



Appeal Decision

Site visit made on 17 May 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/Z4718/W/23/3331570

Springhead Farm and Springhead Stud, Scholes Moor Road, Hade Edge, Holmfirth, Huddersfield HD9 1RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Crompton against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/90656/W.
 - The development proposed is change of use of agricultural building and land for equestrian stables/storage, formation of manège and stallion walk out area and erection of field shelter including part extension of agricultural building.
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Decision

1. The appeal is dismissed insofar as it relates to the formation of manège.
2. The appeal is allowed insofar as it relates to change of use of agricultural building and land for equestrian stables/storage, formation of stallion walk out area and erection of field shelter including part extension of agricultural building and planning permission is granted for change of use of agricultural building and land for equestrian stables/storage, formation of stallion walk out area and erection of field shelter including part extension of agricultural building at Springhead Farm and Springhead Stud, Scholes Moor Road, Hade Edge, Holmfirth, Huddersfield HD9 1RU in accordance with the terms of the application, Ref 2023/62/90656/W, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 2684/001; Site Layout and Levels 2684/002 Rev a; Building Details and Fences 2684/003; Cross Sections 2684/004; and Indicative Landscape Planting 2684/005.
 - 2) No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the following information:
 - a) The proposed hours of operation of the lighting.
 - b) The location and specification of all of the luminaires.
 - c) The proposed design level of maintained average horizontal illuminance for the areas that need to be illuminated.
 - d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site

- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The lighting shall be installed in accordance with the approved details and maintained whilst ever it remains in situ.

- 3) Within three months of the date of this decision a soft landscaping scheme, including measures to enhance the biodiversity of the site, shall be submitted to, and agreed in writing by, the Local Planning Authority. The submitted scheme shall detail how native trees and hedgerows will be incorporated within the site including the following:
 - i) Written specifications including cultivation and other operations associated with plant and grass establishment;
 - ii) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - iii) Implementation programme.

The development shall be completed in accordance with the approved scheme within the first planting season following the issuing of written approval of the scheme. All areas of soft landscaping approved by this condition shall thereafter remain soft landscaped for the lifetime of the development.

- 4) Within three months of the date of this decision, details of the treatment of the external surfaces of the field shelter shall be submitted to and approved in writing by the Local Planning Authority. The field shelter shall then be treated in accordance with the approved details within the following three month time period and shall thereafter be retained.

Preliminary Matters

- 3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
- 4. It is indicated that the planning application was submitted retrospectively, and I saw that development had commenced at the time of my visit.

Background and Main Issues

- 5. The appeal site is within the Green Belt.
- 6. As set out on the planning application form, the use of the site prior to the commencement of the appeal proposal was a mixture of residential, agricultural and equestrian uses. The proposal relates to the introduction of equestrian uses and other related development. An 'equestrian' use relates to horse-riding, which can represent an activity for outdoor sport and recreation.
- 7. The breeding of horses and subsequent sale may be incidental to an equestrian use if carried out on a small scale. The appellant refers to a history of horse breeding on the site as a hobby for their own private enjoyment, although this has proven to be more successful than anticipated and a number of foals have been sold off. Although they refer to a small commercial element to the use of

the site for horse breeding, they emphasise that it is not their intention to evolve the site into a commercial stud farm.

8. Nevertheless, I have determined this appeal on the basis of the proposal relating to an equestrian use as stated in the description of development, rather than relating to a horse breeding enterprise.
9. The matter has been raised as to whether the use of the site is for personal or business use. However, an equestrian use could include both. That said, this does not alter my conclusion in respect of the consideration of a horse breeding use.
10. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of the area; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

11. The proposal relates to different elements of development, and I will address these in turn.

Change of Use

12. The appeal site, including a number of fields and paddocks, would be changed to a primarily equestrian use. The proposal includes the change of use of a large agricultural building to provide 15 stables, which is not excessive in relation to the use of the wider site for equestrian purposes.
13. Although there may be some change in the nature of activity within the fields as well as traffic and other movements associated with an equestrian use compared to an agricultural one, I do not consider that these would lead to material harm to openness. Equestrian uses are also common features of the countryside, and the proposed change of use would not conflict with the Green Belt purposes.
14. Policy LP56 of the Kirklees Local Plan 2019 (the Local Plan) sets out that proposals for appropriate facilities associated with outdoor sport and recreation 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. For the reasons given previously in respect of openness and Green Belt purposes, the proposed change of use of the site as a whole would be acceptable in respect of Policy LP56.
15. Policy LP60 of the Local Plan states that proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable subject to a number of criteria. The building which would include the stables is of a permanent and substantial construction, and the change of use for equestrian purposes would

not introduce incongruous domestic or urban characteristics, including in respect of access and car parking. The proposed change of use of the building would therefore not conflict with Policy LP60.

16. Paragraph 155(e) of the National Planning Policy Framework (the Framework) states that material changes in the use of land (such as changes of use for outdoor sport or recreation) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Given my previous conclusions the proposal would meet the exception of Paragraph 155(e) and is therefore not inappropriate development within the Green Belt.

Manège

17. Paragraph 154(b) of the Framework relates to the provision of appropriate facilities for outdoor sport and recreation, amongst other things, in the Green Belt. However, this paragraph relates only to the construction of new buildings. The formation of a manège is an engineering operation rather than a building, and should therefore be assessed against paragraph 155(b).
18. That said, the wording of Policy LP56 of the Local Plan does not reflect that of the Framework. Although this policy relates to facilities for outdoor sport and recreation, it is not limited to new buildings and instead refers to 'appropriate facilities' in general. Furthermore, it specifically addresses all-weather riding arenas, such as a manège. The wording of Policy LP56 is clear, and the proposal should therefore be assessed against it.
19. In accordance with Policy LP56, development such as the manège 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.
20. The manège is of a significant size and involves extensive engineering works to create a level surface. It projects into the rural landscape beyond the extent of the existing group of buildings, and is readily visible as an artificial man-made feature from a public footpath that runs through the site. The route of the footpath between the manège and the existing buildings emphasises the separate nature of the manège.
21. When considered in both spatial and visual terms, the scale, appearance and prominent location of the manège leads to significant harm to openness. This artificial and engineered feature projecting into the landscape is of an incongruous and discordant nature, and the manège would therefore conflict with the Green Belt purpose of safeguarding the countryside from encroachment. This would be the case even allowing for the principle that manèges are not uncommon in the countryside. The proposed landscaping would not be sufficient to mitigate for this harm.
22. Policy LP56(a) also specifies that the scale of the facility should be no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated. The proposal includes 2 horse exercise areas - the manège and the stallion walk out area. In this context I am mindful that the proposal relates to an equestrian use rather than a horse breeding use.
23. The appellant's Statement of Case specifies that due to the nature of breeding horses, the male and female horses need to be separated. Further details are

given on the operational requirements and the resultant development that arises from this, including a supporting letter from a vet which refers to the handling of stallions. However, these matters indicate that the need for a separate manège and walk out area are driven by the needs of the horse-breeding operation rather than the equestrian use, even allowing for the management of thoroughbreds. This indicates that the manège exceeds that which is reasonably required for the use of the land to which it is associated i.e. the proposed equestrian use.

24. Drawing the above together, the manège conflicts with Policies LP2 and LP56 of the Local Plan due to its harm to openness and the Green Belt purposes, as well as the consideration of whether it exceeds that which is reasonably required for the use of the land.
25. I have had regard to the Framework as a material consideration, and the proposal would also conflict with paragraph 155(b) in respect of engineering operations due to the harm to openness and the Green Belt purposes.
26. When considered against both local and national planning policy, the proposed manège would be unacceptable and inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and I attach substantial weight to that harm.

Stallion Walk Out Area

27. The walk out area has some similarities with the manège, in that it involves excavation and earthworks to create a level surface. However, it is of a smaller scale and is more closely associated with the existing buildings on the site. It is also in a much less prominent position within the landscape, as it is viewed against the existing buildings and is not prominent in views from the public realm, including the nearby footpath. Due to its location and limited extent, the proposed screen planting would be effective in mitigating views of this element of the proposal. Despite its artificial engineered nature, due to its context and mitigation the proposed walk out area would not harm the openness of the Green Belt or conflict with the purposes of including land within it.
28. For these reasons, I conclude that the walk out area would not conflict with Policy LP56 of the Local Plan on matters including the effect on openness and Green Belt purposes as well as the reasonable functioning of the proposed use.
29. The Framework is a material consideration, and the proposed walk out area would also not conflict with paragraph 155(b) of the Framework in respect of engineering operations.
30. Given the similarity of the engineering operations of the manège and the walk out area then my conclusions may appear contradictory. However, in reaching this conclusion I have assessed the effect of the walk out area on its own merits spatially and visually, including with regard to its scale and context.

Field Shelter

31. The field shelter is a utilitarian structure, and due to its free-standing location in open fields and sloping topography it is relatively prominent in views from the surrounding area. However, it is of a small scale and despite its utilitarian appearance it is not of a design or character that is unusual in the countryside. The provision of shelter for horses is also a function associated with equestrian

uses, and the field shelter is of a scale and design that is reasonably required for the proper functioning of the equestrian use of the land.

32. There is a separate portable shelter elsewhere on the land. However, given the scale and location of that shelter I do not consider that it could reasonably provide for all of the horses kept in the open fields as part of the equestrian use.
33. Given its limited scale and the fact the proposed building is an appropriate facility for outdoor sport and recreation, this element of the proposal would not lead to material harm to the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposed field shelter would not be inappropriate or unacceptable development and would therefore not conflict with Policy LP56 of the Local Plan or the Framework.

Extension of Building

34. The proposed extension is to a former agricultural building to create a hay store.
35. Paragraph 154(c) of the Framework sets out that the extension or alteration of a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
36. Policy LP57 of the Local Plan specifies that proposals for the extension of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.
37. The host building is of a significant scale and massing. Although the proposed extension is of a moderate scale taken on its own terms, in comparison to the host building it is viewed as a minor addition. The original building remains as the dominant element and the proposal does not appear as a disproportionate addition. The roofslope of the extension reflects that of the host building. Although there is some variation in the materials used, the design of the extension nevertheless reflects the utilitarian agricultural appearance of the host building and would not detract from its Green Belt setting.
38. The Council has questioned the need for the extension, including whether a hay store could be provided within the existing building. However, Policy LP57 does not require that a need is demonstrated for the extension.
39. Based on the above, I conclude that the proposed extension is of a scale and design that is acceptable and not inappropriate within the Green Belt. The proposed extension would therefore not conflict with Policy LP57 of the Local Plan or the Framework in respect of extensions to buildings.

Character and Appearance

40. As set out in my consideration of Green Belt issues, the manège involves significant engineering works which results in a landform that appears as a discordant man-made feature projecting into the landscape. This harm is compounded due to the prominence of the manège in views from the public realm, in particular a footpath running through the site. Proposed landscaping would not be sufficient to mitigate for this harm, due to the intrusive scale of the works and their prominence.

41. The proposed change of use of the land and building would alter the character of the site from a mixture of uses including agricultural and equestrian uses, to a primarily equestrian use. However, equestrian uses are common features within the countryside, and the change of use of the land and building would not appear as being out of character for this area. That would be the case even allowing for changes in the nature of parking and vehicle movements to and from the site.
42. The proposed field shelter is of a utilitarian appearance, but it is of a design and scale that is not unusual in the countryside or disproportionate to the use of the land. Concern has been expressed in relation to the colour of the building, although the appellant specifies that it has been repainted. However, given the relative prominence of the building, it would be appropriate to address this by a condition enabling this matter to be properly assessed. Subject to this condition, the field shelter would not harm the character and appearance of the area.
43. The proposed extension is subservient to the host building and is sympathetic to its design and appearance. The proposed walk out area would also not lead to harm to character and appearance due to its limited scale, context and mitigation measures.
44. Notwithstanding my conclusions in respect of other elements of the development, for the reasons stated the proposed manège would lead to significant harm to the character and appearance of the area and would conflict with Policies LP2, LP24 and LP56 of the Local Plan and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan 2021 which together require development to respect and enhance the character of the landscape and not introduce incongruous or discordant landforms. The proposal would also be contrary to the Framework due to the harm to the intrinsic character and beauty of the countryside.
45. The proposal would not conflict with Policies LP57 and LP60 in respect of extensions to and conversions of buildings, but this does not negate my conclusions in respect of other development plan policies.

Very Special Circumstances

46. I have only identified harm arising from the proposal in respect of the manège, both in terms of the Green Belt and character and appearance. I have had regard to the evidence provided by the appellant in respect of the operational need for a separate manège and walk out area. However, the evidence indicates that this need relates to the use of the site for horse breeding rather than an equestrian use. Although some element of horse breeding may be incidental to an equestrian use, given its incidental nature this should not be of an intensity which justifies the scale and location of the manège.
47. Although evidence has been provided in respect of the management of stallions, it has not been demonstrated that this is necessary or appropriate for an equestrian use, or that this cannot be addressed through a management scheme utilising only the walk out area for the exercising of horses. These matters therefore carry no more than very limited weight in favour of the creation of the manège.

48. I have not found any harm in respect of other elements of the proposal, and I therefore am not required to consider if there are very special circumstances in respect of them.

Other Matters

49. The Council has questioned if the proposal is for personal use or if it is of a scale which would be a commercial activity. However, an equestrian use may relate to both, and this would not affect the assessment of this use being a facility for sport and recreation. The breeding of horses may be incidental to that use, but the scale and intensity may affect its incidental nature. This is an enforcement matter, and does not fall within the remit of this appeal.
50. I have had regard to the appellant's concerns regarding the Council's handling of the planning application. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

Conditions

51. The Council has indicated the conditions it considers necessary.
52. A condition specifying the approved plans is required in the interests of certainty.
53. The Council has referred to the potential for artificial lighting to be installed in association with the proposal, although the appellant has specified that no lighting is proposed. However, given the nature of the proposed use and the potential all-weather nature of the walk out area, there is potential that lighting could be introduced in support of this sport and recreation function. Given the prominent and sensitive location of the site within the countryside, I conclude that a condition in respect of artificial lighting is reasonable and necessary in the interests of character and appearance.
54. The proposal includes extents of planting and landscaping, and a condition in respect of a soft landscaping scheme is required in the interests of enhancing biodiversity as well as character and appearance.
55. A condition requiring details of the external treatment of the field shelter is also required in the interests of character and appearance.

Conclusion

56. The proposed manège would be inappropriate and unacceptable development within the Green Belt, which is harmful to the Green Belt and I give substantial weight to that harm. The proposed manège would also lead to significant harm to the character and appearance of the area. There are no other considerations of such weight that would outweigh that harm. Very special circumstances to justify the manège do not therefore exist. The proposed manège therefore conflicts with Policies LP2 and LP56 of the Local Plan, as well as the Framework, in respect of development on Green Belt land. There are no material considerations that indicate the decision on the manège should be made other than in accordance with the development plan.
57. However, I have found no harm would arise from the other elements of the proposal in respect of whether they are inappropriate and unacceptable development within the Green Belt, as well as the character and appearance of the area. On that basis, they would not conflict with local or national planning

policy. The relevant elements of the proposal are clearly severable, and I shall therefore issue a split decision to dismiss the appeal in respect of the manège, but allow the appeal in respect of the other elements of the proposal.

58. For the reasons given above the appeal should be allowed in part and dismissed in part.

David Cross

INSPECTOR