

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 06 July 2009

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	57 - 59 Mill Hey Haworth Keighley West Yorkshire BD22 8NA [Approve]	Worth Valley
2.	61 Browfield Terrace North Street Silsden West Yorkshire BD20 9PJ [Approve]	Craven
3.	Goff Well Farm Goff Well Lane Keighley West Yorkshire BD21 5QG [Refuse]	Keighley East

Portfolio:
Environment and Culture

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Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

DATE
6 July 2009

09/01714/FUL



ITEM NO. : 1

LOCATION :

57-59 Mill Hey, Haworth, Keighley

Scale: 1:1250

6 July 2009

Item Number: 1
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
09/01714/FUL

Type of Application/Proposal and Address:

Full planning application for change of use from A1 retail shop to A3 restaurant/bistro with A5 takeaway at 57-59, Mill Hey, Haworth, Keighley.

Site Description:

The site is a shop unit with a display window fronting Mill Hey. It is presently in use as a second hand bric-a-brac shop but before that was a newsagent's. It has upvc windows and doors installed. The row is one of a series of rows of shop units fronting the B6142 road on the descent down towards Haworth Station. The units include a mixture of A1 retail, A3 restaurant and A5 takeaway uses. This particular shopping parade includes the Raj Mahal Restaurant at 49/51 Mill Hey and a traditional café at No 47. There are double yellow-line waiting restrictions on both sides of Mill Hey extending for some distance beyond the premises. The upper floors of many of the shops contain residential flats and there are houses lining the street directly opposite the site and more houses on River Street which continues the round the corner. River Street is a very steeply sloping street that gives access to the back of the property. Due to the slope the property is 4 storeys at the rear and 2 storeys at the front.

Relevant Site History:

96/00550/FUL : Application for a satellite dish. Refused April 1996.

Replacement Unitary Development Plan (RUDP):

Proposals and Policies

Unallocated on the Replacement UDP Proposals Map

The following policies are relevant

UR3 – local planning considerations

D1 – design considerations

TM2 – transport impact and mitigation

TM19A – traffic management and road safety

Parish Council:

Haworth Parish Council : recommendation not known at time of report.

Publicity and Number of Representations:

Publicised by site notices and neighbour notification letters expiring 20 May 2009.

12 representations of objection have been received.

PLUS 1 petition of objection signed by local 10 residents

(1 of the 12 objections is signed by 5 people).

Summary of Representations Received:

1. Added noise nuisance and smells : Neighbours will be subjected to late night comings and goings plus noise and smells from cooking. This will have a devastating effect on residents in what is presently a quiet area.
2. There are concerns that the extractor system to the kitchen would cause noise nuisance to residents living directly next to it.
3. 57 Mill Hey overlooks neighbouring houses. Customers in the restaurant will be able to view into these properties - to the detriment of privacy.
4. There is particularly significant opposition to a balcony shown on the back elevation which would give direct views into bedrooms.
5. There are concerns about customers congregating outside the back of the property and straying onto adjoining gardens to smoke. 57 Mill Hey adjoins residential properties and is accessed from Back River Street which is a quiet residential backwater. Residents have heard the takeaway would use the back door to Back River Street.
6. Parking in the area is a problem. Although there is a car park lower down Mill Hey this would not be used and people already abuse double yellow lines and park on the pavement making Mill Hey is unsafe for pedestrians. This will be made worse by a restaurant/takeaway.
7. Access is difficult and parking for residents is limited. Restaurant/takeaway customers will use resident's limited parking spaces.
8. Restaurant and food waste will be stored next to houses. Litter and vermin will be caused.
9. Rubbish cannot be collected from Back River Street as the refuse lorry cannot negotiate the corner.
10. Disturbance for residents during building works while the property is converted.
11. There are already 12 food outlets in walking distance of this site, including 7 takeaways. Another food outlet is not needed.

Consultations:

ENVIRONMENTAL PROTECTION OFFICER :

The EP Officer has visited the site and discussed proposals with the agent. Subject to the living accommodation immediately above the premises only being used by restaurant staff or manager the EP Officer has no objection.

The proposals show an intention that the kitchen extractor is to be fitted with carbon filters, silencer and fitted with anti vibration mounts. It is important that noise/vibration is not transmitted to the adjacent residential premises.

The flue should ideally terminate above the ridge of the adjoining property at 61, Mill Hey to aid dispersal of cooking fumes and avoid fumes affecting residential accommodation in the upper levels of adjoining buildings.

Additional EP comments : The hours of opening should be restricted to ensure customer activity ceases at 12.00 midnight.

In response to resident's concerns about the balcony, it is not considered that noise from customers on the balcony could be construed as a statutory nuisance and would not object to the balcony on nuisance grounds.

Summary of Main Issues:

Impact on living conditions of residents living nearby
Parking and highway issues
Design and materials.

Appraisal:

The Proposal

There is currently no intended operator of the proposed restaurant. At this stage, the owner is seeking permission to increase the range of possible uses with a view to improving the marketability of the property.

The proposal is to introduce the proposed restaurant/bistro at the Mill Hey street level with the lower ground level forming the kitchen and storage. The 1st floor and attic would be retained as a flat and the agent has confirmed that this would be occupied by staff or a manager of the business. Fumes from the cooking area would be extracted via the existing chimney to roof level. The layout of the restaurant shown on the submitted plan suggests a maximum capacity of 34 restaurant covers.

Impact on living conditions of residents living nearby

The concerns of local residents focus on the disturbance to their living conditions that may arise from increased comings and goings to a restaurant/takeaway use, activity at unsocial hours, odour from cooking areas and extra traffic.

Significantly, a number of other food already outlets operate in this busy part of Haworth, including the Raj Mahal restaurant on the same row of properties at No 49 Mill Hey, and another restaurant that backs onto the Gas Street car park. The Environmental Protection Officer says are no records of complaints about these businesses despite the mixed residential and commercial character of the area.

The Council's Environmental Protection Officer has visited the application site and does not oppose a restaurant/takeaway use subject to;

- limitation on hours to prevent customer use after 12.00 midnight
- insulation of the extract system to ensure no noise transfer to the party wall
- the accommodation directly above should only be occupied by persons employed by the A3/A5 business
- the extract flue should terminate as high above the premises as possible to allow effective dispersal of cooking fumes.

The Environmental Protection Officer therefore considers that resident's concerns about noise and odour can be appropriately dealt with by Conditions and these are listed at the end of the report.

As well as problems arising from cooking odour, restaurants and takeaways are acknowledged to have potential to cause problems due to the comings and goings of customers at unsocial hours. Compared with restaurants, takeaways tend to attract a different and more car based clientele who would be more inclined to disregard yellow line restrictions while they collected takeaway meals whereas long-stay restaurant goers would be more likely to seek a legitimate longer stay parking space in the Gas Street car park.

However, the applicant has confirmed that the intention is for this to be a genuine restaurant and that the A5 takeaway sales would be only ancillary to this principal use. In view of the concerns from residents about disturbance and traffic it is proposed that A5 takeaway sales are restricted by Condition to make it clear that they remain strictly ancillary to the principal use of the premises as a restaurant. In this way, and coupled with the proposed limitation on opening hours, Officers consider that the impact of the use on living conditions of neighbours will be appropriately minimised. It is considered unlikely that disturbance from a restaurant would encroach onto River Street or Back River Street due to the remoteness of these streets from the restaurant entrance.

In conclusion, it is considered that restricting A5 takeaway activity, the relatively small scale of the premises, together with the limitation of operating hours and a requirement for cooking fumes to vent above ridge level would adequately address any potential problems for existing residents.

The balcony

The balcony initially proposed at the back of the premises would not have been big enough to accommodate more than 2 or 3 customers and so the Environmental Protection Officer did not feel it would generate significant noise nuisance. However, it is acknowledged that the balcony would have afforded opportunities for customers to view into neighbour's windows and the agent has therefore been persuaded to remove it and propose a "juliette balcony" which would permit views of the Worth Valley railway but not invade the privacy of neighbours. It is not considered that the "juliette" balcony affects the character of the property to any significant extent.

Parking and Highway issues

There are double yellow line parking restrictions on both sides of Mill Hey and a public car park at Gas Street within a very short distance from the premises, on the other side of Mill Hey. The presence of these on street parking restrictions and public car park would make refusal of the application on grounds of lack of car parking difficult to sustain. At a maximum of 38 covers, (and an indicative layout of only 7 tables) it is not considered that a restaurant use of this scale would generate significant levels of traffic and the traffic generation would be expected to be mostly in the evenings – not during morning or afternoon peak hours.

It is acknowledged that Mill Hey is a busy part of Haworth and resident's complaints about abuse of double yellow lines and parking on the footway are acknowledged and these instances have also been observed by Planning Officers. However, this is a matter for parking enforcement. As there are double yellow lines restricting waiting on both sides of the road, it would be difficult to argue that the proposed use would lead to increased parking on the road outside the premises. As stated above, restricting takeaway activity so it remains ancillary to the principal use of the premises as a restaurant would also mean that customers would be much more inclined to seek more secure and legitimate long stay parking such as that available at Gas Street.

Despite the concerns expressed by residents it also seems unlikely that customers would seek to park on River Street or Back River Street. These streets are not immediately accessible from the front door of the proposed restaurant/takeaway and certainly Back River Street would not seem any more convenient than using the Gas Street car park given that the restaurant cannot be accessed from this level. Although

the kitchen would have doors to Back River Street, the agent confirms there is no intention to serve customers from this level, and any activity would be very occasional use of the existing back door by kitchen staff.

It is not considered that there are reasonable grounds to refuse the application based on lack of car parking or highway safety problems and the proposal does not conflict with RUDP Policies TM2 or TM19A.

Design and Materials

The property has already been fitted with upvc windows and doors and there are no proposals to change these. The only material external change is a proposal to form a balcony from the restaurant on the rear elevation to give views across to the worth valley railway. This has been amended to a “juliette” balcony to address concerns about customers viewing into neighbour’s homes from this point. It is not considered that this feature would be widely visible and it would not significantly affect the character of the building.

The lack of visibility of the chimney from which the extractor flue emerges is such that this would not adversely affect the character or appearance of the property or wider area.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The proposed use would be introduced to a mixed residential and commercial area where other restaurants are already in operation. There is no evidence that significant harm would be caused to the amenity of local residents subject to the imposed Conditions including restricting hours of operation. Parking outside the premises is prohibited by existing Traffic Regulation Orders and a public car park is available nearby. It is considered that the proposal would have no appreciable adverse impact on the amenity of neighbouring occupiers or on highway safety. The development is considered to accord with Policies UR3, D1, TM2 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

1. Commencement to take place within 3 years of date of permission.
2. Takeaway sales shall remain strictly ancillary to the principal use of the premises as a restaurant/bistro within Class A3 of the Town and Country Planning Use Classes Order 1987.
3. Compliance with the amended drawing DL260/01 Revision B received on 17 June deleting the balcony and substituting ‘juliette’ balcony.
4. The living accommodation above the premises shall only be occupied by persons employed at the restaurant.
5. No customers shall be present on the premises between the hours of 12.00 midnight and 08.00 am.
6. The extract flue shall terminate at ridge level of 61 Mill Hey and shall at all times be painted with a matt black finish.

7. The kitchen extract flue shall be fitted with carbon filters and silencers and mounted using anti vibration mounts to ensure no vibration or noise is transmitted to the party wall with the adjacent premises.
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Area Planning Panel (Keighley)

DATE
6 July 2009

09/01935/FUL



ITEM NO.: 2

LOCATION: 61 Browfield Terrace, North Street, Silsden

Scale: 1:1250

6 July 2009

Item Number: 2

Ward: CRAVEN

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

09/01935/FUL

Type of Application/Proposal and Address:

Full application to demolish existing large prefabricated garage and construct a 3 bedroom terrace dwelling at 61, Browfield Terrace, Silsden

Site Description:

The site is the side garden of an end of terrace property fronting North Street in Silsden. The terrace of 4 houses is known as Browfield Terrace and the houses are of traditional appearance, built in stone with a blue slate roof. The side garden is presently occupied by a large prefabricated garage with doors accessed from the back street which is called Browcliff. To the north of the boundary is a connecting stretch of unmade road leading to the unmade Browcliff which gives access to several houses and bungalows.

Relevant Site History:

01/03139/FUL : Erection of garage and store. Granted 5.11.01

09/00476/FUL : Demolition of existing large prefabricated garage and construction of 3 bedroom terrace dwelling. Refused 25.03.09

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals Map

The following Policies are relevant

UR3 – local planning considerations

D1 – general design considerations

TM19A – traffic management and road safety

TM12 – parking standards for residential developments

Parish Council:

Silsden Parish Council has no objections.

Publicity and Number of Representations:

Advertised by letters to neighbours and a site notice expiring 4 June 1009

10 letters of objection have been received

Summary of Representations Received:

1. The building is too large and takes up too much of the plot.
2. Access is restricted and additional traffic on the unmade roads around the site would create additional hazards.
3. Car parking is already a problem in the area and will be made worse.

4. Visibility onto North Street would be impeded and the Council has had to introduce traffic calming in this road.
5. It would be impossible to totally match the stone of the new house to the existing.
6. The revisions to car parking at the rear has done little to address previous concerns and the spaces are unfeasible due to the restricted space.
7. Proposals to install a new footway in the road at the side would unacceptably reduce the width for vehicles.

Consultations:

Drainage – separate surface and foul water drainage system required. Public sewer crosses site and Yorkshire Water should be consulted for view of the impact.

Summary of Main Issues:

Design and appearance
Impact on neighbours
Impact on road safety and parking

Appraisal:

This application is a resubmission of a previously refused application for a house on the end of this traditional terrace of houses. The previous application was refused on the grounds that

The application, as submitted, would result in the creation of substandard parking spaces, smaller than the usually acceptable. This is likely to lead to vehicles overhanging the highway or to an increase in levels of on street parking in an area where on street parking problems already exist to the detriment of highway safety. In addition the proposal would result in an increased level of traffic using an unadopted access road which is substandard in terms of its makeup, street lighting and surface water drainage. The proposal therefore fails to comply with Policies TM2 and TM19A of the Council's Replacement Unitary Development Plan.

Previously Officers did not have any objections to the principle of an additional dwelling on the site. The issue was the adequacy of parking arrangements and concerns of local objectors.

Design and appearance

The property is situated within an established residential area that consists of a mix of traditional terrace houses fronting North Street and a variety of mostly bungalow properties along the unadopted streets behind. The existing pre-fabricated garage (which apparently was used by a previous owner to repair landrovers) is an unattractive feature of the street that jars with the traditional character of the existing terrace housing.

The proposal is to construct a new house on the end of the terrace in matching coursed natural stone and natural blue slates. The height, proportions, materials and design of the new house are entirely complementary to the existing terrace and the style and proportions of windows is a good match to the existing. Care would need to be taken to ensure that the stonework is sized, coloured and coursed to blend with the existing terrace but reserving approval of details of materials and a sample panel of the stonework by condition would be the normal way of securing this objective.

It is considered that the new house would make more efficient use of previously developed land in a way that is complementary to the character of the surrounding area. The scheme complies with Policy D1 of the RUDP which seeks to ensure that new development is well related to the existing character of the locality in terms of its design, scale, massing, height and materials.

Impact on neighbours

The new house would be set at a considerable distance from the houses across the street to the front and 17 metres from the nearest bungalow on Browcliff to the rear. This bungalow has some windows facing towards the new house, but there is an intervening fence that screens direct overlooking from any windows in the proposed house and it is not considered that the new dwelling would have any more impact on the bungalow than the houses forming the existing terrace.

The secondary windows in the gable elevation would be set below the level of No. 63 North Street and the new dwelling would have no significant adverse effects on occupiers of that property either. It is not considered that the proposed new house would have any significant adverse effects on occupiers of the neighbouring houses and bungalows.

Parking and highway issues

The previous application on this site was refused as there were concerns that the indicated parking spaces were smaller than is usually acceptable which was likely to lead to vehicles overhanging the highway and that an increase in levels of on street parking in an area where on street parking problems already exist would be to the detriment of highway safety. It was acknowledged that the proposal gained access via an unadopted access road which is substandard in terms of its makeup, street lighting and surface water drainage.

The agent has discussed the proposal with the Council's Highway Officer and has addressed the previous concerns by amending and clarifying parking arrangements. The new house is proposed to be set slightly behind the existing terrace so that two 5 metre long car spaces can be created. Measurements taken on site confirm that these spaces would be 5.0 metres and this would allow 2 vehicles to be parked clear of the unmade back road.

In addition, the back yard of the existing house is to be opened up to create one space to be retained by occupiers of the existing house. The space available for this is only 4.65 metres deep and would not allow a full 5.0 metre space to be created at 90 degrees to the back street, but the Highway Officer has agreed that an angled parking space would be sufficient for the existing house and whilst the parking retained for the existing house is of substandard length, this would not be sufficient reason to refuse the planning application.

It is proposed that conditions be imposed on any grant of permission to require that the new parking areas are surfaced in permeable materials.

It is also proposed that conditions be imposed to remove permitted development rights for the so that the parking spaces for the new dwelling are not displaced by subsequent extensions. Also that the parking at the rear of the existing house at 61

Browfield Terrace is provided and subsequently remains open and available for use and is not occupied by structures.

The original plans also showed the applicant proposing some upgrades to the adjoining unmade street. These comprised resurfacing of the road in tarmac and installing a footway on the side adjoining the development plot. However, local objectors have challenged the ability of the applicant to carry out these works and complain that the narrowing of the carriageway would make it more difficult to safely negotiate around the corner, especially for emergency vehicles.

It is accepted that the applicant may not be able to resurface the unadopted road and that the suggested improvements would not be particularly helpful or desirable. The existing road surface is rough hardcore and this has the effect of keeping vehicle speeds low. On reflection it is accepted that it is probably not desirable to improve the surface as this would tend to make vehicles travel faster. In response to local concerns, it is also accepted that doubling up the footpath may take up carriageway space and could make use of the road by residents and emergency/service vehicles more awkward. In response to objections to the road improvements these have now been deleted.

Account has been taken of objector's concerns about the deficiencies of the wider highway network and visibility at the junction of Browcliff and North Street. In respect of the former, the recent traffic calming measures are some distance from the site down towards the centre of Silsden and visibility splays at the junction of Browcliffe and North Street are considered reasonable. To protect the visibility splay to the south it is proposed that a Condition be imposed to require that the front garden wall to the new house remains at or below 900mm.

It is considered that the 5 metre spaces now provided for the new house are sufficient to ensure that parking for the new house could be achieved clear of the back road and would not cause obstruction or prejudice road safety. The new house would result in additional traffic on the unmade back road. However, the amount of increase would be low and traffic speeds on these roads are also necessarily low. On balance it is now considered that the proposal has been amended sufficiently to overcome the previous reasons for refusal.

Drainage

There is a public drain across the rear of the site although the new house would not affect it and Yorkshire Water requirements for no development over or within 3 metres of this drain seem to be met.

Community Safety Implications

None apparent

Reasons for Granting Planning Permission

The proposed development would make more efficient use of previously developed land for housing and the scale and design of the new house would be well related to the existing character of the locality. It would have no significant adverse effects on occupiers of any neighbouring properties and the scheme makes provision for adequate car parking within the site. It is not considered that the proposal would

adversely affect the safety of road users. The proposal is considered to comply with Policies UR3, D1, TM12 and TM19A of the Bradford Replacement Unitary Development Plan.

Conditions of Approval/Reasons for Refusal:

1. Commencement of development within 3 years.
 2. Compliance with the amended drawing 6857-01C received on 15 June 2009 amending/deleting road works.
 3. Samples of materials to be submitted to, and approved in writing by the LPA prior to commencement of development and the development subsequently built in the approved materials.
 4. Sample panel of stonework showing the size, coursing, colour and pointing to be similarly inspected and agreed in writing and the development carried out in accordance with the approved details.
 5. Front boundary wall of the approved dwelling to be retained at height no greater than 900mm to safeguard visibility splays.
 6. Newly created parking areas to have a permeable surface.
 7. Remove permitted development rights to prevent subsequent extensions onto parking areas of the new house.
 8. Prior to occupation of the new dwelling hereby approved, the parking space to be formed in the rear garden of the existing dwelling at 61 Browfield Terrace shall be formed in accordance with the approved plan and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation), this space shall be retained for car parking and shall not be used for external storage and no permanent structures shall be erected on it without the prior written permission of the Local Planning Authority.
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6 July 2009

Item Number: 3
Ward: KEIGHLEY EAST
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/01811/FUL

Type of Application/Proposal and Address:

A part retrospective application for change of use of land from agricultural to provide an outdoor ménage including excavation works (already undertaken) at land to the west of Goff Well Farm, Hainworth, Keighley.

Site Description:

The site of the application comprises part of a pasture field on a hillside above Hainworth Village to the east of Keighley. The applicant who resides at Goff Well Farm has purchased the land which lies to the west of the farm across Goff Well Lane from which it takes its access. The surrounding area comprises of agricultural fields divided by dry stone walls. The site is in the approved Green Belt and is set in an open and exposed landscape.

Relevant Site History:

08/00016/APPFUL - Outdoor ménage for private use only – Appeal Dismissed
07/07594/FUL - Outdoor ménage for private use only - Refused
06/05661/FUL - Outdoor ménage & improvement to drainage (private use only) - Refused

Replacement Unitary Development Plan (RUDP):

Allocation

Proposals and Policies

The site is allocated as Green Belt (GB1) on the Replacement Bradford Unitary Development Plan (2005) (RUDP).

Proposals and Policies

Relevant RUDP Policies

GB1 - New Building in the Green Belt
NE2 - Outdoor Sport and Recreation
NE3 - Landscape Character
NE3A - Landscape Character Areas

Parish Council:

No comment received by date of report

Publicity and Number of Representations:

This has been done via neighbour notification letters, site notice and advertisement in the local press with an overall expiry date for representations of 04.06.2009.

The Council has received 5 letters of representation with 2 in support, 2 objecting to the proposal and 1 confirming the transfer of the land in question and access road from Goff Well Road. One of the letters of objection has no address.

Summary of Representations Received:

- The supporters say the scheme will allow provision of a safe environment for the exercising of horses, clear of local roads which are dangerous for riders.
- The objections are concerned about the harmful impact on the landscape

The application has been referred for a Panel decision at the request of a Ward Councillor.

Consultations:

Keighley Town Council – No comment received by date of report

Council's Landscape Design Unit – Proposal would introduce an incongruous element into the landscape and would create an unacceptable visual intrusion.

Summary of Main Issues:

The main issues to be considered in this case relate to

- Impact on the Green Belt,
- Impact on the Landscape Character Area

Appraisal:

An outdoor ménage is a level, and enclosed area for the exercising and schooling of horses.

Circumstances

The application follows 2 refusals of planning permission and a dismissed appeal for similar scale ménages closer to the applicants property at Goff Well Farm on land to the east side of Goff Well Lane.

The Council refused permission for the previous proposals on grounds of conflict with the openness of the green belt and its obtrusive position within the landscape. The Planning Inspector considering the appeal fully supported the Council's reasons for refusal. He found that the proposed ménage would be clearly visible and that "planting of hedging around the ménage would not mitigate such views."

Following the refusal of these applications and dismissal of the appeal the applicant carried out significant excavation of the newly acquired field to create a ménage here in advance of any planning application having been submitted. The excavation was halted following the intervention of the Council's Enforcement Officer on 29th February 2009.

Service of an Enforcement Notice has been deferred pending determination of this application.

The proposed site is located off an existing gateway leading into the fields from Goff Well Lane and a track adjacent to a field wall has been surfaced to create the access to the site where the excavation has already been undertaken. The excavated area has created a level area within a previous sloping hillside approximately 40 metres by 30 metres. The plans show the level of the proposed ménage to be around 3 metres lower than the level of the previous field level at its back wall where the land is retained by a stone face and steep banking above. The proposed ménage would be enclosed by a 1.2 metre post and rail fence and surfaced in a rubber based surface material.

Impact on the Green Belt

The site lies within the green belt where development proposals are tightly controlled; RUDP Policy GB1 sets out types of development which may be considered acceptable in principle within the green belt. These include agriculture and forestry and essential facilities for outdoor sport and outdoor recreation, or development :

FOR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.

The definition of development for these purposes of Green Belt control includes the construction of new buildings, engineering and other operations as well as the making of any material change in the use of land.

National Planning Policy Guidance contained within PPG2 Green Belts states:

“The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.”

The applicant claims that the use of the site for schooling horses is for outdoor recreation and so is appropriate within the Green Belt and accords with Policy GB1.

The view of Planning Officers is that whilst the schooling of horses, in principle, can be an acceptable outdoor recreational use of land in the Green Belt, this does not imply that any horse-related development will be regarded as an “essential facility for outdoor recreation” or deemed acceptable in any Green Belt location if it fails to maintain openness or the purposes of the land being in the Green Belt. This was also clearly the view of the Inspector who rejected proposals for a ménage elsewhere on the applicant’s land.

The problem with the application site is its prominent and exposed location, being surrounded by very open countryside with little screening. In addition, the terrain requires the considerable excavation and remodelling of the natural landform. Consequently, setting a level horse schooling arena within a previously undeveloped, exposed sloping hillside cannot maintain openness and, indeed, would have a very noticeable and harmful effect on the openness and character of the green belt and the purposes of including the land in it.

The key purposes of the Green Belt in this location are to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment.

Whilst located at some distance from Goff Well Lane, the present excavation is clearly visible from numerous public vantage points. The proposed ménage and accompanying features such as the fencing and access would form similarly visible signs of encroachment. The development of the ménage would reduce the openness of the countryside and would appear as a very noticeable encroachment of development that is unrelated to any other development nearby. As such it should be regarded as inappropriate development which by definition would be harmful to the Green Belt and is contrary to Policy GB1 and PPG2.

Impact on Landscape Character Area

The Councils Landscape Architect has been consulted on the application to assess the impact of the development on the local landscape. The response is negative.

The consultation response states that the site is located within the Wilsden Landscape Character Area, as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 9: Wilsden, and adopted by Bradford Council in October 2008. The Landscape Character Supplementary Planning Document (SPD) supplements Policies NE3 and NE3A of the Replacement Unitary Development Plan.

These Policies state that development will only be permitted if it does not adversely affect the particular character of the landscape and seeks to prevent development that would cause unacceptable visual intrusion, introduce incongruous elements to the landscape or cause loss of landscape elements that contribute to local distinctiveness.

The site lies within what the SPD Document describes as an “Upland Pasture Landscape Character Type” and is clearly visible from Shaw Lane to the east. Excavation works have already been undertaken on site. The tops of spoil mounds are visible from the village of Hainworth and the excavated and levelled area can be seen from other public vantage points.

The landscape strategy analysis defines the locality as, “*a landscape with a simple, smooth character of open, gently sloping pastures with grid-like patterns of dry stone walls*”.

The landform of the proposed ménage, as clearly seen from the excavation works undertaken to date, has introduced a noticeable and incongruous element into the landscape. The altered landform, combined with the proposed post and rail fencing and surfacing that would have to accompany the ménage, would appear intrusive and out of keeping. The development would not either conserve or enhance this landscape of simple upland pastures.

It is also likely that if permission was granted, there would be further pressure for additional facilities alongside the horse schooling arena such as floodlighting, stabling and space for parking cars and horse trailers which would add further clutter and

urbanising influences to the exposed landscape and cause further detriment to the Green Belt and the Wilsden Landscape Character Area.

The RUDP includes Policy NE2 which relates specifically to proposals for outdoor sport and recreation. The policy supports proposals for such uses within the countryside providing it does not materially detract from the visual character of the landscape and providing that it retains or enhances existing landscape features. It is considered that this facility would cause significant harm to the visual character of the landscape and does not enhance or retain existing landscape features and so is in conflict with this Policy.

Consideration of applicant's supporting information

The applicant has provided a supporting statement to justify the development. It admits that work began in January 2009 and describes that the applicant's family is actively involved in equine competitions but do not have access to a ménage for schooling and training horses. Roads in the vicinity are said to be hazardous for horse riding which limits the ability of the applicant's family to partake in their chosen sport and recreational activity.

In answer, it is not considered that the applicant's interest should outweigh the harm to the public interest (ie the Green Belt and the landscape) caused by this development.

The applicant also claims that the site is not readily visible. However, this is strongly disputed by Officers. The site is set in an otherwise open and exposed tract of countryside and is visible from a number of vantage points. The development has a substantial visual impact on the openness of the green belt and the character of the landscape.

The applicant has also questioned the Appeal Inspector's decision saying he was wrong to differentiate between the acceptability of horse facilities for private as opposed to public use. However, this comment was not material to the Council's own previous decisions and is not material to the Officer recommendation on the current application. The reasons for refusal are centred on the harmful impact of this specific proposal. It is for the applicant to challenge the previous refusal in the High Court if he considers the Inspector to have erred in law.

Finally, the applicant refers to a list of 21 other horse schooling facilities that the Council has approved in the Green Belt, including the indoor riding arena for the disabled at Vale Mill Lane, Haworth (actually Oakworth). However, there will be different circumstances and impacts in respect of each of the quoted examples. (Members will be well aware of the reasons for the decision in respect of the facility at Vale Mill Lane).

The applicant says that the creation of a ménage can be considered as an appropriate form of development in the Green Belt *provided its visual impact and its impact on the area's amenity can be satisfactorily controlled*. However, the conclusion of Officers is that the exposed nature of this site and the fact that the hillside has had to be excavated to form a level area to fit the ménage onto the slope are all factors such that there will be a profound and unacceptable impact on both the openness of the Green

Belt and the character of this upland landscape. The impact on the area's amenity and the harm that will be caused to the Green Belt are not acceptable in this instance.

Community Safety Implications:

There are no significant community safety implications arising from this proposal.

Reasons for Refusal:

1. The proposed development would be obtrusive and prominently sited in an area of open countryside defined for Green Belt purposes on the Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). The degree of prominence of the development and the significant engineering operations required to set it onto this exposed, sloping site are such that it would appear as a very noticeable encroachment that would not maintain the openness of the Green Belt and would conflict with the purposes of including the land in it. The proposal represents an inappropriate development that would be harmful to the openness of the green belt and would be contrary to Policy GB1 of the Replacement UDP and PPG2.
 2. The excavation and formation of a ménage would cause unacceptable visual intrusion and disrupt the simple, smooth character of open, gently sloping pastures with grid-like patterns of dry stone walls which contribute significantly to local distinctiveness and the character and quality of this part of the countryside. The development would adversely affect the character of this part of the Wilsden Landscape Character area, as defined by Policy NE3 of the Replacement Unitary Development Plan, and would be contrary to Policies NE2, NE3 and NE3A of the Replacement Unitary Development Plan.
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