
Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 6th December 2012

Subject: APPLICATION 12/03537/FU – office extension to stables and new outdoor riding area at Pool Court Arena, Pool Bank New Road, Pool in Wharfedale LS21 1EH

APPLICANT

Mrs Susan Stayne-Jackson

DATE VALID

21.8.2012

TARGET DATE

16.10.2012

Electoral Wards Affected:

Adel and Wharfedale

☐ 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 following conditions:

1. Commencement of development within 3 years.
2. Approval of plans
3. Samples of all external walling, roofing and surfacing materials to be approved prior to commencement of development
4. details of boundary treatments
5. Submission of landscape scheme and implementation schedule
6. landscape management plan
7. 5 yr planting replacement
8. vehicle spaces to be laid out
9. lighting restrictions residential properties
10. vehicle passing places plan (PL) 14

11. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD6, T2, T24

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Panel at the request of Councillor Anderson who is concerned about the suitability of the access onto Pool Bank New Road.

2.0 PROPOSAL:

- 2.1 The proposal is for an office extension to the existing stables, and a new outdoor riding area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing riding school located off Pool Bank New Road. The site comprises an indoor riding arena, as well as ancillary buildings and stables. These are arranged in two blocks, with the stables to the west and arena to the east. The larger buildings such as the arena are typical portal framed agricultural buildings, while the stable block is of more traditional block and render construction.
- 3.2 The site itself extends to approximately two hectares, and includes areas of grazing land to the south and north of the buildings. The topography rises to the south up Pool Bank. The site is located remotely from the road, and is accessed via a track which runs through a finger of land connecting the buildings with Pool Bank New Road.
- 3.3 To the east of the boundary there is a residential bungalow, which is occupied by the applicant. The applicant also owns an additional 12 hectares of adjacent land.
- 3.4 The site lies within the adopted Green Belt to the south east of the village boundary. A band of trees adjoining the western boundary of the site are protected by a Tree Preservation Order.
- 3.5 To the north of the site there are residential properties facing onto Acorn Way.

4.0 RELEVANT PLANNING HISTORY:

Reference: H29/30/74/

Address: Adjacent To Disused Railway To The Rear Of Firs Hill Court Pool Bank
Pool (Pool)

Proposal: Corrugated asbestos sheet barn to arthington indoor arena (grid ref 24974466).

Status: A

Decision Date:: 08-JUL-74

Reference: H29/347/75/

Address: Firs Hill Court Pool Bank Pool In Wharfedale (Bramhope)

Proposal: Extension to form toilets, to riding school premises.

Status: A

Decision Date:: 01-DEC-75

Reference: H29/260/79/

Address: Pool Arena Pool Bank New Road Pool (Pool)

Proposal: Detached single storey animal compound, to riding school.

Status: A

Decision Date:: 15-OCT-79

Reference: H29/145/82/

Address: Arthington Showjumping Centre Off Pool Bank New Road Pool

Proposal: Alterations and extension, to form enlarged arena to showjumping arena.

Status: A

Decision Date:: 01-NOV-82

Reference: H29/58/83/

Address: Pool Court Arena Off Pool Bank New Road Pool

Proposal: Detached single storey livestock building, to riding stables.

Status: PD

Decision Date:: 05-SEP-83

Reference: H29/57/83/

Address: Pool Court Arena Off Pool Bank New Road Pool

Proposal: Alterations and extension, to form enlarged animal compound, to riding stables.

Status: PD

Decision Date:: 05-SEP-83

Reference: H29/29/86/

Address: Off Arthington Lane And Off Pool Bank New Road Arthington

Proposal: Alterations and extension to form ancillary bar and restaurant with kitchen, to indoor arena.

Status: A

Decision Date:: 30-MAR-87

Reference: H29/30/86/

Address: Pool Court Arena Off Arthington Lane And Pool Bank Newroad Pool-In-Wharfedale

Proposal: Erection of building to form office, meeting room and judges overnight accommodation.

Status: R

Decision Date:: 30-MAR-87

Reference: H29/16/86/

Address: Pool Court Arena Off Arthington Lane And Pool Bank New Road Pool-In-Wharfedale

Proposal: Change of use and layout of agricultural land to form enlarged equestrian centre incorporating 2 outdoor arenas

Status: R

Decision Date:: 30-MAR-87

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notices and an advert in the Wharfe Valley Times; there have been a total of 13 representations received of which two are in support and 11 are in objection.

6.2 The following issues have been raised:

- increased noise and disturbance;
- increased comings and goings;
- loss of highway safety;
- increase in crime; and
- inappropriate Green Belt development.

7.0 CONSULTATION RESPONSES:

7.1 Highways – no objections subject to two way vehicle passing places and laying out of vehicle spaces

Local Plans / Policy – the site is located within the Green Belt and SLA; no policy objections subject to clarification regarding outside exercise area;

West Yorkshire Police – no objections

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – proposals should resolve detailed planning criteria

BD6 – alterations and extensions should respect the scale, form, detailing and materials of the original building

N32 – extent of Green Belt

T2 - accessibility

T24 – car parking

N37 - SLA

8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

- 8.4 Paragraph 89 of the NPPF identifies that the construction of new buildings in the Green Belt is inappropriate, but exceptions to this include provision of appropriate facilities for outdoor sport and outdoor recreation.

9.0 MAIN ISSUES:

- 9.1 The following main issues have been identified:

- Abandonment
- Visual impact
- Neighbour amenity
- Highway access

10.0 APPRAISAL:

- 10.1 The site is currently vacant and it is thought to have lain unused as a riding school for a period of approximately 12 years. Nevertheless the buildings appear to be in a reasonable condition in view of their age and lack of maintenance.
- 10.2 A number of objectors to the proposals consider that the site has been abandoned in planning terms, and hence the proposals represent a new, and inappropriate, use of Green Belt land. Legal advice received by officers suggests that the issue of whether a use has been abandoned is assessed against four tests. These relate to:
- The physical condition of the property / site; and
 - the period of non-use; and
 - whether there has been intervening use; and
 - the owners intentions for the site.
- 10.3 When assessed against these criteria it does not appear that in planning terms the use has been abandoned. An examination of other similar examples in case law also suggest that due to the condition of the buildings, and relatively short period of non-use that abandonment has not occurred. It has been found that a use can often be stopped for many decades without foregoing the lawful use of the site.
- 10.4 It is true that part of the site has been used for lambing and the grazing of sheep. The applicant indicates this has been for the past three years, although this is contradicted by an objector who claims the figure to be twelve years. However this has been a relatively small scale use for a relatively short period of time and as such this cannot be interpreted as a change of use to agriculture. The proposals can therefore only be considered as renovations, some relatively small alterations and extensions. Planning permission would not be required to resume the equestrian use.

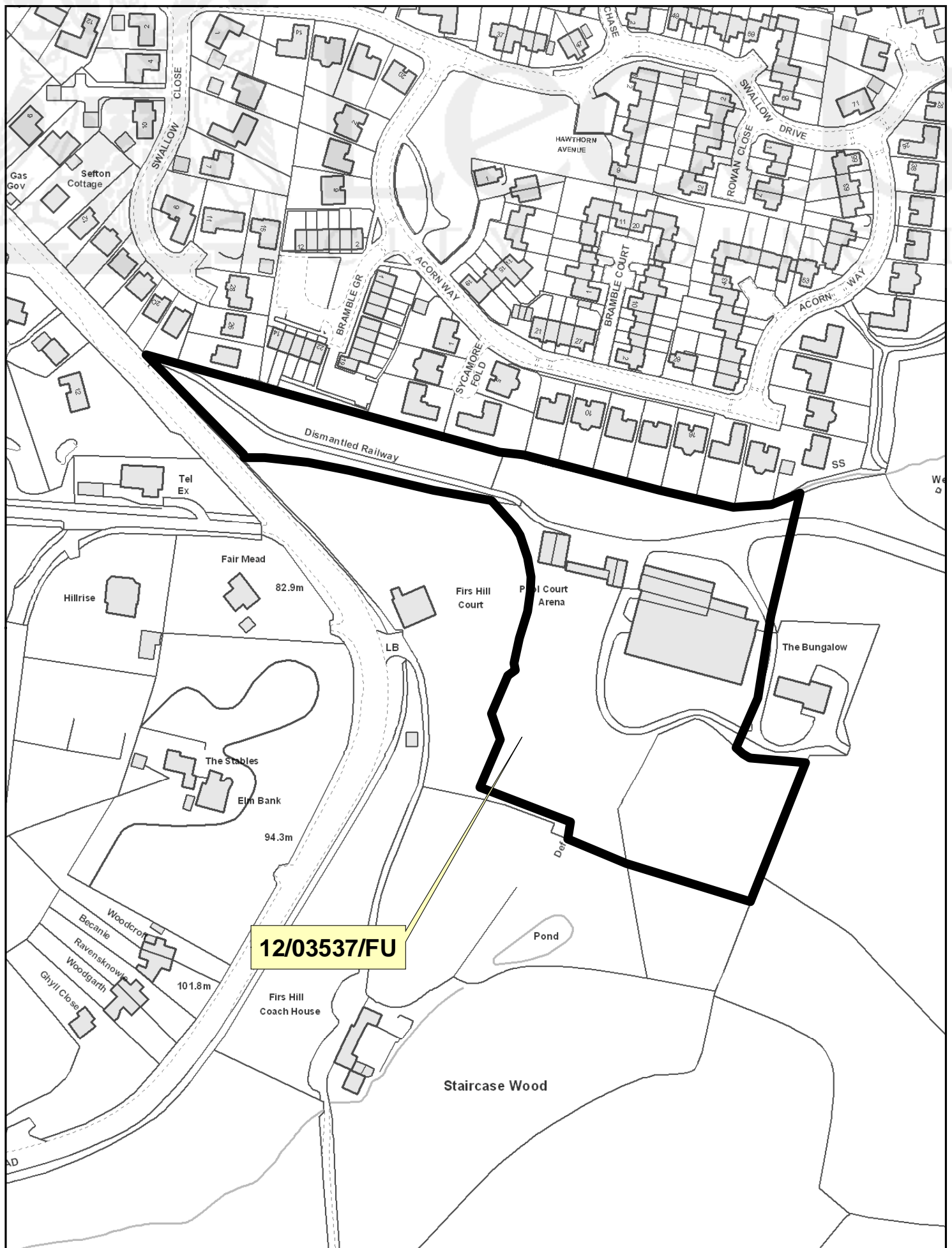
- 10.5 The proposals involve general repairs and renovations, the introduction of four loose boxes under the existing structure to the western end of the site, the construction of a small office and w.c. extension adjoining the eastern end of the stable block, the cladding of a portal frame building with timber boarding, the forming of a small external exercise area, and enclosure fencing.
- 10.6 The office and w.c. extension would total less than 30 sq.m., and hence would provide very limited ancillary accommodation which could only be used in connection with the riding school. The timber boarding and other renovations would improve the appearance of the buildings, which are understandably tired. The proposal also involves the addition of windows and roof lights to the portal framed buildings. The outdoor riding area would comprise a leveled area of approximately 360 sq.m enclosed by a post and rail fence. This would be situated close to the riding arena. Existing external vehicle circulation areas would also be re-surfaced.
- 10.7 The site is proposed to be accessed via an existing track of approximately 200m length which connects to Pool Bank New Road. A number of objectors state that when the site was previously in use, the majority of vehicular traffic accessed the site via field tracks following the line of the old railway track leading to the east which ultimately connect to Arthington Lane. This is disputed by the applicant, who states that the majority of traffic entered the site via Pool Bank New Road. However, whichever access is used has little bearing on the lawful use of the site.
- 10.8 The access onto Pool Bank New Road has adequate visibility in both directions when considered against the Council's adopted guidance. The track is relatively narrow, allowing only one way passage, however the proposal includes the provision of two passing places in order to address this.
- 10.9 Given that the re-use of the site for equestrian purposes is lawful without the need for planning permission, then the proposals need to be considered in the context of the development applied for only, that is the minor extension and the outdoor riding area. These are minor in themselves. Any assessment of the increase in intensity of use must be based upon the proposed increase in buildings on the site. It is not considered that these aspects of the development would intensify the lawful existing use or otherwise increase its impact either visually or in respect of impact upon existing nearby residential occupiers.
- 10.10 The applicant has agreed to provide native buffer planting between the site and properties to the north on Acorn Way. This would help to screen the site and provide an acoustic barrier, and could be appropriately secured by condition.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is acceptable subject to the imposition of suitable conditions. The proposal is therefore recommended for approval.

Background Papers:

Application file;
Certificate of Ownership.



SOUTH AND WEST PLANS PANEL