary of it and close to the existing woodland to the west, north of the footpath to the south. An existing building which is to remain is to be fitted with doors to provide further storage of hay. The buildings are proposed to be built of blockwork and then clad in horizontal timber boarding. The roof is to be clad in either black or green corrugated metal sheeting, with clear Perspex panels to provide natural daylighting.
- 2.3 The application is supported by a design and access statement and details of the conveyance of the land to the applicant. A letter accompanies the application from an equine neuromuscular specialist, which states they have treated the applicant's pony following a veterinary diagnosis of spinal problems and steroid injections into his vertebrae. The author states that for successful rehabilitation, the applicants pony must be worked daily on a sound level surface, in all weather and all seasons, in order to stretch the spine out and relive pressure and pain. The applicant provides evidence of vandalism and of her pony eating timber, in support of the block built nature of the proposed buildings.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises two agricultural fields to the west of Clifford which are accessed from Willow Lane via Westfield Lane, the latter of which is a single track unmade private access road across which Public Footpath Clifford No 1 runs. The red-line site area also takes in an area of woodland to the west. The site is located within the designated Green Belt. The north-western edge of Clifford Conservation Area lies to the south and east of the site. Two existing timber structures occupy land adjacent to the proposed development; one of mono-pitched roof design akin to a field shelter is a moveable structure, and the other a two-box stable of pitched roof design which the applicant advises has been sold and will be removed to make way for the proposed development. A further small solid structure is evident (shown as retained under the proposals as a hay store as described above).

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/01534/FU: Use of land as private equestrian use (sui generis) and erection of detached stable block with storage facilities and laying out of floodlit manege and installation of a septic tank – Refused on 03rd September 2015 for the following reasons:
1. The Local Planning Authority considers that the proposed buildings and floodlit manege, by virtue of their overall scale and siting, would be harmful to the openness of the Green Belt and would result in encroachment into the countryside, and would be harmful to visual amenity. There are no other considerations identified which clearly outweigh this harm, and as such, the necessary very special circumstances have not been demonstrated to justify approval of the application. The application is therefore contrary to policies GP5, N33, N37A and GB13 of the Leeds Unitary Development Plan (Review) 2006, adopted Core Strategy policy P10, and guidance contained within the National Planning Policy Framework.
 2. The Local Planning Authority considers that the proposed use, buildings and floodlit manege would lead to the intensification in use of a substandard access, which meets the public highway at an acute angle and which lacks passing places. Public Footpath Clifford No. 1 runs along this access and the Local Planning Authority considers that any intensification in use, given the lack of passing opportunities, would compromise the safety of users of the footpath. The application would thereby also be harmful to highway and public safety and is therefore contrary to policies GP5, GB13 of the Leeds Unitary Development Plan (Review) 2006, adopted Core Strategy policies P10 and T2, and guidance contained within the National Planning Policy Framework.
- 4.2 PREAPP/14/00623: Proposed Stables/manege: Informal advice given (without prejudice) that concern exists over the scale of the proposed stables, the use of blockwork materials for them, and the proposed hard standing and lighting, in that they may be held to be inappropriate development in the Green Belt, potentially harmful to the setting of the Conservation Area, and create conflict with users of the Public Right of Way which runs across the access to the site. It was suggested that a small field shelter [similar to that which exists] in appropriate timber materials might be acceptable.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following refusal of application reference 15/01534/FU further pre-application discussion have taken place between planning and highways officers of the Council. Separate discussions have been held between the applicant and the Rights of Way team. This has led to the building being split in to two elements to break up the massing, the removal of floodlighting from the manege and the re-siting of it away from the right of way, all of which are considered in detail below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site and press notices. Neighbours were notified in writing. In response 2 letters of support and 1 letter of objection have been received. Points raised therein may be summarised as follows:
- 6.2 Support:

- Wooden buildings will get damaged in wind at this location, other stables are blockwork built near this location, and planners should allow the use of blockwork clad in timber in this case for these reasons.
- The land was originally owned by Bramham Park and they accessed the land by Westfield Lane.
- The lane has been used for 68 years by farmers, gardeners, landscapers, accessed by sheep trailers and horseboxes, and in the summer by a racehorse trainer.
- People use common sense and give way on the lane and there has never been a problem with vehicles and users of the footpath.
- There have been no problems of speeding or endangering residents or users of the footpath since the applicant moved her horses there.
- One of the two residents who can view Willow Wood has no objections in terms of the outlook from their property.
- The applicant has maintained and improved the land and carried out biodiversity improvements in the form of bird boxes.
- The applicant has shown two options, and the one single building is to be preferred rather than being split into two [the application seeks to pursue the option of separating the building in two].
- The applicant has already suffered serious injury under current arrangements in the absence of a manege as the result of wet ground.

6.3 Objection:

- Six residents use Westfield Lane for access to their properties, all of whom have contributed to its maintenance. It was not ever intended to be an access route to serve development.
- The volume of traffic on the lane has increased dramatically since the applicant has been using the land to keep her horses.
- Westfield Lane is a public footpath used on a regular basis by walkers but in recent times it has become more of a thoroughfare, which must be a health and safety concern.
- Building works would make this worse and further development would be unacceptable.

6.4 Clifford Parish Council comment in response to notification that refusal of application reference 15/01534/FU was due to problems regarding access and the proposed use of the site, but that following meetings with various groups many of these problems have been answered and the current application is a lot clearer on the applicant's intentions for the proposed use of the site. The repositioning of the manege, now unlit, and the ancillary buildings being sited to the rear of the site is welcomed by the Parish Council. There are no objections to the details supplied and the application is supported by them.

6.5 Ward Councillors have been notified of the application. In response no comments have been received.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 None.

Non-statutory:

- 7.2 LCC Highways: The application does not raise any specific highway safety concerns. The existing access has historically served a larger area of land with unrestricted access for agricultural type vehicles. As a result of this proposal it is understood that horses would not have to be transported to another ménage in Sicklinghall, which would result in a slight reduction in trips along Westfield Lane. With all this in mind it is considered that on balance a highway objection would be difficult to justify. It is recommended that any permission be made personal to the applicant by condition.
- 7.3 LCC Public Rights of Way: Public Footpath No.1 Clifford subsists along the access track. The applicant has clarified that the size of the horsebox being used here is not too large to occupy all of the width of the access track/public footpath. In addition, there are two passing places which vehicles, horses or pedestrians can use to pass each other. Furthermore, we understand that these equestrian facilities are for exclusive use of the applicant and that there will not be any other horse owners using the land here. As a result, it has become clear that use of this track/public right of way will only be occasional and so should not substantially affect use by pedestrians.

8.0 PLANNING POLICIES:

- 8.1 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 Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013). The following policies are most relevant:

Local Planning Policy

- 8.2
- | | |
|------|------------------------------------|
| SP1 | Location of Development |
| GP5 | General Planning Considerations |
| GB13 | Stables for Equestrian Development |
| LD1 | Landscape Design |
| P10 | Good Design |
| P11 | Conservation |
| N33 | Green Belt |
| N37A | Development in the Countryside |
| T2 | Accessibility and Highway Safety |

Relevant Supplementary Planning Guidance:

- 8.3 Clifford Conservation Area Appraisal and Management Plan (2010).

National Planning Policy Framework:

- 8.4 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied alongside other national planning policies. In this case the following sections are most relevant:

Section 7 Requiring good design
Section 9 Protecting Green Belt land
Section 10 Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the natural environment

Planning Practice Guidance:

8.5 Paragraph 005 Reference ID: 21a-005-20140306

9.0 MAIN ISSUES:

- Principle
- Green Belt and Visual Amenity
- Highways and Rights of Way
- Neighbouring Uses and Amenity
- Heritage Considerations

10.0 APPRAISAL:

Principle

- 10.1 Saved UDPR policy N33 states that, except in very special circumstances, approval will only be given in the Leeds Green Belt for 7 categories of development listed under bullet points. The first bullet allows for the “*Construction of new buildings for purposes of agriculture and forestry; essential facilities for outdoor sport and recreation.....*” The sixth bullet allows for “*Change of use of land for purposes which do not compromise Green Belt objectives*”.
- 10.2 Saved UDPR policy GB13 states that stables and other equestrian development will only be permitted where: “*...the development is essential to outdoor equestrian activity and is subservient to that activity; and where serious harm does not arise to the highway and bridleway network, visual amenity, the operation of neighbouring land uses or the living conditions of adjacent occupiers.*”
- 10.3 National planning policy in relation to the protection of the Green Belt is set out under Section 9 of the National Planning Policy Framework (NPPF). Section 9 of the NPPF sets out the five purposes the Green Belt serves: *to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*”.
- 10.4 Paragraph 87 sets out that as with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.5 The starting point for the consideration of new buildings in the green belt is that they should be regarded as inappropriate development save for the closed-list of exceptions listed under paras 89 and 90 of the NPPF. Paragraph 89 advises that the provision of appropriate facilities for outdoor sport and recreation is not inappropriate development (second bullet). Policies GB13 and N33 of the UDPR differ from national planning policy, in that they refer to facilities needing to be essential, rather than

appropriate which is the term the NPPF uses, and this means that the UDPR policies are not entirely consistent with national planning policy, which following the advice at Para 215 of the Framework is to be preferred.

- 10.6 In short, the application proposes a private equestrian recreational use of the land, new buildings and a manege related to that recreational use, and from the above the proposal is not therefore inappropriate development in the Green Belt and is acceptable in principle.

Green Belt and Visual Amenity

- 10.7 One of the core planning principles under the fifth bullet of paragraph 17 of the NPPF states that “*decision-taking should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*”. Saved UDPR policies GP5, GB13 and N37A, and Core Strategy policy P10, together seek to protect the character of the countryside and visual amenity.
- 10.8 The refused proposal included an LED floodlit manege and sited it immediately adjacent to the Public Right of Way to the southern boundary of the site. The stables and storage facilities were conjoined in a single lengthy building. These details consequently gave rise to concern over the impact on the dark landscape and they were also considered be harmful to the openness of the Green Belt, and to encroach into the countryside causing harm to visual amenity.
- 10.9 The re-siting of the manege, removal of LED floodlighting from the manege, and splitting the building into two separate blocks addresses these earlier concerns in relation to harm to visual amenity and the dark landscape. This is because the siting of the manege proposed puts it to the back of the site, partially screened by existing woodland and hedgerows, in line with pre-application advice given, and visually and functionally this more closely associates it with the proposed stable and storage buildings thereby reducing the overall spread of development on the site, and taking it well away from the footpath. The proposal is not therefore considered to harm visual amenity and is therefore policy compliant in these regards.
- 10.10 With regard to earlier concern over the impact on the openness of the Green Belt it is perhaps useful to note the recent Court of Appeal decision in the case of *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council and Anor (Rev1)* [2016] EWCA Civ 404, which clarifies the interpretation of paragraph 89 of the NPPF referred to under Principle above. It relates to a challenge brought by a Regional Park Authority against a decision by the Council to grant planning permission for a large glasshouse for agriculture (which is not inappropriate development in the Green Belt under paragraph 89 of the NPPF in the same way as appropriate facilities for outdoor sport and recreation are not). One of the grounds for challenge, which was rejected, was that under an earlier hearing a High Court Judge was wrong to conclude that the Council had not misinterpreted and misapplied relevant national and local policy relevant to openness of the Green Belt. It was argued for the Council that the principle issue in the case concerned the consequences of the proposal being appropriate (or not inappropriate) development in the Green Belt. The Court of Appeal judge said:
- 10.11 “*On a sensible contextual reading of the policies in paragraphs 79 to 92 of the NPPF, development appropriate in – and to – the Green Belt is regarded by the Government as not inimical [harmful] to the ‘fundamental aim’ of Green Belt policy ‘to prevent*

urban sprawl by keeping land permanently open’, or to ‘the essential characteristics of Green Belts’, namely ‘their openness and their permanence’ (paragraph 79 of the NPPF), or to the ‘five purposes’ served by the Green Belt (paragraph 80). This is the real significance of a development being appropriate in the Green Belt, and the reason why it does not have to be justified by ‘very special circumstances’. [My emphasis]. The judge went on to say that proposals for development that are not inappropriate in the Green Belt will not of course escape other policies in the NPPF and in the development plan, including policies directed to the visual effects of development and the protection of the countryside or the character of the landscape.

- 10.12 It is clear from this recent judgement that as the proposals (including the manege) are related to appropriate facilities for outdoor recreation (and not therefore inappropriate development in the Green Belt) there is no requirement to look for a demonstration of very special circumstances, or to consider openness further.
- 10.13 Coming back to the need to protect visual amenity however, no ground levels are supplied with the application. The application land is not even and is sloping. The supplied layout plan shows land levels re-graded around the manege through a cut and fill operation, in order to create a level riding surface. This detail can adequately be addressed by condition to require precise details of the cut and fill operation, to ensure satisfactory re-grading and reinstatement of the land. Conditions to protect visual amenity are also recommended to preclude external light other than in accordance with a scheme for external lighting, to require details of new fencing and gates, and to require the dark staining of the cladding to the proposed buildings.

Highways and Rights of Way

- 10.14 UDPR and Core Strategy policies GP5, GB13, P10 and T2, together, seek to maximise highway safety, ensure development is accessible and prevent harm to the highway and bridleway network. Following refusal of the earlier proposals the applicant has supplied a plan detailing passing opportunities and has clarified their current use of the lane, the historic use of the lane, and the implications of reduced trip numbers if planning permission is granted (horses no longer needing to be moved off-site to be exercised on an all-weather manege). In response, having considered this information, Highways and the Rights of Way Team have no highway safety objections to the proposals which are therefore policy compliant in these regards.
- 10.15 Highways have however recommended that permission is made personal to the applicant. This is because it is the applicant’s case that the manege will reduce traffic movements because horses will no longer need to be transported off-site for exercise, whereas the concern of Highways is that the same might not hold for any other future user(s) of the site for private equestrian use. It is however clear that there are no safety objections from Highways or Rights of Way and it is considered that in view of the additional information supplied on previous uses, and having regard to what could be generated under a lawful agricultural use of the land, this would be an unjustifiable and disproportionate requirement. It should also be noted that paragraph 015 of the Planning Practice Guidance which accompanies the NPPF is clear on this and which states inter alia:
- 10.16 *“Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise.....a condition used to grant planning permission solely on grounds of an individual’s personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building....”.*

Neighbouring Uses and Amenity

10.17 Saved UDPR policies GP5 and GB13, and Core Strategy Policy P10 seek to protect neighbouring amenity. The proposed riding surface and equestrian buildings would be located sufficiently far from the nearest residential property to the east so as not to create any undue noise or disturbance for neighbours in principle. Whilst no noise levels have been supplied for the proposed generator it would be housed within a building and existing hedging would afford some degree of acoustic attenuation. Precise details of any generator installed within the building should however be required, in the interests of protecting the aural amenity of neighbours. The applicant proposes that waste is recycled and spread on the land. A condition could adequately cover the precise details of such a regime, again to protect neighbouring amenity. Across the distances involved it is not however considered that subject to such conditions the proposals would have any unacceptable adverse impacts, by virtue of noise, smell or flies, or create any undue loss of amenity for any neighbour. No objection is made by any third party on such grounds and the proposal is considered to be policy compliant in these regards subject to the above conditions.

Heritage Considerations

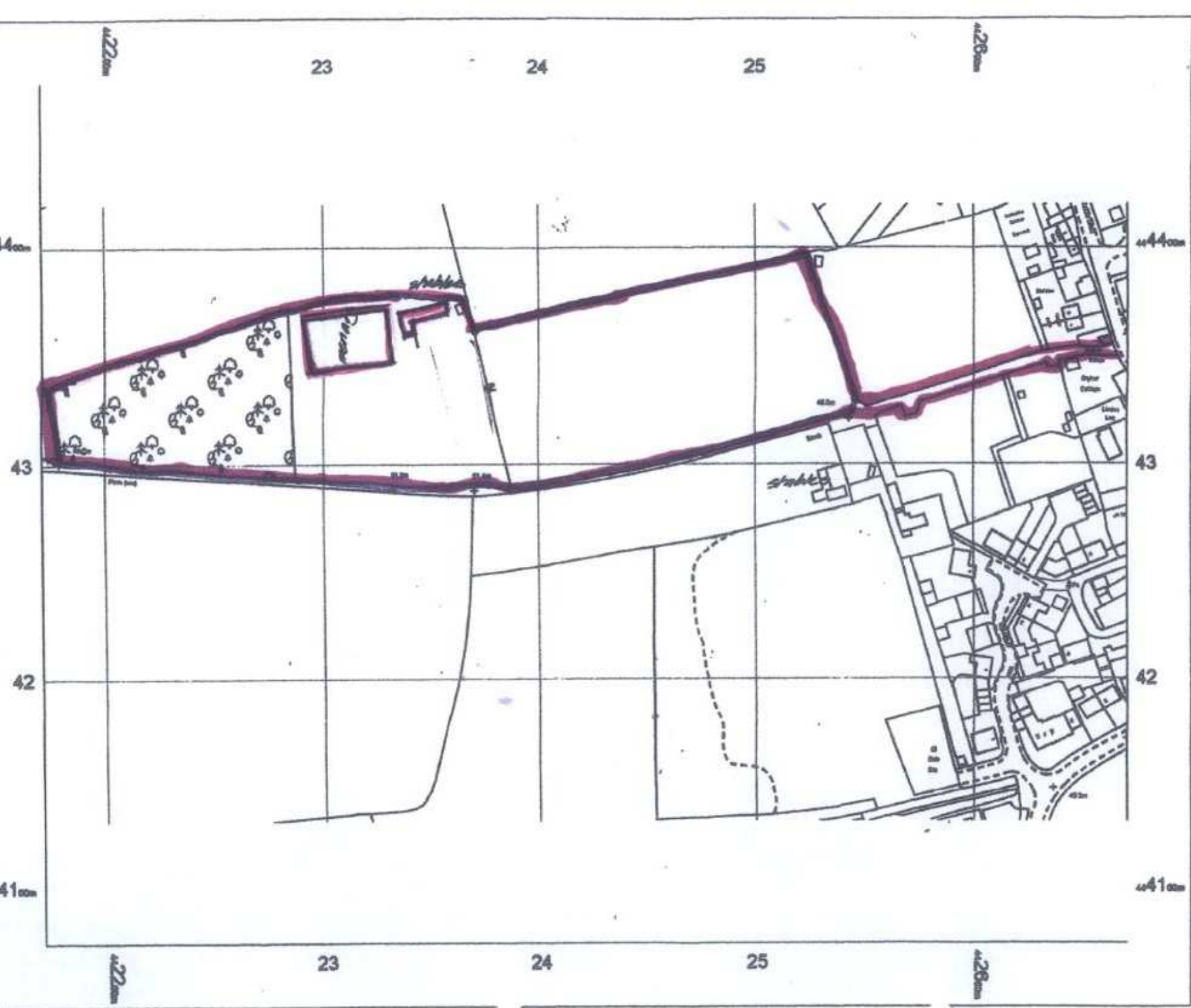
10.18 The site is not located within the setting of any Listed Building but it is located within the wider setting of Clifford Conservation Area, being located to the northwest of it on farmland raised above it. The Conservation Area Appraisal recognises that the historic medieval plan form of burgage plots has over time been eroded, but that Clifford's Conservation Area has a central core of built development and an outer rim of open space. Though the site does not form an identified key view into or out of the conservation area under the appraisal, or a key green area (p9), it does recognise that *"the gradual falling gradient between Boston Spa and Bramham means that the best views into Clifford are from the North, where the settlement appears to nestle within its surrounding patchwork of fields"* (P8). Clearly the Green Belt around Clifford assists in protecting the setting of the historic town, one of the five purposes the Green Belt serves, however in heritage terms it is not considered that the proposal would adversely affect the setting of the Conservation Area.

11.0 CONCLUSION

11.1 The proposal is not inappropriate development in the Green Belt by definition and the amended siting of the proposed manege, splitting up of the stable and storage building, and deletion of the floodlighting addresses earlier concern over the impact on visual amenity. The additional evidence and information supplied by the applicant has satisfied the earlier Highways and Public Rights of Way concerns and the proposal is considered to be policy compliant and is therefore recommended for approval, subject to the conditions listed above.

Background files:

Application case files 16/01228/FU
Certificate B signed: Occupants of the following notified as owners: Westfield House,
1 & 2 Quaker Garth, The Nook, Bryner Cottage, Westfield Cottage



16/01/28 MF



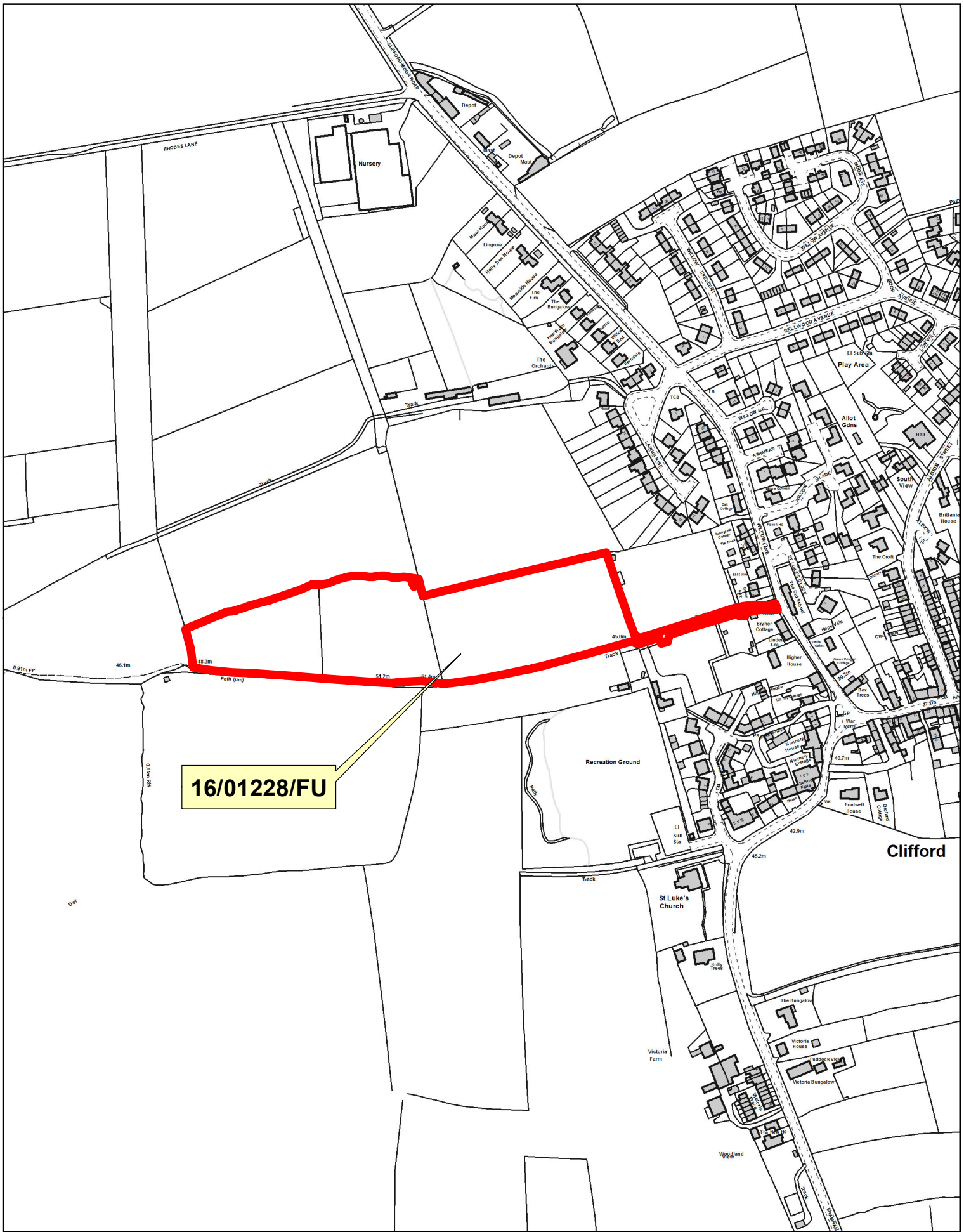
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16/01228/FU

Cliffords

NORTH AND EAST PLANS PANEL

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SCALE : 1/4000

