

Appeal Decision

Site visit made on 8 December 2021

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/W4705/W/21/3282629

Stables south of Lower Wyke Lane, Lower Wyke, Bradford BD12 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Erain Doran against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/05611/FUL, dated 9 December 2020, was refused by notice dated 21 May 2021.
 - The development proposed is change of use of land to a 40m x 20m equestrian arena.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to a 40m x 20m equestrian arena at stables south of Lower Wyke Lane, Lower Wyke, Bradford BD12 9AH in accordance with the terms of the application Ref 20/05611/FUL, dated 9 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with approved plan R945-02.
 - 2) The equestrian arena hereby granted planning permission shall only be used for the exercising of horses belonging to the owner of the site and shall not be used for any commercial riding or training purposes or as an equestrian show arena.

Main Issues

2. The main issues are the effect of use of the access on the safety of pedestrians and vehicles using Lower Wyke Lane, and the effect of the proposal on the living conditions of occupants of adjacent residential dwellings.

Reasons

3. The main part of the appeal site lies adjacent to an existing stable building within a larger paddock area in the open countryside to the south east of Lower Wyke. The stables and paddock are accessed via a narrow lane from Lower Wyke Lane, at which point visibility is heavily restricted. The dwelling to the west of the access has a number of windows that are directly overlooked from the access lane. The effect of the proposal would be to introduce a riding arena within an area of land already in equestrian use.
4. Despite the narrowness of the existing access lane and the restricted geometry of the existing access, the Council acknowledge that the level of traffic to and from the site is not high. Furthermore, the appellant indicates that the site is only used privately, with no commercial or show use.

5. The appellant confirms that the proposed riding arena would also be for private use only, indicating that this would not result in any intensification of use of the access. There would be no more than five horses on the site, with the site being accessed twice a day for feeding and cleaning, and a maximum of some eight to ten family members at any one time. To support this position, the appellant suggests that any concern regarding potential intensification of the access could be addressed by a planning condition, with reference to a 2018 appeal decision in Landford¹.
6. The suggested condition would require that the proposed arena only be used for exercising horses belonging to the owner of the site and prevents use for commercial or show purposes. This condition would have the effect of limiting the use of the arena to a level of use equivalent to the existing level of use. Consequently, the use of the access would not be materially intensified.
7. The Council consider that this suggested condition would be problematic as any increase in traffic generation would cause detriment to highway and pedestrian safety. However, the clear purpose of the suggested condition would be to mitigate against any such increase. What is currently a private, small scale equestrian use would remain a private, small scale equestrian use. Overall, the use of the access would remain materially the same. Accordingly, it is not necessary for me to consider impacts arising from traffic increase.
8. I conclude that the proposed use of the access would not adversely affect the safety of pedestrians and vehicles using Lower Wyke Lane, and would not harm the living conditions of occupants of adjacent residential dwellings. The proposal complies with policies DS1, DS5 and SC9 of the Bradford District Core Strategy (2017). These policies seek to achieve good design and great places, and ensure that development does not harm the amenity of existing residents.

Conditions

9. A commencement condition is not required because, at the time of my site visit, the development had already commenced, with the arena laid to sub base level and fencing erected. In the interests of providing certainty, a condition specifying approved plans is necessary. A condition restricting use of the site is reasonable and necessary for the reasons given above. No other conditions have been suggested by the Council.

Conclusion

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR

¹ Appeal decision APP/B9506/W/17/3191586 Glengariff, Glebe Lane, Landford SP5 2AB dated 8 May 2018