

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service
Civic Centre 3
High Street
Huddersfield
HD1 2TG

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 10 April 2019

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 18 April 2019**.

(A coach will depart the Town Hall, at 9.55am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber at Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Huddersfield Area) members are:-

Member

Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bernard McGuin
Councillor Gemma Wilson

When a Planning Sub-Committee (Huddersfield Area) member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
V Lees-Hamilton
M Thompson

Green

K Allison
A Cooper

Independent

C Greaves

Labour

E Firth
S Hall
N Mather
H Richards
R Walker

Liberal Democrat

C Iredale
A Munro
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of previous meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 7 March 2019.

3: Interests and Lobbying

7 - 8

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Site Visit - Application No: 2018/91581

Erection of detached dwelling with access off Longwood Edge Road rear of, 481, New Hey Road, Salendine Nook, Huddersfield.

(Estimated time of arrival at site – 10.05am)

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Golcar

7: Site Visit - Application No: 2018/94038

Demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation (Listed Building) 95, Church Street, Paddock, Huddersfield.

(Estimated time of arrival at site – 10.25am)

Contact Officer: Craig McHugh, Planning Services

Ward(s) affected: Greenhead

8: Site Visit - Application No: 2018/94039

Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation 95, Church Street, Paddock, Huddersfield.

(Estimated time of arrival at site – 10.25am)

Contact Officer: Craig McHugh, Planning Services

Ward(s) affected: Greenhead

9: Site Visit - Application No: 2018/93453

Erection of two storey rear extension and front dormers 39, Springdale Avenue, Thornton Lodge, Huddersfield.

(Estimated time of arrival at site – 10.35am)

Contact Officer: Jason Hammond, Planning Services

Ward(s) affected: Crosland Moor and Netherton

10: Site Visit - Application No: 2018/91244

Erection of detached bungalow (farm workers dwelling) Hollin Bank Farm, Cross Gate Road, Holmfirth.

(Estimated time of arrival at site – 11.00am)

Contact Officer: Farzana Tabasum, Planning Services

Ward(s) affected: Holme Valley South

11: Site Visit - Application No: 2019/90030

Demolition of stables and erection of detached games room Hogley Farm, Hogley Lane, Holmfirth.

(Estimated time of arrival at site – 11.20am)

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Holme Valley South

12: Local Planning Authority Appeals

9 - 24

The Sub Committee will receive a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Mathias Franklin – Development Management Group Leader

Ward(s) affected:

Wards

Affected: Almondbury; Ashbrow; Crosland Moor and Netherton; Lindley

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11.59pm (for email requests) on Monday 15 April 2019.

To pre-register, please contact richard.dunne@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995) An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

13: Planning Application - Application No: 2018/91581 27 - 42

Erection of detached dwelling with access off Longwood Edge Road rear of, 481, New Hey Road, Salendine Nook, Huddersfield.

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Golcar

14: Planning Application - Application No: 2018/94038 43 - 52

Demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation (Listed Building) 95, Church Street, Paddock, Huddersfield.

Contact Officer: Craig McHugh, Planning Services

Ward(s) affected: Greenhead

15: Planning Application - Application No: 2018/94039 53 - 60

Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation 95, Church Street, Paddock, Huddersfield.

Contact Officer: Craig McHugh, Planning Services

Ward(s) affected: Greenhead

16: Planning Application - Application No: 2018/93453 61 - 68

Erection of two storey rear extension and front dormers 39, Springdale Avenue, Thornton Lodge, Huddersfield.

Contact Officer: Jason Hammond, Planning Services

Ward(s) affected: Crosland Moor and Netherton

17: Planning Application - Application No: 2018/91244 69 - 80

Erection of detached bungalow (farm workers dwelling) Hollin Bank Farm, Cross Gate Road, Holmfirth.

Contact Officer: Farzana Tabasum, Planning Services

Ward(s) affected: Holme Valley South

18: Planning Application - Application No: 2019/90030 81 - 94

Demolition of stables and erection of detached games room Hogley Farm, Hogley Lane, Holmfirth.

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Holme Valley South

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

This page is intentionally left blank

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 7th March 2019

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bernard McGuin
Councillor Alison Munro

1 Membership of the Committee

Councillor Alison Munro substituted for Councillor Gemma Wilson.

2 Minutes of previous meeting

The Minutes of the meeting held on 24 January 2019 were approved as a correct record.

3 Interests and Lobbying

Councillor Bellamy declared an 'other interest' in application 2013/93879 on the grounds that she was a member of Holme Valley Parish Council

Councillor Bellamy declared an 'other interest' in application 2018/90501 on the grounds that she had previously worked for the applicant and the applicant was a family friend.

Councillors Homewood and Uppal declared they had been lobbied on application 2018/94133.

Councillor Uppal declared she had been lobbied on application 2018/93228.

Councillor Munro declared that she had been lobbied on application 2018/93326.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

Planning Sub-Committee (Huddersfield Area) - 7 March 2019

7 Site Visit - Application No: 2018/93228

Site visit undertaken.

8 Site Visit - Application No: 2018/93326

Site visit undertaken.

9 Site Visit - Application No: 2018/94133

Site visit undertaken.

10 Local Planning Authority Appeals

That the report be noted.

11 Review of Planning Appeal Decisions

That the report be noted.

12 Planning Application - Application No: 2018/93228

The Committee gave consideration to Planning Application 2018/93228 Erection of single storey side and rear extension 10, Quarry Court, Longwood, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Susy Hellawell, Michael Hellawell and Chris Lawton (objectors) and Matthew Jack (Agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Hilary Richards (Local Ward Member)

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment to complete the list of conditions including those contained within the considered report including:

- 1) Development to be commenced within 3 years.
- 2) Development to be in accordance with the approved plans.
- 3) Matching materials.
- 4) Obscure glazing to roof lights.
- 5) Withdraw permitted development rights for extensions, alterations to the roof, porches, raised platforms, outbuildings and additional windows.
- 6) Pre-commencement condition for a construction management/method statement
- 7) Garage cannot be converted (condition on original development)

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, Griffiths, Homewood, McGuin, Sims, Uppal and Ullah (7 votes)

Against: Lyons, Munro, Sarwar and Sokhal (4 votes)

Planning Sub-Committee (Huddersfield Area) - 7 March 2019

13 **Planning Application - Application No: 2018/93326**

The Committee gave consideration to Planning Application 2018/93326 Demolition of existing dwelling and erection of 5 detached dwellings with garages Corby, Birkby Road, Birkby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Christopher Hardern (Objector) and Dan Heneghan (on behalf of the applicant)

RESOLVED – That consideration of the application be deferred to allow the applicants and officers an opportunity to discuss amendments to the scale of the development

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, Griffiths, Homewood, McGuin, Munro, Sarwar, Sims, Sokhal, Uppal and Ullah (10 votes)

Against: (0 votes)

Abstained: Councillor Lyons

14 **Planning Application - Application No: 2018/93073**

The Sub Committee gave consideration to Planning Application 2018/93073 Erection of three storey side and single storey rear extension and erection of dormers 215, Birkby Road, Birkby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Michael Chow (agent) and a statement from Navinder Uppal (applicant) read by Michael Chow.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment to complete the list of conditions including those contained within the considered report including:

- 1) Development to be commenced within 3 years.
- 2) Development to be in accordance with the approved plans.
- 3) Matching materials.
- 4) Withdraw permitted development rights for outbuildings.
- 5) Permeable surfacing materials for extended forecourt area.
- 6) No additional windows in the upper floors of the rear elevation of the extension.
- 7) Windows in the upper floors of the rear elevation to be obscure glazed.
- 8) Tree survey and Arboricultural Method Statement, to include a tree protection plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

Planning Sub-Committee (Huddersfield Area) - 7 March 2019

For: Councillors Bellamy, Griffiths, Homewood, Lyons, McGuin, Munro, Sarwar, Sims, Sokhal, Uppal and Ullah (11 votes)

Against: (0 votes)

15 **Planning Application - Application No: 2018/94133**

The Sub Committee gave consideration to Planning Application 2018/94133
Erection of two storey side, single storey rear extensions and front porch 8, The Crest, Bradley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Aurangzeb Hussain (applicant)

RESOLVED – Refused in line with the following reasons outlined in the considered report:

The two storey side extension proposed, by reason of its design, scale and siting on a prominent junction, would introduce an incongruous and discordant feature to both the host dwelling and the wider street scene. This would materially harm the visual character and appearance of the area and be contrary to PLP24 (A) and (C) (as modified) of the Kirklees Local Plan and Policies in Chapter 12 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, Griffiths, Lyons, McGuin, Munro and Sims (6 votes)

Against: Councillors Homewood, Sarwar, Sokhal, Ullah and Uppal (5 votes)

16 **Planning Application - Application No: 2018/90501**

The Sub Committee gave consideration to Planning Application 2018/90501
Change of use and alterations to part of mill to form 42 residential units and 8 light industrial units (use class B1c) and retention of part of existing retail use (revised description and amended plans) Stanley Mills, Britannia Road, Milnsbridge, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Andrew Lindsay, Hamish Gledhill and Jeremy Childs (all speaking on behalf of the applicant)

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Hilary Richards (Local Ward Member)

RESOLVED – Refer the application to the Kirklees Strategic Planning Committee for determination with a recommendation that the application be approved.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

Planning Sub-Committee (Huddersfield Area) - 7 March 2019

For: Councillors Griffiths, Homewood, McGuin, Sarwar, Sims, Sokhal, and Ullah (7 votes)

Against: Councillors Lyons, Munro and Uppal (3 votes)

17 **Planning Application - Application No: 2013/93879**

The Sub Committee gave consideration to Planning Application 2013/93879 clarification and revisions to provision of affordable housing secured by Section 106 Agreement relative to previous grant of permission for erection of 27 dwellings on land adjacent Bird Riding, 109 Upperthong Lane, Upperthong, Holmfirth.

RESOLVED – That the Committee:

- 1) Agree to the proposed revisions to align the affordable housing scheme to that as agreed between Kirklees Neighbourhood Housing (KNH)/Quality Starter Homes (QSH) and currently governing the operation of the affordable housing scheme;
- 2) Note the commitment of the Service Director for Housing and Growth to pursue the acquisition of stock;
- 3) Agree to PACE Trustees being named as a provider of the affordable housing on this site in addition to QSH , as the Provider or Alternative Provider of affordable housing;
- 4) Agree to delegate authority to the Head of Strategic Investment to secure a Deed of Variation to the Section 106 Agreement as earlier authorised by the Committee on 20 February 2014 in respect of application 2013/93879 to secure the matters referred to in (1) and (3) above.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, Griffiths, Homewood, Lyons, McGuin, Munro, Sarwar, Sims, Sokhal, Uppal and Ullah (11 votes)

Against: (0 votes)

This page is intentionally left blank

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 18 APRIL 2019

Title of report: LOCAL PLANNING AUTHORITY APPEALS

The purpose of the report is to inform Members of planning appeal decisions received in the Huddersfield area since the last Sub-Committee meeting.

Electoral wards affected: Crosland Moor and Netherton; Ashbrow; Almondbury; Lindley;

Ward councillors consulted: No

Public or private:

1. Summary

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

2. Information to note: The appeal decision received are as follows:-

2.1 Outline application for erection of detached dwelling with integral garage adj, 31, Chapel Street, Netherton, Huddersfield, HD4 7ES. (Officer) (Dismissed)

2.2 Erection of side and rear extension and dormers to front at 23, Skipton Avenue, Fartown, Huddersfield, HD2 2QG. (Officer) (Dismissed)

2.3 Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ. (Sub-Committee in accordance with officer recommendation) (Dismissed)

2.4 Appeal against an enforcement notice issued in respect of erection of a wall and engineering operations to raise land levels at 300 New Hey Road, Oakes, Huddersfield, HD3 4GQ. (Officer) (Appeal dismissed, deemed planning application refused and enforcement notice upheld)

3. Implications for the Council

3.1 There will be no impact on the four main priority areas listed below

- Early Intervention and Prevention (EIP)
- Economic Resilience (ER)
- Improving outcomes for Children
- Reducing demand of services

- 4. Consultees and their opinions**
Not applicable, the report is for information only
- 5. Next steps**
Not applicable, the report is for information only
- 6. Officer recommendations and reasons**
To note
- 7. Cabinet portfolio holder recommendation**
Not applicable
- 8. Contact officer**
Mathias Franklin – Development Management Group Leader (01484 221000) mathias.franklin@kirklees.gov.uk
- 9. Background Papers and History of Decisions**
Not applicable



Appeal Decision

Site visit made on 5 February 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 March 2019

Appeal Ref: APP/Z4718/W/18/3213174

31 Chapel Street, Netherton, Huddersfield HD4 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bristol against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/60/91978/W, dated 15 June 2018, was refused by notice dated 25 September 2018.
 - The development proposed is detached house with integral garage adjacent to No. 31.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made for outline planning permission with all matters save access, layout and scale reserved for later determination, and I have considered the application plans accordingly.
3. Amended plans were considered by the Council which reduced the height of the proposed dwelling. These drawings did not form part of the public consultation but as they reduce the size of the building I am satisfied that interested parties would not be prejudiced by my consideration of these amended plans.
4. Since the date of my site visit the Council has adopted the Kirklees Local Plan 2019 (the Local Plan), which now comprises the local development framework against which the appeal should be determined. The parties have had the opportunity to comment on the effect of the Local Plan on the proposed development and I have taken all comments into account in reaching my decision.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings.

Reasons

6. The appeal site comprises land to one side of 31 Chapel Street and currently forms part of the garden of the dwelling, containing a driveway and single storey garage. The street is on a relatively steep slope and No. 31 is located uphill of the site. Downhill there is a narrow road that provides access for 27 and 29 Chapel Street, whose eaves are roughly in line with the division

between ground and first floors at No. 31. The proposal is for the erection of a detached dwelling with an integral garage on the site. The application is for outline permission with access, layout and scale to be determined.

7. The application plans show that the eaves of the proposed dwelling would be of a similar height to the eaves of Nos 27 and 29. While the majority of dwellings on Chapel Street have front elevation windows facing the road, the main elevations of Nos 27 and 29 face the flank elevation of No. 31.
8. The orientation of the buildings means that the front elevations of Nos 27 and 29 are likely to be in shadow during mornings, receiving direct sunlight in the afternoons. The proximity of the proposed dwelling would be likely to reduce the period during which the properties received direct sunlight, especially at No. 27 which is eastward of No. 29. The layout of the area also means that Nos. 27 and 29 have their principal outdoor space to the front the buildings, which would also be likely to lose direct sunlight due to the height and location of the proposed dwelling.
9. Nos 27 and 29 have seven or so ground and first floor windows, together with a conservatory at No 29, that face directly onto the flank wall of No. 31. The proposed building would impose a flank elevation significantly closer to these front elevation windows. Although final design is a reserved matter, the appellants have indicated that the flank elevation of the proposed dwelling would likely be a blank façade. Notwithstanding the proposed separation distances between the proposed and neighbouring buildings, a blank façade would result in a detrimental loss of outlook for the occupiers of Nos. 27 and 29 that would be oppressive and overbearing.
10. It is not clear that an acceptable minimum distance would be achieved between the flank elevation of the proposed house and the conservatory at No. 29, which comprises the main living area of that dwelling. Given the relative proximity, should the elevation contain windows, they would be likely to look directly into the windows of habitable rooms at Nos. 27 and 29 resulting in an unacceptable loss of privacy.
11. Therefore, the proposal would not accord with Policy 24 of the Local Plan, which seeks to ensure that developments promote good design by ensuring they provide a high standard of amenity for neighbouring occupiers, including maintaining appropriate distances between buildings.

Other Matters

12. Interested parties raised a number of objections, including the impact of the proposal on the character and appearance of the area, and on parking and highway safety, and the impact on local services. Interested parties stated that the proposal would not be in keeping with the area and would not respect street pattern. The final design of the proposed dwelling is a reserved matter and therefore it is not possible to determine whether it would suit the prevailing character and appearance of the area. The street pattern is informed by the existing access road which is the sole vehicular access for No. 29 and therefore the proposed dwelling would have little, if any detrimental impact on road layout.
13. There is no compelling evidence before me of a particular parking problem in Chapel Street. The potential loss of on-street parking as a result of a dropped

kerb serving the development and/or No. 31 would therefore be unlikely to have any unacceptable impact on the living conditions of neighbouring occupiers. I note that the Council's Highway Officer did not raise any objection on this ground.

14. The addition of a single additional home would be unlikely to have a significant impact on the availability of school places or on access to dentists and doctors or other local amenities. I therefore attach little weight to this argument.

Conclusion

15. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 19 March 2019

by **Kate Mansell BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2019

Appeal Ref: APP/Z4718/D/18/3218847

23 Skipton Avenue, Fartown, Huddersfield HD2 2QG

- 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 Fouzia Rashid against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/91783/W, dated 31 May 2018, was refused by notice dated 11 October 2018.
 - The development proposed is a side and rear extension and dormers to front.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Kirklees Local Plan (Kirklees LP) on 27 February 2019. I am required to determine the appeal on the basis of the development plan that is in force at the time of my decision. Accordingly, the proposal should now be considered against Policy PLP24 of the adopted LP, which is cited in the reason for refusal. The parties have had the opportunity to comment on the effect of the Kirklees LP on the proposed development and I have taken all comments into account in reaching my decision.
3. On 19 February 2019 the Government published the revised National Planning Policy Framework (the Framework), which forms a material consideration in the determination of this appeal. The revisions do not materially alter the national policy approach in respect of the issues raised in this appeal. Therefore, no party has been prejudiced by my having regard to this updated document.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. Skipton Avenue is a small residential cul-de-sac of semi-detached dwellings. On the south side of the road, the houses are two-storey and stone faced whilst the remainder of the avenue, including the appeal site, constitutes semi-detached bungalows of a uniform design and appearance, constructed in red brick with a tiled roof.
6. The appeal property at 23 Skipton Avenue is situated at the end of the cul-de-sac. Consistent with neighbouring dwellings, it is set back from the road behind

a modest front garden with a sloping driveway to the side. The back garden is of generous depth and rises steeply to the rear boundary. The appeal proposal would comprise a two-storey extension to the side of the house that wraps around the rear elevation to create a two-storey gable on the rear. A further single storey rear projection and a gable extension within the roof space is proposed adjacent to the boundary with the adjoining semi-detached bungalow at 18 Skipton Avenue. It would also introduce two dormer windows to the front roof slope of the bungalow.

7. I note that following negotiations with the neighbour, the scheme was modified in the course of the planning application process to replace the two-storey addition adjacent to the boundary with No 18 with a single storey extension with dormer above. The projection of the two-storey extension furthest from No 18 was also reduced. Consequently, the Council acknowledge that the proposal would not cause any harm to the living conditions of adjoining occupiers. This is reflected in the reason for refusal, which does not refer to the effect of the proposal on neighbouring properties but, instead, to its relationship to the character and appearance of the host building and the street scene.
8. In this regard, although the two-storey side/rear extension would be set back from the front elevation of the host building, it would be designed with an eaves level that would be significantly above that of the existing bungalow. This would, in my view, appear at odds with the current roof profile and an incongruous addition when viewed from the street, particularly given the prominent location of the appeal site, being slightly raised above the road and positioned at the head of the cul-de-sac. Furthermore, the side elevation of the extension would be blank and two-storeys in scale, reinforcing the massing of the proposal and subsequently, failing to respect the proportions and form of the original bungalow.
9. Additionally, the two gables created by the extensions at the back of the house would be constructed to the same height as the existing ridge. As a result, the simple hipped roof of the existing bungalow would be obscured and from the rear, it would appear as a two-storey dwelling. The scale, massing and design of the rear extensions would not, therefore, appear as a subservient addition to the original building but instead, they would seem disproportionate and discordant as a result.
10. To the front roof slope of the property, the two dormer windows would be set up from the eaves and set below the ridge level of the existing house. I appreciate that pitched rather than flat roof dormers were proposed having regard to appearance and durability. However, on my site visit, I observed that with the exception of a single front dormer window at 10 Skipton Avenue, they are not a predominant feature of the street scene. The remaining roof profiles of the bungalows on the street are unaltered, providing consistency to their appearance. Having regard to guidance at paragraph 127 of the Framework, whilst I am not persuaded that the dormer windows would be sympathetic to the surrounding built environment, I nevertheless acknowledge that the Council consider them to be acceptable in terms of their impact on visual amenity.
11. The appellant has drawn my attention to two examples of similar building forms. I have only been provided with a photograph of one elevation in each case and I do not have full details of their planning history before me or the

context in which they are set. However, the photograph of the rear extension to 51 Moorlands Crescent is a single gable projection to the rear. Furthermore, in contrast to the appeal proposal, it does not wrap around to the side elevation. The second scheme, as the appellant acknowledges, is to a detached dwelling that does not, from the evidence before me, appear to sit within a consistent street scene. Accordingly, I do not find either of them directly comparable with the appeal proposal, which I have assessed on its individual merits.

12. For the reasons set out above, I conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area. It would therefore conflict with Policy PLP24 of the Kirklees LP. This policy requires extensions to be subservient to and in keeping with the original building with regard to scale and details, and respect and enhance the character of the townscape. It would also be contrary to guidance within the Framework, to ensure that developments are visually attractive and sympathetic to local character.

Other matters

13. I understand that the appellant wishes to extend the property to form a larger house for the family to move in to. However, such personal circumstances do not, in my view, outweigh the harm I have identified previously.

Conclusion

14. I therefore conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR



Appeal Decision

Site visit made on 5 February 2019

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2019

Appeal Ref: APP/Z4718/W/18/3212555

102 Gawthorpe Lane, Lepton, Huddersfield HD5 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Holroyd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/60/91922/W, dated 23 May 2017, was refused by notice dated 4 April 2018.
 - The development proposed is erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made for outline planning permission with all matters save access reserved. Following the Council's decision, a revised site layout plan and an ecological assessment were submitted. The site layout does not differ materially from the previous plans and the Council has had the opportunity to address the content of the ecological assessment. Accordingly, no person would be prejudiced by my taking these matters into consideration. The drawings show a possible site layout and given the narrow confines of the site I have taken these to be indicative and have considered this appeal accordingly.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Following my site visit the Kirklees Local Plan 2019 (the Local Plan) was adopted on 27 February 2019 and now comprises the local development plan. The parties have had the opportunity to comment on the effect of the Local Plan on the proposed development and I have taken all comments into account in reaching this decision.

Main Issues

4. The main issues are:
 - a) whether the proposal would be inappropriate development within the Green Belt for the purposes of the Framework and Development Plan Policy;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) the effect of the proposal on highway safety;
 - d) the effect of the proposal on biodiversity; and

- e) if found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

5. Paragraph 143 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 145(e) advises that the construction of new buildings comprising limited infilling in villages should not be considered inappropriate development.
6. The appeal site comprises a small parcel of land to the rear of 102 Gawthorpe Lane accessed by a track running along the flank boundary of the host property. Gawthorpe Lane runs roughly north to south close to the appeal site which is on the southern edge of a cluster of fifteen or so buildings. The nearest property to the south some 50 or so metres away on the opposite side of the road. Buildings are largely concentrated to the north of the site on the eastern side of the road and, other than a group of farm buildings opposite, the land is open to the east, south and west.
7. The Local Plan does not consider smaller settlements washed over by the Green Belt to be villages and unless a settlement is clearly defined, its designation is a matter of planning judgment. The relatively small group of houses and the limited facilities would appear to meet the definition of a hamlet rather than a village¹.
8. Notwithstanding the status of the settlement, the site's location on the southern extreme of the cluster of buildings with no clear, continuous built form to the south, east or west means that the site is on the edge, rather than within the settlement. The proposed building would be located to the rear of the site and therefore outside the existing build-line. For these reasons, the proposal would not constitute infill, whether in a hamlet or village.
9. I therefore conclude that the appeal proposal would not amount to limited infilling in villages for the purposes of paragraph 145(e) of the Framework. Accordingly, the proposed scheme would be inappropriate development and thus harmful to the Green Belt. Pursuant to paragraph 144 of the Framework, I attach substantial weight to this harm.

Openness

10. Openness and permanence are the essential characteristics of the Green Belt. While the proposal itself is for a relatively small plot of land, the scheme would permanently enclose part of the site and result in a significant loss of openness. While the scheme is at outline stage, with no details of the location or scale and design of the dwelling, any built development here and associated domestic paraphernalia would reduce openness.
11. Therefore, the proposed development would not be consistent with the fundamental aim in paragraph 133 of the Framework of keeping land

¹ Collins English Dictionary 12th Edition

permanently open and would not accord with Policy 59 of the Local Plan which seeks to ensure that development in the Green Belt is limited to infill where the gap is small and is located between existing built form.

Highway Safety

12. Access to the site would be via a track to the side of No. 102 and not by way of the existing access to No. 102 as stated in the Council's evidence. Although the track is currently used by the occupiers of No. 102, the development would give the exclusive use to the future occupiers of the proposed dwelling.
13. The track leading to the site forms a secondary access used by the occupiers of No. 102. The appellant states that it is in use every day, but any current use would reduce the traffic using the main access. The proposal would require the track to become the principal access to a separate dwelling with an expected increase in vehicle journeys. Any current use by the appellant would presumably shift to the existing access to No. 102 resulting in an intensification in traffic to that location.
14. From the entrance to the track there is a restricted view to the north because of the wall and high gate-posts of the neighbouring property which abut the carriageway. To the south, beyond the host property there is mature hedge which forms the boundary of the adjacent field and which follows a curve in the road to the east. Although the road is subject to a 30mph speed limit there is a very limited view. The restrictions on the view in either direction would likely require any car used by future occupiers to enter the carriageway to be able to see far enough to know if the road was clear.
15. While the additional journeys created by a single dwelling would likely be few, I take a precautionary approach. Notwithstanding the current use, there is insufficient evidence before me to show that the access would be safe given the intensification of use of both this track and the likely impact on the access to No. 102.
16. Therefore, the proposed development would not accord with Policy 21 of the Local Plan which seeks to ensure that developments do not materially add to highway safety problems and can be accessed safely by all users.

Biodiversity

17. The appellant has provided a post-decision ecological assessment based on a Phase 1 habitat survey. The assessment describes the appeal site as amenity grassland and hardstanding with low overall ecological value. It is common ground that the appeal site is within 500 metres of a known breeding pond for great crested newts. The agricultural land between the site and the pond is described as sub-optimal for great crested newts and therefore it is unlikely that the proposal would have any impact on them. No evidence was found of bats or other protected species other than nesting birds, which could be protected by conditions controlling the timing of development. The Council has not commented on the assessment and its conclusions do not appear to be in dispute.
18. Therefore, insofar as it relates to protected species, the proposal would accord with Policy 30 of the Local Plan which seeks to ensure that developments protect habitats and species of principal importance.

Other Considerations

19. I have been referred to a granted application for planning permission² for change of use of the appeal site to domestic curtilage and for the erection of a two-storey side extension. I have also been referred to a simultaneously made application³ for a proposed dwelling to be located to the west of No. 102. I am not aware of the outcome of that application, but the scheme is not before me and is for a proposed dwelling in a different location. However, neither of these is comparable to the proposed development for an entirely separate dwelling to the east of No. 102 and I therefore attach little weight to the permission or the application.
20. At the time of the decision the Council was unable to demonstrate a five-year supply of deliverable housing land sites. The protection of the Green Belt is amongst the policies that precludes application of the 'tilted balance' in paragraph 11 of the Framework and in any event the recent adoption of the Local Plan means the Council is now able to demonstrate the required housing land supply. It is therefore unnecessary to address the issue of a presumption in favour of development.
21. The appellant referred to paragraph 55 of the former iteration of the Framework (which advice is now contained in paragraph 78). This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities for example, by supporting services in a village or in a nearby settlement. No compelling evidence has been provided to show that the limited facilities in Gawthorpe are at any risk or that facilities in neighbouring settlements require any support to make them viable. I therefore attach little weight to this statement.
22. An objection was made as to the potential impact on the living conditions of the occupiers of neighbouring properties. However, as site layout, design and landscaping are reserved matters this issue should be addressed at a later stage when the impact of detailed proposals could be assessed. I note that the Council reached a similar conclusion.

Conclusion

23. I have found that the proposal would be inappropriate development in the Green Belt and that it would lead to a significant loss of openness. This harm to the Green Belt attracts substantial weight. In addition, the proposal would be likely to have a harmful impact on highway safety. The lack of harm in relation to biodiversity has a neutral effect on the overall planning balance. The other considerations do not clearly outweigh the identified harm, and the very special circumstances necessary to justify the development do not therefore exist.
24. For the reasons given above, and taking account all material considerations, I therefore conclude that the appeal should be dismissed.

D. Guiver

INSPECTOR

² 2016/92556

³ 2017/91921



Appeal Decision

Site visit made on 14 March 2019

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2019

Appeal Ref: APP/Z4718/C/18/3209907

300 New Hey Road, Oakes, Huddersfield, West Yorkshire HD3 4GQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Nadeen Ahmed against an enforcement notice issued by Kirklees Metropolitan Borough Council.
 - The enforcement notice was issued on 13 July 2018.
 - The breach of planning control as alleged in the notice is the erection of a wall, gate posts and gates exceeding 1 metre in height adjacent to a highway (shown blue on the plan attached to the notice) and engineering operation to raise land levels (shown hatched black on the plan attached to the notice).
 - The requirements of the notice are to remove from the land all material used to raise ground levels (as shown hatched black on the plan attached to the notice) and restore ground levels to the level that existed prior to the operations being carried out and to reduce the height of the wall and gates (shown blue on the plan attached to the notice) to no more than 1 metre above ground level. For the avoidance of doubt ground level is the level of the footway on New Hey Road and Hill Top Drive immediately adjacent to the wall or gates.
 - The period for compliance with the requirements is 8 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The Kirklees Local Plan (LP) was adopted on 27th February 2019 and this post-dates the issuing of the enforcement notice. The LP is now the statutory development plan for Kirklees and supersedes the Kirklees Unitary Development Plan 1999 (UDP). The enforcement notice makes reference to policies in the UDP, but these are no longer part of the development plan. The Council has confirmed that Policy PLP24 of the LP is relevant for the purposes of determining this appeal. I have also taken into account the revised National Planning Policy Framework 2019 (the Framework) as part of the determination of this appeal, particularly in respect of the importance of ensuring good design.

Appeal on ground (a) and the deemed planning application

3. The appeal has been made on ground (a) of s174 of the Town and Country Planning Act 1990 (as amended) which is that planning permission ought to be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice.
4. The breach of planning control relates to the erection of boundary treatment in the form of walls, gate posts and gates around the front and side of a semi-detached dwellinghouse. The property is positioned on the corner of New Hey Road with Hill Top Drive. Details of the breach of planning control have been provided by the appellant in plan form and I have also viewed the development as part of my site visit. In addition, the appellant has submitted a Google Street View image which shows what the appeal site was like prior to the breach of planning control taking place. The main issue is the effect of the unauthorised development upon the character and appearance of the area.
5. Prior to the breach of planning control taking place, there was some uniformity to the essentially open frontages of the two semi-detached corner plots at either side of the entrance to Hill Top Drive. They both had similarly very low boundary walls with very visible and open front amenity spaces. There is no doubt that this arrangement and uniformity had a very positive environmental effect upon the character and appearance of the area.
6. I recognise that there are some higher walls in other parts of New Hey Road. Indeed, as part of my site visit I was able to view the various walls referred to by the appellant in his appeal statement. However, the appeal site is in a part of New Hey Road which is characterised by dwellinghouses which are positioned at a much higher level than the highway and where the lower/sloping and mainly landscaped gardens are clearly visible to the passer-by given the prevalence of very low boundary walls.
7. Given the above, and notwithstanding the appellant's references to higher walls elsewhere in other parts of New Hey Road, there is some design uniformity to the very immediate area in respect of boundary treatment. The walls appear very much subservient in scale to the more dominant dwellinghouses thereby emphasising a more open and spacious environment. In the main, the pattern of low level boundary treatment is also reflected in Hill Top Drive.
8. In the context of the above distinctive and positive characteristics of the area, I consider that by virtue of the height and position of the unauthorised boundary treatment, it has had a very enclosing and dominating impact when viewed from New Hey Road. To this extent, material harm has been caused to the character and appearance of the locality. Furthermore, the overall height of the development is in stark contrast to the lower boundary walls that mainly exist on Hill Top Drive.
9. The above harm is compounded by the fact that the walls include the use of grey render with feature stonework, stone pillars and black and grey gates. This mixture of colours and materials has the effect of making the development stand out even more in the street-scene. Whilst there is a mix of boundary materials in New Hey Road, in the main the boundary walls tend to be in one material and either brick or stone. In this context, the appeal development appears discordant and fussy in the street-scene.

10. As I have found that the boundary walls/gates and pillars are unacceptable, and hence must be reduced to no more than 1 metre in height above ground level in accordance with the requirements of the notice, it is necessary that I consider the effect of such a reduction in height against the effect of the engineering operation (i.e. raised land level by approximately 1.1m) upon the character and appearance of the area.
11. The engineering works have created a flat and mostly paved area in front of the house. This is in direct contrast to the front amenity spaces of the other properties in the vicinity of this side of New Hey Road which are in the main sloping and greener. In this regard, the predominantly paved and flat area looks materially out of place in the locality. With a reduction in the height of the existing boundary treatment to no more than 1 metre in height above ground level (as per the requirements of the notice), I consider that the flat/paved area would look even more prominent and incongruous in the street-scene if it were allowed to remain.
12. In respect of the engineering operation, the appellant contends that if the change in the land level had not exceeded 300mm planning permission would not have been required for it. The appellant has not substantiated why he thinks that raising the land by 300mm would not require planning permission and, in any event, that would amount to a different form of development to the breach of planning control. In addition, had the appellant wanted me to consider such a proposal as part of the ground (a) appeal, then it would have been open to him to have submitted an alternative scheme showing what it would look like. In the absence of such details, it has not been possible for me to consider the effect of an alternative scheme upon the character and appearance of the area.
13. For the reasons outlined above, I conclude that all of the boundary treatment works and the engineering operation has collectively had a significantly adverse impact upon the character and appearance of the area. Consequently, the development does not accord with the design, character and appearance aims of Policy PLP24 of the LP and Chapter 12 of the Framework.
14. In reaching the above conclusion, I have taken into account the appellant's comments about providing secure and private garden space for his family, including his children. I do not know if the appellant has explored the possibility of other and more sensitive options, including perhaps planting an evergreen hedge behind a low boundary wall, which might deal with some of these issues. In any event, the appellant's desire for more privacy and security to the front of his property is not a matter which outweighs or alters the very significant harm that I have identified in character and appearance terms. I do not consider that the development constitutes good design and so therefore I do not agree with the appellant that the boundary treatment works accord with Policy PLP24 of the LP in so far that they are not a "*well designed security feature*".
15. For the reasons outlined above, and taking into account all other matters raised, the appeal on ground (a) fails.

Appeal on ground (f)

16. The appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to

remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

17. The appellant's case under ground (f) is that the requirements of the notice are excessive in so far that a planning officer had previously indicated that some of the development was acceptable in planning terms. I do not have any written details of any conversations or meetings between the planning officer and the appellant. In any event, I have found that in respect of the ground (a) deemed planning application significant harm has been caused to the character and appearance of the area. This relates to the breach of planning control in its entirety.
18. The appellant considers that the requirements of the notice are excessive in so far that it requires the raised land to be reinstated to its former condition. He considers that the notice should allow him to reduce levels so that they do not exceed more than 300mm above the former ground level. However, this is a matter that I have already addressed as part of the ground (a) appeal. Furthermore, and in respect of the engineering operation, the purpose of the notice is to remedy the breach of planning control. Therefore, the requirement to remove all works comprised as part of that engineering operation is not excessive.
19. For the reasons outlined above, including my reasoning as part of the ground (a) appeal, I conclude that the steps in the notice are not excessive. Therefore, the ground (f) appeal fails.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 54 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/91581 Erection of detached dwelling with access off Longwood Edge Road rear of, 481, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG

APPLICANT

Mr & Mrs Livsey

DATE VALID

21-May-2018

TARGET DATE

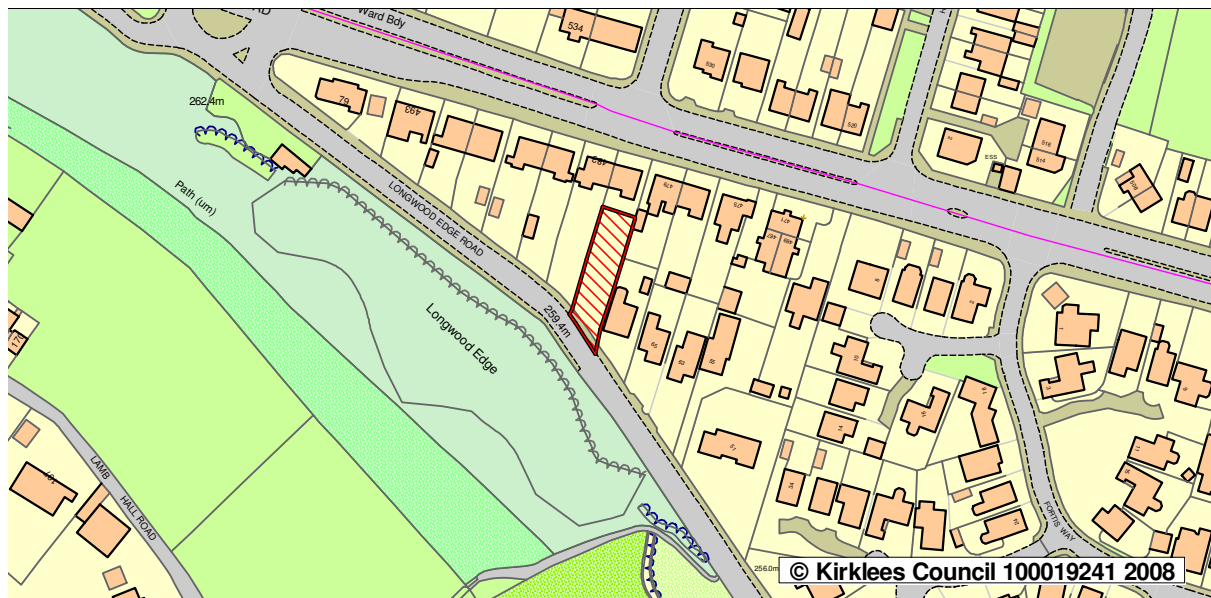
16-Jul-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Golcar

No

Ward Members consulted

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application seeks the erection of a detached dwelling, with access off Longwood Edge Road.
- 1.2 The application is brought to committee as officers consider the volume of public representations received in response to the proposal to be significant, in line with the requirements of the Scheme of Delegation to Officers.

2.0 SITE AND SURROUNDINGS

- 2.1 481 New Hey Road is a semi-detached bungalow. It is faced in brick with tile roofing. A driveway runs along the side of the dwelling. The dwelling has a long rear garden, the majority of which is the subject of this application.
- 2.2 No.481's garden backs onto Longwood Edge Road to the south. The garden is mostly managed lawn, with paved surfacing to the south end. A gate allows access from Longwood Edge Road. Boundaries between dwellings in the area are low, giving an open character.
- 2.3 Longwood Edge Road does not run parallel with New Hey Road. The area between these roads increases from their junction travelling east. As a result, neighbouring dwellings to the east of no.481 have (originally) increasingly larger gardens while those to the west have smaller gardens. As per the planning history, many of these gardens have been developed and now contain dwellings fronting onto Longwood Edge Road.

3.0 PROPOSAL

- 3.1 The application seeks the erection of one dwelling, with a detached garage, within the rear garden space of no.481 New Hey Road. The dwelling would be detached, four-bed and two-storeys.

- 3.2 The dwelling is to front onto Longwood Edge Road. It has a rectangular footprint, measuring 8.8m by 7.7m providing circa 130sqm over two floors. It is to be faced in natural stone with artificial slate roofing. The roof is to be double pitched, with a front facing gable. Principal openings are arranged front/rear, with a single non-habitable room window on the east facing first floor side elevation to be obscure glazed. A feature full height glazed panel is proposed on the front elevation.
- 3.3 Access is to be formed from Longwood Edge Road. A driveway is to run from the new access to the garage set to the side and rear of the house. The garage measures 3.6m x 6.6m, with a double pitched roof with eaves and ridge of 2.3 and 4.0m respectively. The area to the front of the dwelling is to be surfaced for on-site turning, with paving and grass to the rear for the private amenity area. The drystone wall along the frontage is to be retained, but reduced to 1.0m where required for sightlines. 1.8m high timber fencing is proposed for the boundary, to the sides and rear, bar the first 1.8m from Longwood Edge Road where it will be 1.0m for sightlines.
- 3.4 As part of the proposal no.481's rear garden is to be reduced, to facilitate the development.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

The application site has no planning or enforcement history.

4.2 Surrounding Area

rear of, 481, New Hey Road

2018/91581: Erection of detached bungalow – Conditional Full Permission

Land to rear of/479, New Hey Road, Outlane, Huddersfield

87/00362: Outline application for erection of one dwelling – Granted Conditionally

87/03941: Erection of detached dormer bungalow and garage – Granted Conditionally

Plot 66/Plot 67, Longwood Edge Road

89/01356: Erection of residential development – Granted Conditionally

Land off, Longwood Edge Road

87/01898: Erection of two detached dwellings – Granted Conditionally

89/01581: Erection of detached house – Granted Conditionally

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers expressed concerns over the scale of the development as initially sought, which was deemed to harm visual amenity and the amenity of neighbouring residents. The applicant considered the concerns raised and looked to amend the plans.
- 5.2 The applicant provided additional schemes for officers to consider. While these reduced the scale of the dwelling, these were still considered to cause harm to visual amenity and the amenity of neighbouring residents. One of these was re-advertised to gain local perspective, which was broadly negative.
- 5.3 Following this, a further amended proposal was discussed and submitted which was, on balance, considered to overcome the previously expressed concerns and allowed officers to support the application.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February, 2019).
- 6.2 The site is within the Green Belt on the PLP Policies Map.
- **PLP1** – Presumption in favour of sustainable development
 - **PLP2** – Place shaping
 - **PLP3** – Location of new development
 - **PLP 7** – Effective use of land and buildings
 - **PLP21** – Highway safety and access
 - **PLP24** – Design
 - **PLP30** – Biodiversity and geodiversity
 - **PLP33** – Trees

National Planning Guidance

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
 - **Chapter 4** – Decision-making
 - **Chapter 5** – Delivering a strong, competitive economy
 - **Chapter 11** – Making effective use of land
 - **Chapter 12** – Achieving well-designed places
 - **Chapter 15** – Conserving and enhancing the natural environment

- DCLG: Technical Housing Standards

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement.

7.2 The application has been amended three times. This has resulted in three public representation periods taking place. The final representation period for the latest plans expires 12th of April. As this date is after this report being published, any further representations received will be included in the written update. Representations received prior to publishing, including all those received during the initial and second public representation period, are detailed below.

7.3 At the date of publication of this report, 45 public representations have been received across the three public representation periods (for context, these 45 representations have been sourced from 18 individuals). The following is a summary of the comments made;

- The proposed dwelling is too large for the plot, which is a small garden, and not in keeping with the neighbouring bungalows. It should be a bungalow. It is overdevelopment.
- The proposed dwelling is located on a very dangerous blind corner.
- Anecdotal references to crashes on Longwood Edge Road, as well as one photo showing a wall damaged after a crash.
- Question how vehicles on site will be able to turn and if cars will have to be parked on the road.
- Concerns that the development would impact local utilities, specifically phone lines and the impact this will have on residents.
- Concerns that the development would lead to overshadowing on neighbouring dwellinghouses.
- Concerns over the small size of the garden left for no.481 and the amenity of future occupiers.
- The dwelling should be set further forward.
- Concerns over the scale of windows and windows facing sideways to neighbouring land.
- The existing 'access' onto Longwood Edge Road does not have a dropped kerb and is not an existing place for vehicles.
- Question over the proposed waste sewerage arrangement.
- Concerns that, due to high winds in the area fences will be damaged. This is why there are not many high fences in the area.
- The development will impact upon neighbouring properties security lighting, which is designed to trigger on movement.
- Concerns of light pollution from the new dwelling.
- Objection because of loss of views caused by the new dwelling.
- Concerns that the new building will be built bigger than shown on the plans.
- Concerns for pedestrians (including runners) over visibility and vehicles pulling out of the site.

- Concerns that this will lead to on-street parking. Request that double yellows be provided.
- Concerns over construction traffic.
- Concerns over utilities for the new building, i.e. gas, electric, drainage and the impact a new dwelling would have upon them.
- The plan shows the removal of a tree in neighbouring land. This is outside the control of the applicant.

Ward member interest

7.4 Councillor Hillary Richard's expressed concerns over the scale of the original proposal. The latest plans received were shared with Councillor Richard's, however as this was sent during the pre-election period Councillor Richard stated she was unable to comment.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to condition.

8.2 Non-statutory

K.C. Trees: The tree on site and a neighbouring tree are not worthy of a TPO.

9.0 MAIN ISSUES

- Principle of Development
- Urban Design
- Residential Amenity
- Highway
- Other Considerations
- Representations

10.0 APPRAISAL

Principle of Development

Sustainable Development

10.1 NPPF Paragraph 11 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal.

10.2 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land Allocation (Unallocated)

- 10.3 The site is without notation on the KLP Policies Map. PLP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

Residential Development

- 10.4 PLP7 of the KLP and Chapter 5 of the NPPF establish a general principle in favour of residential development. PLP11 and Chapter 12 of the NPPF seek to improve residential development density, with paragraph 117 stating;

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 10.5 The proposed development seeks a detached two storey dwelling within the garden of a semi-detached bungalow. However there is a history for similar developments within the area, as evidenced within the 'planning history' section of this report. Furthermore, given the relationship between the site and Longwood Edge Road, officers are satisfied that the proposal does not represent 'back-land development'. Therefore there are no objections, in principle, to the residential development of this garden site. Nonetheless, careful consideration will be required to this specific proposal's impact on the site and local area, outlined below.

Urban Design

- 10.6 Policy PLP24 requires good design to be at the core of all proposals. This includes proposals promoting good design by ensuring

the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape

This requirement is reflected in Chapter 12 of the NPPF, 'Achieving well-designed places'.

- 10.7 First considering layout, the proposal does follow the existing stepped arrangement established by nos. 51, 63, 65 and 67 Longwood Edge Road. While set back a correspondingly greater distance than the neighbours, this is necessitated by the steeper frontage and desire to achieve on-site vehicular turning. Despite the greater set back, an acceptable separation distance is achieved to the dwellings to the rear. Officers are satisfied that the greater set back would not cause the proposed dwelling to appear out of keeping with the area and the streetscape being formed by the incremental erection of

dwelling along the frontage of Longwood Edge Road. Regarding the dwelling being located within no.481's rear garden, as noted within paragraph 10.5, there is a long established planning history of dwellings being erected within the rear gardens of the bungalows fronting onto New Hey Road. Regarding the layout of the garage, being detached and to the rear, this is typical within the area and is considered to be in keeping with the general grain of development in the area.

- 10.8 Dwelling types in the area are mixed; while the immediate neighbours' nos.481 and 67 are each bungalows, the dwellings fronting onto Longwood Edge Road are predominantly two storeys and detached. Given the variety of dwellings on Longwood Edge Road, which this dwelling would be seen alongside, it is not considered the proposed two storeys would appear out of keeping. The proposed dwelling's height is a modest 0.8m greater than no.67, which as a chalet bungalow is taller than a typical true bungalow. For context, the dwelling is 0.2m taller than the two-storey no.65 on no.67's other side. Additionally, there is noted to be a reasonable visual separation of 2.7m between the proposed dwelling and no.67. In terms of footprint, that sought is below that of the neighbouring properties (65sqm, compared to 97 and 95 for 67 and 65 respectively), which is reasonable as no.481's original garden is smaller. Accordingly, the dwelling's mass and scale is considered appropriate and would not cause it to appear incongruous in its setting.
- 10.9 Turning to architectural design, those in the area are mixed, with no.67 being a particular standout. The proposed dwelling has a traditional and modest design more in keeping with nos.65 and 63 and is considered to harmonise with other dwellings in the area. The exception to this is a feature full height glazed panel connecting ground and first floor. While on the front elevation, this is considered a minor deviation to the visual appearance of other dwellings and would not be out of keeping in the context of the street scene. Regarding materials, specific materials have been given. Walls are to be natural stone, tumbled, from PG & Son. The quarry this stone is extracted from will be reported to members in the update. This is a good quality material, used elsewhere in the district and its use is supported. Roofing is proposed to be Marley Modern tiles (grey). Given the mixture of roofing materials in the area, which includes concrete tiles, officers do not oppose these tiles. The use of these materials can be secured via condition.
- 10.10 In summary, officers consider the proposed dwelling to be visually attractive in isolation. Furthermore, it would not appear out of context to the surrounding area, harmonising with the established character of the townscape. Officers are satisfied that the dwelling complies with the aims and objectives of PLP24 of the KLP and Chapter 12 of the NPPF.

Residential Amenity

- 10.11 The site is within a residential property, with neighbouring properties to the north and east, with a domestic garden to the west.
- 10.12 Due north is no.481 New Hey Road. This dwelling falls within the application's blue line (therefore in their ownership), however officers are still required to assess the impact on existing and future occupiers. The dwellings are 22.75m separate from one another. While a two-storey dwelling and bungalow, officers are satisfied that this separation distance prevents concerns of overbearing,

overlooking and overshadowing. The new dwelling's detached garage is 10.5m away from no.481's rear wall. Given no.481's slightly raised ground level, the boundary fence of 1.8m and that the garage is a single storey detached outbuilding, it too is not considered to cause harmful overbearing or overshadowing.

- 10.13 The proposal includes the subdivision of no.481's garden. It is proposed to leave no.481 with a proportionally smaller garden. The applicant argues that, as a two-bed bungalow, occupiers do not necessarily wish for a large garden to manage. Their rear amenity area would be 50sqm, including a small managed garden and flagged area. Space would remain to the front/side for parking, so the rear would not be taken up by vehicles. Neither the KLP nor NPPF have specific size standards for garden spaces. When considering what is appropriate, it is typical to consider the scale of the dwelling and the average size of neighbouring gardens. With this in mind, the rear amenity space is considered small and would limit the amenity value of no.481 compared to that existing. However, no.481 is up for sale with the garden as proposed. On the sales website the garden is described as 'compact' and the image clearly shows the garden as proposed with the proposed boundary fencing in situ. Therefore, any person looking to purchase this property will be well aware of the scale of the garden and as such would not be, in effect, losing amenity value. On balance, given the circumstances of the application with particular weight given to the fact that the bungalow falls within the same ownership and that any future occupier will be aware of the dwelling's garden size, on balance officers do not object to the garden arrangement for no.481.
- 10.14 To the east of the site is the rear garden of no. 483 New Hey Road. No.483 is attached to no.481. By virtue of the separation distance and angle of view, officers are satisfied that the proposed dwelling and garage will not cause harmful overbearing, overshadowing or overlooking upon the occupiers of no. 483 Turning to garden space, no.483's runs along the side of the site to Longwood Edge Road. As such the foot of 483's garden will be adjacent to the side of the proposed dwelling. The dwelling has a separation distance of 1m to the shared boundary, with the boundary treatment to be 1.8m timber fencing. The proposed dwelling's side wall facing the garden in question is blank (securable via condition), preventing concerns of overlooking. However, due to the proximity of a new two storey dwelling to the garden, a material impact, through the proximity of the new build upon part of the garden, will occur. Therefore, consideration is required as to whether this amounts to material harmful overbearing and overshadowing. No.483's garden is 30m long and 10m wide, providing approx. 300sqm of space, with the dwelling being at the foot of the garden and adjacent to a flagged area connecting to a rear gate, presumably used for parking. Given that the relationship of dwellings in rear gardens, adjacent to the foot of neighbouring dwelling's gardens has been established, and the scale of no.481's garden with the new dwelling being at the garden's end, on balance officers do not consider the impact upon no.481's occupiers through the relationship between the dwelling and their garden to amount to material harm.
- 10.15 To the east of the site is no.67 Longwood Edge Road. No.67 is a detached chalet bungalow, with a single storey rear extension, a conservatory, projecting 4.3m along the shared boundary. The proposed dwelling is set 2.7m from the shared boundary, set back 5.7m from the chalet bungalow's original rear and 1.4m from that of the extension.

- 10.16 First considering the projection of 5.7m beyond no.67's original rear, this is noted to be not a small set back. However, excluding the rear extension (considered below), as no.67 is a chalet bungalow its first-floor window is located centrally within its gable. As such, the window would be positioned circa 6.5m from the side of the new dwelling, limiting its view of the new dwelling to an oblique angle. As such, notwithstanding the setback, the new dwelling would not be prominently visible so as to cause a harmful overbearing impact. Being to the north-west of the window, overshadowing would not occur. No.67's ground floor rear window is located on the east side of the dwelling (with the new dwelling being to the west), with views towards the application site blocked by their own extension. Turning to no. 67's conservatory, its west elevation has high level windows only; while clear glazed, the proposed dwelling would be set 3.6m away from them. As high-level windows facing neighbouring land, officers do not consider this relationship to cause harmful overbearing. As noted, the new dwelling would project 2.7m beyond the conservatory, again with a separation of 3.6m as the conservatory is set in from the shared boundary. A 1.8m high boundary fence proposed. Furthermore, the dwelling's roof slopes downwards towards no.67, mitigating its mass and limiting blockage of the sun. Considering these circumstances, on balance, it is not considered that the proposal would cause harmful overbearing or overshadowing on residents' use of the conservatory.
- 10.17 The dwelling will be visible from no.67's rear garden. While the new dwelling is set back from 67's rear, because of no.67's own rear conservatory extension the main body of the garden is not in line with the proposed dwelling. While visible, set 2.7m from the shared boundary, it is not considered that the dwelling would cause materially harmful overbearing or overshadowing upon users of the garden area.
- 10.18 Considering overlooking and no.67, the new dwelling has a first-floor window on its side elevation facing no.67's land. This is to serve a WC and be obscure glazed, securable via condition. Permitted development rights for new windows are to be removed, via condition. No.67 has an obscure glazed window on its side. As an obscure glazed window, positioned to the front of the new dwelling, officers are satisfied that there would be no harm caused.
- 10.19 Regarding the proposed detached garage, detached outbuildings in rear gardens is not unusual in the area. It is considered a sufficient distance from all neighbouring dwellinghouses to prevent concerns of overbearing and overshadowing. Turning to impact on garden spaces, while adjacent to two neighbouring boundaries and gardens, those shared with no.479 New Hey Road and no.67 Longwood Edge Road, its scale is considered not to be so large as to cause materially harmful overbearing or overshadowing upon users of the gardens.
- 10.20 Turning to the amenity of future occupiers, the scale of the dwelling is considered appropriate for the number of bedrooms sought and the garden is commensurate to the size of the dwelling. All habitable rooms are served by windows which would provide an acceptable level of light and outlook.

- 10.21 Concluding on officers' assessment of residential amenity, subject to the referenced conditions officers are, on balance, satisfied that the proposed development would not cause material harm to the amenity of neighbouring residents, including future occupiers of no.481.

Highway

- 10.22 Longwood Edge Road is a 'C' road. The traffic generation of a single dwelling is not considered to impact upon the operation of the local highway network.
- 10.23 Regarding the proposed access, there is an existing access to the site onto Longwood Edge Road, although it is unclear whether this has been used frequently for vehicles in past. However, it has no dropped kerb; therefore, limited weight is given to its presence. It is noted that public representations have raised specific issue to sightlines on this corner. Nonetheless, because of its position on the outside of the bend, the access would have full sightlines for along both directions of Longwood Edge Road. These sightlines, and them being kept clear of obstruction, can be secured via condition.
- 10.24 On-site the dwelling is to provide parking for up to three vehicles, which is considered appropriate for a four-bed dwelling. Additionally, there is to be on-site turning. This layout, to incorporate the parking provision and turning, can be secured via condition.
- 10.25 In summary, officers are satisfied that the proposed development would not harm the safe and efficient operation of the Highway, in accordance with PLP21 of the Kirklees Local Plan.

Other Considerations

Air Quality

- 10.26 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within PLP24 and PLP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging point. The purpose of this is to promote modes of transport with low impact on air quality.

Trees

- 10.27 A tree on site is to be removed. It has been reviewed by K.C. Trees, who do not consider it worthy of a TPO as it is young and small in scale. For these reasons officers do not object to its removal from a general design perspective; the proposal is deemed to comply with PLP33 of the KLP.

Permitted development

- 10.28 This assessment has been based on the proposal as submitted. Once built a dwellinghouse would benefit from Permitted Development rights for a variety of extensions and outbuildings. Due to the nature of developing a rear garden, and the stepped arrangement, officers hold concerns that further development could cause harm to the character and visual amenity of the area. Because of

the dwelling's proximity to neighbouring dwellings and the garden size of no.481, officers anticipate that further development of the site would cause harm to the amenity of neighbouring residents.

- 10.29 Accordingly, officers proposed to remove the Permitted Development rights for extensions and outbuildings to the dwelling (in addition to new side windows, detailed above).

Representations

- The proposed dwelling is too large for the plot, which is a small garden, and not in keeping with the neighbouring bungalows. It should be a bungalow. It is overdevelopment.
- The dwelling should be set further forward.

Response: No.481's existing garden is not considered small and, with an access onto Longwood Edge Road, is considered capable of hosting a detached dwelling. In terms of scale, while those dwellings fronting onto New Hey Road are predominantly bungalows, properties onto Longwood Edge Road, which this dwelling will be seen alongside, are predominantly two storeys. The neighbouring no.67 is a chalet bungalow, so a taller unit adjacent to it will not be overly large.

The dwelling is set as far forward as practical to enable turning to the front. While officers note it to be set further back, relatively so, to the neighbouring dwellings, on balance it is not considered so far set back to appear harmfully incongruous.

- The proposed dwelling is located on a very dangerous blind corner.
- Anecdotal references to crashes on Longwood Edge Road, as well as one photo showing a wall damaged after a crash.
- Question how vehicles on site will be able to turn and if cars will have to be parked on the road. Concerns that this will lead to on-street parking. Request that double yellows be provided.
- The existing 'access' onto Longwood Edge Road does not have a dropped kerb and is not an existing place for vehicles.
- Concerns for pedestrians (including runners) over visibility and vehicles pulling out of the site.
- Concerns over construction traffic.

Response: Set on the outside of the bend, officers are satisfied that the access will have acceptable sightlines in both directions along Longwood Edge Road. The front wall, and first 1.8m of the side fences, are to be lower than 1m to ensure vehicles and pedestrians each can see vehicles preferring to exit the site. Vehicles existing will be doing so in a forward gear, by virtue of the turning area. Parking is to be tandem along the side of the dwelling (and in the garage), keeping the turning head clear.

Officers have reviewed the crash data for the area in the last five years. Over this period, on Longwood Edge Road, the council holds no records of injury accidents. (Please note, the council do not hold records of incidents which cause vehicle damage only)

Three parking spaces is considered sufficient for a four-bed dwelling and is not anticipated to lead to on-street parking. Visitors unable to park on site would be able to park on Longwood Edge Road, in accordance with the Highway Code. This is not materially different to all other dwellings fronting / backing onto Longwood Edge Road.

Construction traffic would be able to access the site to park / deliver. Any on-street parking would be governed and controlled by the Highway Code.

- Concerns that the development would impact local utilities, specifically phonelines and the impact this will have on residents.
- Question over the proposed waste sewerage arrangement.
- Concerns over utilities for the new building, i.e. gas, electric, drainage and the impact a new dwelling would have upon them.

Response: These issues will be considered at building regulations stage. Regarding phonelines, it would be the applicant's responsibility to manage and arrange any requirement movement, in conjunction with service providers and their standard procedure.

- Concerns that the development would lead to overshadowing on neighbouring dwellinghouses.
- Concerns over the small size of the garden left for no.481 and the amenity of future occupiers.
- Concerns over the scale of windows and windows facing sideways to neighbouring land.

Response: Overbearing, overshadowing and the scale of no.481's garden has been considered within the residential amenity section of this report. It is concluded, on balance, that the development would not result in material harm to the amenity of neighbouring residents.

The side facing windows have been removed following later revisions, with the exception of one small window, to be obscure glazed.

- Concerns that, due to high winds in the area fences will be damaged. This is why there are not many high fences in the area.

Response: Officers are satisfied that suitably designed fencing could be accommodated on site to address this concern.

- The development will impact upon neighbouring properties security lighting, which is designed to trigger on movement.
- Concerns of light pollution from the new dwelling.

Response: Should the development require alterations to neighbouring security lighting, it would not form a material planning consideration. Domestic dwellings are not considered to be a typical source of light pollution.

- Objection because of loss of views caused by the new dwelling.

Response: Loss of views is not a material planning consideration. The development's impact on residential amenity has been considered and, on balance, found to be acceptable.

- Concerns that the new building will be built bigger than shown on the plans.

Response: Should this or another breach in planning control take place, K.C. Planning Enforcement would be required to investigate.

- The plan shows the removal of a tree in neighbouring land. This is outside the control of the applicant.

Response: The removal of the tree has been removed from the plan.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 The site falls within unallocated land, where development is appropriate subject to an assessment of its local impact. Seeking residential development, this is supported in principle, again subject to its local impact.

11.3 The dwelling as proposed is considered, on balance, not to cause undue harm to the visual amenity of the area or the residential amenity of neighbouring dwellings. Future occupiers of the original dwelling to the north and the new dwelling would likewise have an acceptable standard of amenity. There is considered to be no harm to the safe and efficient operation of the Highway, with there being no other conflicts with material considerations.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Time limit
2. Done in accordance with plans
3. Prescriptive materials
4. Sightlines to be provided and retained
5. Secure layout for highways
6. Electric vehicle charging point
7. Erection of boundary treatment and future retention
8. No new side windows
9. 1st floor bathroom window obscure glazed
10. Remove PD rights for extensions and outbuildings

Background Papers

Application files

Accessible at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91581>

Certificate of Ownership

Certificate B signed. Noticed Served on;

K.C. Council (associated Highways works)

This page is intentionally left blank

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/94038 Demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation (Listed Building) 95, Church Street, Paddock, Huddersfield, HD1 4UB

APPLICANT

A Mahmood

DATE VALID

07-Dec-2018

TARGET DATE

01-Feb-2019

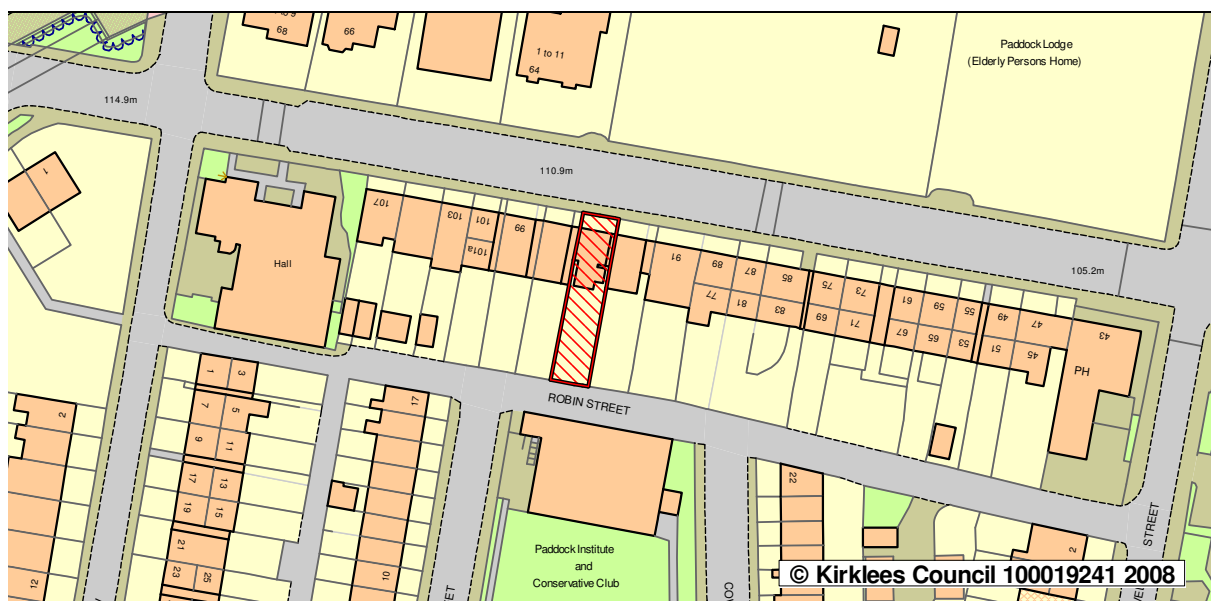
EXTENSION EXPIRY DATE

12-Feb-2019

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Greenhead Ward

No

Ward Members consulted

RECOMMENDATION: REFUSE

The proposed extension, by reason of its scale, form and layout and by causing the loss or alteration of the features of architectural and historic interest including the rear roof slope, stone brackets and through passage, would fail to preserve the character of the Listed Building and would cause harm to its significance. Furthermore it would be an overly prominent and incongruous feature which would result in harm to the visual amenity of the area.

The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, policies PLP24 and PLP35 (as modified) of the Kirklees Local Plan and paragraphs 127, 130, 190, 193, 194 and 196 of National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Huddersfield Planning Sub-Committee at the request of Ward Councillor Mohan Sokhal, who considers that although it is in a row of listed terrace properties, it is the front elevations that are attractive and need preserving. There has been various extensions to the rear of the properties and what the applicant proposing is similar to those on nearby houses and that the revised drawings submitted by the Agent tried to address the issues raised by the Listed Building Officer, including forming an opening to the rear to give the impression of the original passageway from front to back.
- 1.2 The Chair of the Sub-Committee has confirmed that Councillor Sokhal's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees

2.0 SITE AND SURROUNDINGS:

- 2.1 No.95 forms part of a long terrace of stone-built properties on the south side of Church Street in Paddock. The terrace comprises a mix of back-to-back properties (mostly at the east end) and through-terrace properties (mostly at the west end). The Commercial Public House forms the east end of the terrace adjacent to Speedwell Street. Detached and immediately to the west of the terrace is a former Sunday school, now the Paddock Community Trust centre. Robin Street runs to the rear of the terrace. A series of passages, some now blocked, connect the front of the properties with the rear. Nos. 59, 61, 73 & 75 and 93-107 are grade II listed (under eight separate listings). Low walls form the front boundaries to the properties, rear boundaries are a mix of outbuildings, high and low boundary walls, hedges and fences.
- 2.2 No.95 is one of four properties forming the grade II listed building 93-99, Church Street. They date from the mid-19th century and have ashlar fronts and dressed stone rear elevations and stone slate roofs with stone brackets to the gutters. They have raised frames with moulded cornices to the doorways and passage entrances with semi-circular fanlights to the front. No.95 is one of the better preserved buildings in the group and retains timber sash windows to the front and its passageway has not been blocked.
- 2.3 Except for windows and doors, the rear elevation of the listed building remains largely unaltered since the date of listing on 29/09/1978. No.93 has a late-19th century single-storey lean-to extension with a stone slate pitch roof and retains its through passage. No.95 has a mid-20th century single-storey extension of artificial stone with a flat roof and retains its through passage. No.97 has a late-19th century full-width single-storey extension with a slate roof. No.99 has a late-19th century full-width two-storey extension with a stone slate roof. The extensions to nos. 97 and 99 resulted in the loss of the through passage in the late-19th century.

Significance of the affected heritage assets

Buildings are listed for their architectural and historical interest.

- 2.4 The polite classical architectural details of nos.93-99 set them apart from other dwellings of a similar date and are particularly significant for the contribution they make to the character of the local area and the setting of 59, 61, 73, 75 and 101-107 Church Street and Kirke House (former All Saints Church), all of which are listed grade II.
- 2.5 93-99 Church Street were constructed in the mid-19th century. This was the era of pioneering investigations into the living conditions of working people in industrial towns, model workers' housing at Saltaire, Ackroydon and Meltham and the first national and local government regulations to control development in the interest of public health. The inclusion in the house layout of a through-passage for the delivery of coal and the removal of human waste from the outdoor privvy in the rear yards, was a response to such concerns and would have set them apart from earlier insanitary housing. As workers' housing of the mid-19th century they attest to the rapid growth of Paddock in that period.

3.0 PROPOSAL:

- 3.1 Demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation (Listed Building).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/CLD/94075/W - Certificate of lawfulness for proposed use of premises to operate private hire service – certificate of lawful use granted
- 4.2 82/1153 – Listed Building Consent to erect first floor extension to dwelling – Consent Granted – Not implemented
- 4.3 82/1132 – Planning Permission for erection of first floor extension to a dwelling (Listed Building) – Permission Granted – Not implemented

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The case officer has engaged with the agent and applicant to seek amendments to the proposed development to minimise the conflict between the conservation of the listed building and the applicant's proposal to provide additional living space and an additional bedroom. This has included a meeting with one of the applicant's ward councillors. This has focused on reducing the scale of the extension and changing the form of the roof.
- 5.2 The applicant has amended their proposal but this still does not address the case officer's concerns and does not satisfactorily minimise the impact of the proposals on the listed building.

6.0 PLANNING POLICY:

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 PLP 1 (as modified) Presumption in favour of sustainable development
PLP21 (as modified) Highway Safety
PLP 24 (as modified) Design
PLP 35 (as modified) Historic environment

The site is unallocated in the Local Plan.

National Planning Policy Framework:

- 6.3 Chapter 16 (Conserving and Enhancing the Historic Environment)
Chapter 12 – Achieving well-designed places.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised with letters to occupiers of adjoining land, a site notice and a press notice. No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None required

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Information submitted with regards to significance
- Impact of the proposals upon the significance of the listed building
- Justification for the harm to significance
- Residential amenity
- Highway Safety

10.0 APPRAISAL

Principle of development

- 10.1 Policy PLP 1 (as amended) requires that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 10.2 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.3 A two-storey extension is acceptable in principle, providing it is set in from the boundary of adjacent properties and retains the entrances to the through passage at the front and rear. The case officer has worked proactively with the applicant and agent, setting out the particular significance of the listed building and making suggestions to meet the applicant's requirements so far as is possible having regard to the need to avoid and minimise harm to significance and to achieve good design. The applicant has amended their proposal but this still does not address the case officer's concerns sufficiently.

Information submitted with regards to significance

- 10.4 Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.5 The applicant has provided a heritage statement, which falls short of the tests set out in Paragraph 189. It is not apparent that the West Yorkshire HER has been consulted. The proposed development shows some regard to the significance of the listed building in the selection of materials but not in the form and layout of proposed extension. The proposal will not impact on the limited archaeological interest the building may hold.

Impact of the proposals on the significance of the listed building

- 10.6 Section 66(1) Planning of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.7 Policy PLP 35 (as amended) requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
- 10.8 Policy PLP 24 (as amended) requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.
- 10.9 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Impact on significance: front elevation

- 10.10 To the front the entrance doorway to the through passage would be partly walled up and a window would be inserted, this would cause harm to the significance of the listed building. The replacement of the existing front door, which is modern in date, with one of a traditional four-panel design, would better reveal the significance of the listed building.

Impact on significance: rear elevation

- 10.11 To the rear the proposed development would result in the alteration to the roof slope and the loss of the stone brackets to the gutters. The through passage would be built across at the rear, with a full-height glazed window located near the line of the through passage to mark where it once was. These alterations would cause harm to the significance of the listed building. The loss of the ground floor extensions and first floor window openings, which are modern in date, would not cause harm to its significance.
- 10.12 The proposed two-storey extension is the full width of the listed building, its materials would be in keeping with existing buildings. However, it would not be subservient to the existing building in terms of its scale, as it would cover nearly 90% of the original building when measured on the elevation. The form of the roof with a double pitch, most of which is only at a pitch of 20 degrees, would not respect the listed building and would be dependent upon a layer of roofing felt to prevent water ingress from driving rain (the existing roof is single pitch of approximately 30 degrees).
- 10.13 The layout of the extension would erase the through passage from the ground floor plan, the only evidence for this historically important feature would be the altered doorway to the front elevation and an entirely new opening on the rear, which would not be aligned fully with the through passage.

Justification for the harm to significance

- 10.14 Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.
- 10.15 The applicant's heritage statement states that the current ground floor extension is unsatisfactory and the ground floor extension will provide a new kitchen and living room. The first floor will allow a new large bedroom and a family bathroom to be created. The existing extension is of a poor quality and requires replacement, this does not in itself justify the harm of a larger extension. The proposed new bathroom has the same floor area as the existing. Suggestions made by the case officer, based on the previous approvals 82/1153 and 82/1132, could achieve a similar gain in bedroom space and whilst it would not be possible to achieve the desired ground floor space without harming the significance of the listed building, there would still be sufficient floor space for a lounge, living room and kitchen. The justification falls short of being clear and convincing as required by paragraph 194 of the NPPF.
- 10.16 In addition to the above, when assessed against Policy PLP24 and Chapter 12 of the NPPF, the rear extension would result in a poor design which fails to take the opportunity for improving the character and quality of the area following the removal of the existing extension. It is visually unattractive and an incongruous feature when assessed in the context of the host dwelling and the wider terraced row of which it forms part. The development is thus contrary to Policy PLP24 and policies contained within Chapter 12 of the NPPF.

Residential amenity

- 10.17 No representations have been received from neighbouring properties. At ground floor the proposed extension would align with that of no.97 and project 1 metre beyond the rear elevation of No.93. No.93 has no windows to the rear elevation at first floor. No.97 has a landing and bathroom window to the first floor. The proposed extension would therefore not adversely affect the amenity of neighbouring properties.
- 10.18 The design of the proposed extension would be keeping in terms of materials and would not adversely affect neighbouring properties. It would not be subservient to the existing building or be in keeping with the form and layout of the listed building. Whilst no.99 and other listed buildings on the terrace have full-width two storey extensions, most were constructed prior to listing and none under the current Local Plan and National Planning Policy Framework. The proposed development fails to meet the requirements of Policy PLP 24 (as amended) Design.

Highway safety

- 10.19 The existing property does not have off-street parking provision. There are no plans to create parking space within the curtilage of the property as part of the proposed development. Although the extension would create an additional bedroom, it is considered that this would have a material impact on the demand for on-street parking space. The proposal would comply with Policy PLP21 of the Local Plan.

11.0 CONCLUSION

- 11.1 Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.2 The proposed development would cause a high level of harm to the significance of the listed building, particularly with regards to the historic interest inherent in the through passage and the architectural interest of the rear elevation. The proposals would also harm the setting of adjacent listed buildings. The Local Planning Authority has not been able to reduce that harm to a sufficient degree through negotiations with the applicant and it has not been clearly and convincingly justified. Even though this would be less than substantial harm, great weight should be given to that harm.
- 11.3 The proposed development has some modest public benefits, specifically, the replacement of the front door and the removal of later partitions that would better reveal the significance of the listed building. However, this would not be sufficient to outweigh the high level of harm caused by the proposals. Viability has not been raised as an issue by the applicant.
- 11.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan, specifically policies PLP 24 and PLP 35 (as modified) and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF, specifically paragraphs 127, 130, 190, 193, 194 and 196 and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act.

12.0 REFUSE

Background Papers:

Application and history files.

Planning

www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/94038

Certificate of Ownership – Certificate A signed and dated 06/12/2018

This page is intentionally left blank

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/94039 Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation 95, Church Street, Paddock, Huddersfield, HD1 4UB

APPLICANT

A Mahmood

DATE VALID

07-Dec-2018

TARGET DATE

01-Feb-2019

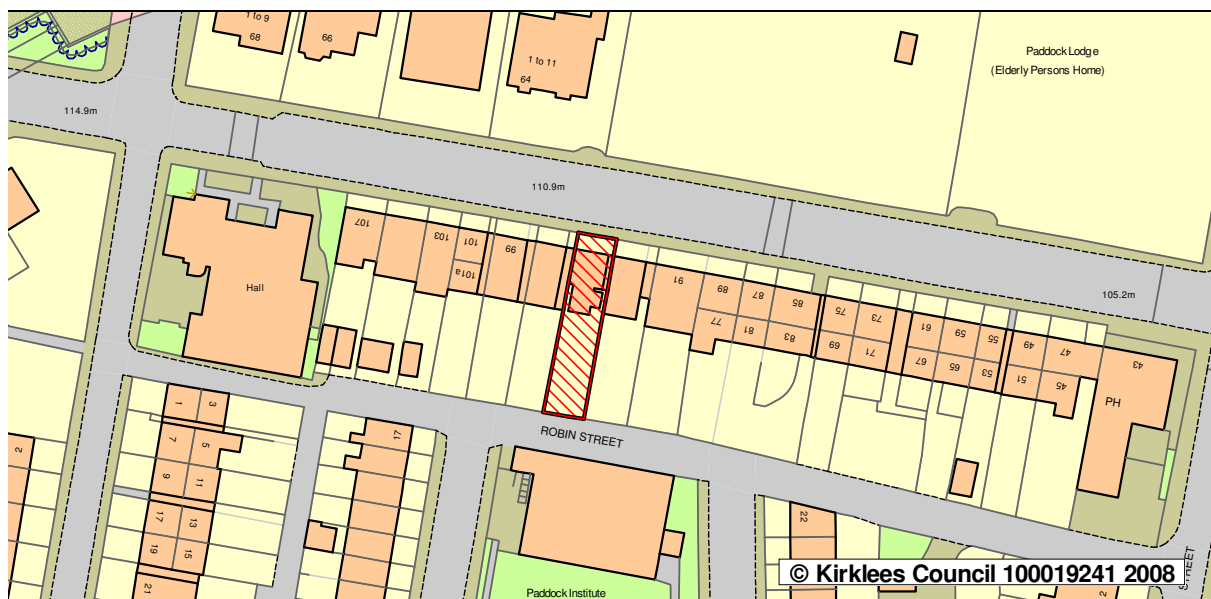
EXTENSION EXPIRY DATE

12-Mar-2019

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Greenhead Ward

No

Ward Members consulted

RECOMMENDATION: REFUSE

The proposed extension, by reason of its scale, form, layout and by causing the loss or alteration of the features of architectural and historic interest including the rear roof slope, stone brackets and through passage, would fail to preserve the character of the Listed Building and would cause harm to its significance.

The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies PLP24 and PLP35 (as amended) of the Local Plan and Paragraphs 190, 193, 194 and 196 of National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to the Huddersfield Planning Sub-Committee at the request of Ward Councillor Mohan Sokhal, who considers that although it is in a row of listed terrace properties, it is the front elevations that are attractive and need preserving. There has been various extensions to the rear of the properties and what the applicant proposing is similar to those on nearby houses and that the revised drawings submitted by the Agent tried to address the issues raised by the Listed Building Officer, including forming an opening to the rear to give the impression of the original passageway from front to back.

1.2 The Chair of the Sub-Committee has confirmed that Councillor Sokhal's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees

2.0 SITE AND SURROUNDINGS:

2.1 No.95 forms part of a long terrace of stone-built properties on the south side of Church Street in Paddock. The terrace comprises a mix of back-to-back properties (mostly at the east end) and through-terrace properties (mostly at the west end). The Commercial Public House forms the east end of the terrace adjacent to Speedwell Street. Detached and immediately to the west of the terrace is a former Sunday school, now the Paddock Community Trust centre.

Robin Street runs to the rear of the terrace. A series of passages, some now blocked, connect the front of the properties with the rear. Nos. 59, 61, 73 & 75 and 93-107 are grade II listed (under eight separate listings). Low walls form the front boundaries to the properties, rear boundaries are a mix of outbuildings, high and low boundary walls, hedges and fences.

2.2 No.95 is one of four properties forming the grade II listed building 93-99, Church Street. They date from the mid-19th century and have ashlar fronts and dressed stone rear elevations and stone slate roofs with stone brackets to the gutters. They have raised frames with moulded cornices to the doorways and passage entrances with semi-circular fanlights to the front. No.95 is one of the better preserved buildings in the group and retains timber sash windows to the front and its passageway has not been blocked.

2.3 The rear elevations of the listed building varies, except for windows and doors, they appear to have been unaltered since the date of listing on 29/09/1978. No.93 has a late 19th century single-storey lean-to extension with a stone-slate pitch roof and retains its through passage, including an iron door to the front. No.95 has a mid-20th century single-storey extension of artificial stone with a flat roof and retains its through passage. No.97 has a late 19th century full-width single-storey extension with a slate roof. No.99 has a late 19th century full-width two-storey extension with a stone-slate roof built. The extensions to nos. 97 and 99 resulted in the loss of the through passage.

2.4 Significance of the affected heritage assets

The polite architectural details of nos.93-99 set them apart from other dwellings of a similar date and are particularly significant for the contribution they make to the character of the local area and the setting of 59, 61, 73, 75 and 101-107 Church Street and Kirke House (former All Saints Church), all of which are listed grade II. As workers' housing of the mid-19th century they attest to the rapid growth of Paddock in that period. The inclusion in the house layout of through-passages for the removal of human waste from outdoor privies in the rear yards, illustrates concerns about public health that were prevalent in the mid-19th century. In response to pioneering reports on the impact of workers' housing on health the first national and local government regulations to control development were passed in this era.

3.0 PROPOSAL:

3.1 Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/CLD/94075/W - Certificate of lawfulness for proposed use of premises to operate private hire service - CERTIFICATE OF LAWFUL USE GRANTED

4.2 82/1153 – Listed Building Consent to erect first floor extension to dwelling – Consent Granted – Not implemented

4.3 82/1132 – Planning Permission for erection of first floor extension to a dwelling (Listed Building) – Permission Granted – Not implemented

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The case officer has engaged with the agent and applicant to seek amendments to the proposed development to minimise the conflict between the conservation of the listed building and the applicant's proposal to provide additional living space and an additional bedroom. This has included a meeting with the applicant's ward councillor. This has focused on reducing the scale of the extension and changing the form of the roof.
- 5.2 The applicant has amended their proposal but this still does not address the case officer's concerns and does not satisfactorily minimise the impact of the proposals on the listed building.

6.0 PLANNING POLICY:

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 PLP 1 (as modified) Presumption in favour of sustainable development
PLP 24 (as modified) Design
PLP 35 (as modified) Historic environment

The site is unallocated in the Local Plan.

National Planning Policy Framework:

- 6.3 Chapter 16 - Conserving and Enhancing the Historic Environment
Chapter 12 – Achieving well-designed places.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised with letters to occupiers of adjoining land, a site notice and a press notice. No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Officer report has been compiled by the Conservation and Design Officer

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Information submitted with regards to significance
- Impact of the proposals upon the significance of the listed building
- Justification for the harm to significance
- Residential amenity

10.0 APPRAISAL

Principle of development

- 10.1 Policy PLP 1 (as amended) requires that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 10.2 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.3 A two-storey extension is acceptable in principle, providing it is set in from the boundary of adjacent properties and retains the entrances to the through passage at the front and rear. The case officer has worked proactively with the applicant and agent, setting out the particular significance of the listed building and making suggestions to meet the applicant's requirements so far as is possible having regard to the need to avoid and minimise harm to significance and to achieve good design. The applicant has amended their proposal but this still does not address the case officer's concerns sufficiently.

Information submitted with regards to significance

- 10.4 Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.5 The applicant has provided a heritage statement, which falls short of the tests set out in Paragraph 189. It is not apparent that the West Yorkshire HER has been consulted. The proposed development shows some regard to the significance of the listed building in the selection of materials but not in the form and layout of proposed extension. The proposal will not impact on the limited archaeological interest the building may hold.

Impact of the proposals on the significance of the listed building

- 10.6 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.7 Policy PLP 35 (as amended) requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
- 10.8 Policy PLP 24 (as amended) requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.
- 10.9 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Impact on significance: front elevation

- 10.10 To the front the entrance doorway to the through passage would be partly walled up and a window would be inserted, this would cause harm to the significance of the listed building. The replacement of the existing front door, which is modern in date, with one of a traditional four-panel design, would better reveal the significance of the listed building.

Impact on significance: rear elevation

- 10.11 To the rear the proposed development would result in the alteration to the roof slope and the loss of the stone brackets to the gutters. The through passage would be built across at the rear, with a full-height glazed window located near the line of the through passage to mark where it once was. These alterations would cause harm to the significance of the listed building. The loss of the ground floor extensions and first floor window openings, which are modern in date, would not cause harm to its significance.
- 10.12 The proposed two-storey extension is the full width of the listed building, its materials would be in keeping with existing buildings. However, it would not be subservient to the existing building in terms of its scale, as it would cover nearly 90% of the original building when measured on the elevation. The form of the roof with a double pitch, most of which is only at a pitch of 20 degrees, would not respect the listed building and would be dependent upon a layer or roofing felt to prevent water ingress from driving rain (the existing roof is single pitch of approximately 30 degrees).

- 10.13 The layout of the extension would erase the through passage from the ground floor plan, the only evidence for this historically important feature would be the altered doorway to the front elevation and an entirely new opening on the rear, which would not be aligned fully with the through passage.

Impact on significance: internal

- 10.14 Internally the through passage would be incorporated into the dwelling, which would cause harm to the significance of the listed building. The lounge and master bedroom would be reinstated to their original dimensions by the removal of later partitions, which would better reveal the significance of the listed building.

Justification for the harm to significance

- 10.15 Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.
- 10.16 The applicant's heritage statement states that the current ground floor extension is unsatisfactory and the ground floor extension will provide a new kitchen and living room. The first floor will allow a new large bedroom and a family bathroom to be created. The existing extension is of a poor quality and requires replacement, this does not in itself justify the harm of a larger extension. The proposed new bathroom has the same floor area as the existing. Suggestions made by the case officer, based on the previous approvals 82/1153 and 82/1132, could achieve a similar gain in bedroom space and whilst it would not be possible to achieve the desired ground floor space without harming the significance of the listed building, there would still be sufficient floor space for a lounge, living room and kitchen. The justification falls short of being clear and convincing as required by paragraph 194 of the NPPF.

Residential amenity

- 10.17 No representations have been received from neighbouring properties. At ground floor the proposed extension would align with that of no.97 and project 1 metre beyond the rear elevation of No.93. No.93 has no windows to the rear elevation. No.97 has a landing and bathroom window to the first floor. The proposed extension would therefore not adversely affect the amenity of neighbouring properties.
- 10.18 The design of the proposed extension would be keeping in terms of materials and would not adversely affect neighbouring properties. It would not be subservient to the existing building or be in keeping with the form and layout of the listed building. Whilst no.99 and other listed buildings on the terrace have full-width two storey extensions, most were constructed prior to listing and none under the current Local Plan and National Planning Policy Framework. The proposed development fails to meet the requirements of Policy PLP 24 (as amended) Design.

11.0 CONCLUSION

- 11.1 Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.2 The proposed development would cause a high level of harm to the significance of the listed building, particularly with regards to the historic interest inherent in the through passage and the architectural interest of the rear elevation. The proposals would also harm the setting of adjacent listed buildings. The Local Planning Authority has not been able to reduce that harm to a sufficient degree through negotiations with the applicant and it has not been clearly and convincingly justified. Even though this would be less than substantial harm, great weight should be given to that harm.
- 11.3 The proposed development has some modest public benefits, specifically, the replacement of the front door and the removal of later partitions that would better reveal the significance of the listed building. However, this would not be sufficient to outweigh the high level of harm caused by the proposals. Viability has not been raised as an issue by the applicant.
- 11.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan, specifically policies PLP 24 and PLP 35 (as amended) and the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF, specifically paragraphs 190, 193, 194 and 196 and Section 16(2) of the Planning of the Planning (Listed Buildings and Conservation Areas) Act.

12.0 REFUSE

Background Papers:

Application and history files.

www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/94039

Certificate of Ownership – Certificate A signed and dated 06/12/2018

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/93453 Erection of two storey rear extension and front dormers 39, Springdale Avenue, Thornton Lodge, Huddersfield, HD1 3NQ

APPLICANT

N Akhtar

DATE VALID

25-Mar-2019

TARGET DATE

20-May-2019

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Crosland Moor and Netherton

No

Ward Members consulted

RECOMMENDATION: REFUSE

The proposed two storey rear extension by reason of its design and scale, in particular its irregular appearance and position on a prominent elevation which can be seen from Nelson Street and the shared rear access, would create an incongruous feature within the local street scene detrimental to the character of the local area and visual amenity. To permit such a development would be contrary to Policy PLP24 (a) and (c) (as modified) of the Kirklees Local Plan, and paragraphs 124 and 127 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to Planning Committee at the request of Cllr Kaushik for the following reasons:

- *The proposed extension complies with the usual requirements for a rear extension, with the extension projecting 1.35 metres beyond the rear wall of the adjoining house.*
- *The staggered rear elevation allows for an attractive extension to be created with two separate gable roofs which will form a less formidable extension compared to a single gabled roof.*

1.2 The Chair of the Sub-Committee has confirmed that Cllr Kaushik's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 39 Springdale Avenue is a two-storey terraced property located in Thornton Lodge, Huddersfield. The property is constructed in regular coursed natural stone with a pitched roof constructed in slate roofing tiles, which are the prevailing materials locally. The property was originally semi-detached although a previous side extension has infilled the gap to no. 37.

2.2 The property benefits from a small lawn to the front of the property, with the rear benefitting from a decked area and large driveway accessed via a road that leads from Nelson Street, this separates Springdale Avenue from Bulay Road. The property is west-facing. To the rear of the properties are detached garages and outrigger extensions. Single storey extensions are not uncommon. To note, the ground is set on a lower level to the east so the properties are of a greater height to the rear. The neighbouring no. 37 is also of a greater height than to the site property. Additionally, the rear of the property is clearly visible from Nelson Street to the south and from the access road separating Springdale Avenue from Bulay Road.

3.0 PROPOSAL:

3.1 The applicant is seeking permission for a two storey extension to the rear of the property and dormer windows to the front. These extensions are to allow for an enlarged kitchen and lounge on the ground floor, larger bedrooms on the first floor and two additional bedrooms in the converted loft.

3.2 The proposed rear extension is to project 3m on the southern end with a projection of 3.6m on the northern end, and a width of 8.70 metres. The southern end is to have a maximum height of 8.50 metres with the northern end having a maximum height of 8.80 metres, each having a gabled roof with matching eaves of 7.00 metres. Two large windows are proposed on the first floor, with French doors and windows proposed to the northern end and a door and windows proposed to the southern end on the ground floor.

3.3 The two proposed front dormers are to be identical in size and style, having a length of 2m and maximum height of 1.8m and eaves of 1m with a gabled roof. One is to be situated on the northern end of the roof, with the other to be placed symmetrically to the south.

3.4 The proposal also includes a rear raised decked area, being raised from the ground by 1.7m. The decking area will have a width of 5.7m and depth of 3m. A 0.8m railing is proposed, with steps accessed to the south.

3.5 The materials proposed in the development match the existing property in its entirety with stone proposed for the walls, tiles for the roof and uPVC for the windows and doors.

4.0 RELEVANT PLANNING HISTORY:

4.1 Numerous planning applications have been made for the property, as follows:

2004/95398 – Erection of two storey extension. Given conditional full permission.

2005/91961 – Erection of conservatory. Given conditional full permission, although never implemented.

4.2 To note, there are no examples of two rear storey extensions of a similar design that prosed within close proximity to the site.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Amendments were sought in order to reduce the scale of the extension to the rear, in particular reducing the projection of the two storey rear extension and reducing the width of the raised decking area.
- 5.2 Amended plans were received on 18/02/2019 that reduced the maximum projection from 4m to 3.6m, meaning the extension is to project 1.4m beyond the adjoining property. Amended plans also reduced the width of the decking that ran the full width of the property, of which is now at a width of 5.7m.
- 5.3 Furthermore, details regarding parking arrangements for the site were requested in order to clearly demonstrate that at least two vehicles can be parked to the rear. An amended location plan was received on 25/02/2019 showing two vehicle spaces.
- 5.4 It was acknowledged that these amendments reduced the overall scale and projection of the rear extension, although it was desired for the extension to be in line with the neighbouring property at no. 37. This was conveyed to the agent via email correspondence, but the applicant not willing to set the extension back further.

6.0 POLICY:

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated within the Kirklees Local Plan.

- 6.2 Kirklees Local Plan (as modified):

PLP 1 – Presumption in favour of sustainable development

PLP 2 – Place shaping

PLP 21 – Highways and Access

PLP 22 – Parking

PLP 24 – Design

- 6.3 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised via site notices and neighbour letters. Final Publicity expired on 27/11/2018. No representations were received from this publicity. The application was re-validated on 25th March following the receipt of a revised ownership certificate (certificate B). To date no representations have been received. The amended plans were not re-publicised as these reduced the scale of the development.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None

8.2 **Non-statutory:** None

9.0 MAIN ISSUES:

- Principle of development
- Visual Amenity
- Residential Amenity
- Highway Safety
- Representations

10.0 APPRAISAL:

Principle of development:

10.1 The site is without notation on the Kirklees Local Plan. Policy PLP1 (as modified) which states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. PLP1 goes on further stating:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In this case, the principle of developing the site for the proposed extension is acceptable however it needs to be assessed against other material planning considerations below.

Visual Amenity:

10.2 The NPPF provides guidance in respect of design in Chapter 12 providing an overarching consideration of design stating:

‘124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’

10.3 Furthermore, Paragraph 002 of the National Planning Practice Guidance (NPPG) Design states that:

“Good design should: Enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.”

10.4 Kirklees Local Plan Policies PLP1, PLP2 and importantly, PLP24 are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. With specific reference to extensions it advises that:

“Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.”

- 10.5 The application site is located on Springdale Avenue, a residential area with properties sharing a similar traditional design and similar materials. The proposal refers to the erection of a two storey rear extension with two small dormers to the front. The property has already been extended in the past (under application 2004/95398) with a two storey side extension, infilling the gap to the neighbouring no. 37. The property was also granted permission for a large conservatory to the rear (under application 2005/91961) although this was never implemented. Therefore it is considered that there is scope for further development on the site.
- 10.6 The rear extension is to have a dual gable roof, having a projection of 3.6m on the northern end and 3m to the southern end. The northern end is also to have a greater maximum height of 8.80 metres with the southern end to have a maximum height of 8.50 metres.
- 10.7 It is considered that this extension would be adding considerable mass to the rear of the property that would be out of keeping of the area, with no examples of rear facing gables in the locality. The staggered extension would be of an incongruous design that would be both overly prominent and jarring within the streetscene to the rear caused by the varying building lines and roof heights. Furthermore, the extension is to be situated within a prominent location that would be clearly visible from the highway at Nelson Street, the private road to the rear of the property and would further impact the streetscene and be of significant harm upon the visual amenity of the area. This would be contrary to Policy PLP24 and guidance set in Chapter 12 of the NPPF regarding design. It is noted that amendments received reduced the scale of the extension although this was not considered to be sufficient to mitigate the harm on the visual amenity.
- 10.8 The proposal also includes the erection of two small dormers to the front of the property. It is considered that these dormer extensions would have an acceptable impact on visual amenity given their small scale and traditional and subservient design. In addition, the roof of the host property is still easily distinguished as a dominant feature. Similar front dormers are present at the neighbouring nos. 37 and 35 ensuring it would be in keeping with the local area. This would therefore comply with Policy PLP24 of the Kirklees Local Plan (as modified).
- 10.9 In conclusion, the proposed rear extension is considered to form an incongruous addition to the property that is located within a prominent location which would have a detrimental impact to visual amenity and the character and appearance of the local area. Permitting such a development would be contrary to Policy PLP24 of the Local Plan.

Residential Amenity:

- 10.10 The NPPF seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. PLP24 (b) of the Local Plan states proposals should:

“Provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”

This will be used to assess the impacts upon the neighbouring properties.

10.11 *No. 37 Springdale Avenue*

This property is located to the north of the site, sharing the boundary where the proposed extension is to be situated. No. 37 is set further to the rear than the host property which means that the 3.6m extension will project 1.4m beyond the rear of no.37. Whilst it is noted that no.37 has windows close the shared boundary, given this limited projection beyond the rear of no.37, it is not considered that the rear extension would have a detrimental impact on the occupiers of no.37. The proposed raised decking is set in 1.6 metres from the shared boundary with no.37 which would reduce the possibility for an adverse impact to be caused.

10.12 *No. 41 Springdale Avenue*

This terraced property is located to the south and constructed in line with the host property. The proposed two storey extension would project 3 metres along the shared boundary and given that the adjacent windows/doors are obscurely glazed it is not considered that there would be an adverse impact on amenity. The raised decking would be set 1.6 metres from the shared boundary which is considered to mitigate any adverse impact to no.41

10.13 *Nos. 38 & 40 Springdale Avenue*

These properties are located to the west of the site, being situated across the highway. These properties directly face the front of the property and would therefore have the potential to be impacted by the proposed front dormer windows. This impact is considered to be minimal given the separation distance of 20m between the properties.

10.14 *Nos. 36 & 38 Bulay Road*

These properties are located to the east of the site, being situated across the access road to the rear and contain a number of habitable room windows. A minimum distance of over 15m would be achieved to single storey rear projecting element and 18.5 metres to the two storey element. Such a level of separation is considered to be acceptable to ensure that there would be no adverse impact on the amenity of the occupiers of these dwellings.

Conclusion on residential Amenity

10.15 In conclusion it is considered that the development would not have a detrimental impact to the amenity of adjacent properties and would accord with the requirements of PLP24 (b) of the Local Plan and Policies in Chapter 12 of the NPPF. No other neighbouring dwellings other than those above would be materially affected by the proposed development.

Highway Safety:

10.16 The proposals would result in intensification of the site, in particular given that two additional bedrooms would be formed in the property. The rear extension would also result in a loss of space that is currently used for parking. However it has been demonstrated that at least two off-street car parking spaces can be accommodated within the site with sufficient space for a third. It is considered on balance that there is a sufficient provision of car parking spaces for the property.

10.17 Therefore, the scheme would not represent any additional harm in terms of highway safety and efficiency, complying with Policy PLP22 of the Kirklees Local Plan.

Representations

10.18 No representations were received for this application.

11.0 CONCLUSION:

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan, and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2004%2f95398>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2005%2f91961>

Website Link: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93453>

Certificate of ownership: Certificate B signed and dated 22nd March 2019. Noticed served on 37 Springdale Avenue on 23rd March 2019. (notice received 25th March)

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/91244 Erection of detached bungalow (farm workers dwelling) Hollin Bank Farm, Cross Gate Road, Holmfirth, HD9 1SL

APPLICANT

B Roberts, Hollin Bank Farm

DATE VALID

16-Apr-2018

TARGET DATE

11-Jun-2018

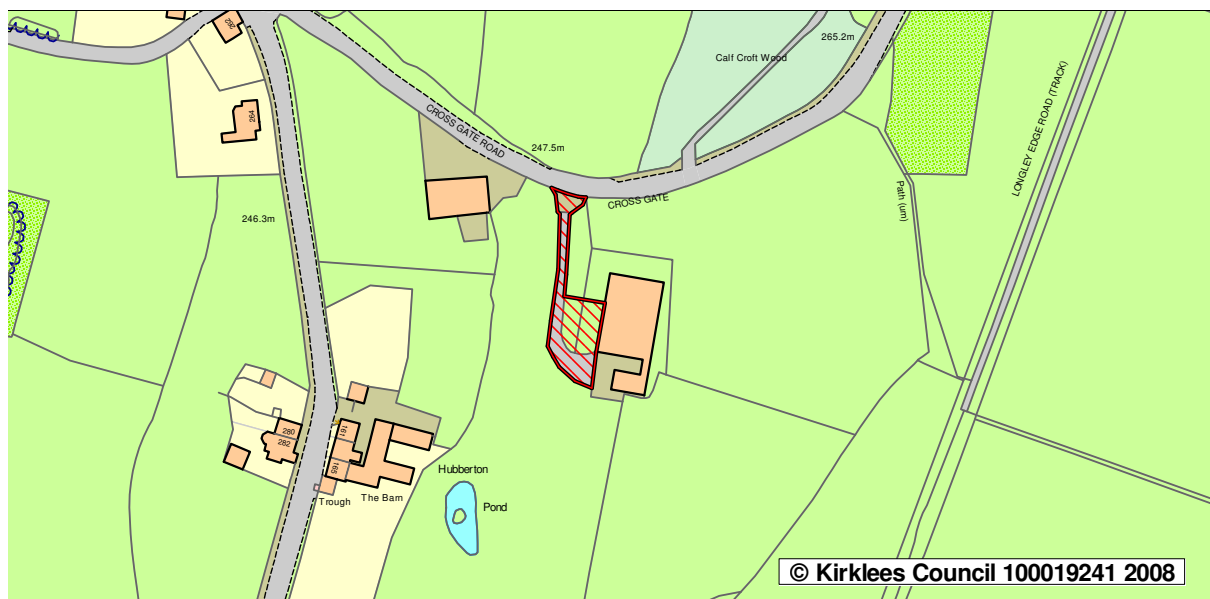
EXTENSION EXPIRY DATE

20-Jul-2018

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework the construction of new buildings, subject to certain exceptions, is regarded as inappropriate development. In this case, exceptions to this are where the functional and essential requirements for the purpose of 'agricultural' has identified the need for a full-time worker to be on site; or the essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside as set out in paragraph no.79. The applicant has failed to sufficiently demonstrate that the existing enterprise is financially sound to sustain a permanent need for an agricultural/rural worker both now and as can reasonably be seen ahead, having regard to Policy PLP55 of the Kirklees Local Plan and paragraph 79 of the NPPF. The proposals therefore, by definition and other harm set out above, would constitute inappropriate development, which are not clearly outweighed by the very special circumstances (statement of need for himself and his daughter being employed in the existing business, to live on site) put forward, contrary to paragraph nos. 143 and 144 of the National Planning Policy Framework and Policy PLP55 of the Kirklees Local Plan.

1.0 INTRODUCTION:

1.1 the application is brought to committee at the request of Councillor Nigel Patrick who states:

"I think an agricultural workers dwelling is needed and is justified. I think the national and local planning policies around agricultural workers dwellings are subjective in application and as such are not very helpful. Similar applications in England have been approved on appeal".

1.2 The Chair of Sub-Committee confirmed that Cllr Nigel Patrick's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is situated off Cross Gate Road and currently accommodates three units. The largest of these units houses rabbits in cages and conceals a caravan where the applicant is stated to reside on a permanent basis. The other two are used for storage purposes for other livestock, implements/farm vehicles and hay. The site is served by a linear access track, north of the buildings from Cross Gate Road, within a rural setting. Land rises steeply up towards the east behind the buildings and falls towards the west in front of the buildings with the consequence of the existing buildings being partly visible from Dunford Road.

3.0 PROPOSAL:

- 3.1 The application seeks permission for a farm workers dwelling, the justification for which is based on the current operations of the enterprise and the need for on-site security, primarily required as the applicant has said to “*on a number of occasions had to challenge individuals seeking to access the land/property*” and that the dwelling is required to provide accommodation for the applicant and his daughter who is an employee of the farm business and this would allow:

“a more streamlined operation of the agricultural activities, lambing and rabbit rearing which is intensive and time consuming..... to ensure appropriate operations of the agricultural activities a presence on site is required 24 hours a day, 7 days a week, 356 days a year. This is less so with the lambing which is less intensive during the spring lambing time when new lambs are delivered in pens within the farms agricultural buildings (Jan – April).

The plans indicate a modest sized dwelling to provide accommodation on one floor and would measure approximately 13m by 7m with an overall height of 6m to the ridge of the pitched roof. External facing materials are proposed to be natural stone with concrete roof tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2011/92263 - Proposed roof over part of hard standing area adjacent to existing farm building – granted May 2013

2010/90543 - Retention of the engineering works to form the level plateaux and access track and the erection of an agricultural building - Approved

2009/91814 – Erection of agricultural building with associated hardstanding and driveway from Cross Gate Road, Holmfirth – Refused (on same grounds as below – size of building and excavation works)

2008/92517 – Erection of an agricultural building with associated hard standing and driveway – Refused (on grounds of size of building and excavation works)

Hearing dismissed in relation to breach of engineering operations including the formation of access track and formation of level area to building (November 2008)

2007/93032 – Agricultural Notification for the prior approval of details for the erection of hay straw and machinery store – Details Approved

Enforcement

COMP/07/0508 – engineering operations involving significant excavation works carried out and an access road formed and materials imported in to surface it. Enforcement notice served, appeal upheld. (Operations were eventually regularised under application no 2010/90543)

COMP/16/0020 – material change of use of barn to residential – no evidence of breach

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Additional information received to justify proposed development following report of independent Agricultural Surveyor and meeting between case officer and applicant/agent.

6.0 PLANNING POLICY:

6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 PLP 21 – highway safety and access
PLP 24 – design
PLP51 – protection and improvement of air quality
PLP52 – protection and improvement of environmental quality
PLP55 – agricultural and forestry workers dwellings
PLP58 – garden extensions in the green belt

Supplementary Planning Guidance / Documents:

6.3 N/A

National Planning Guidance:

6.4 Chapter 6 Building a strong, competitive economy
Chapter 12 achieving well designed places
Chapter 13 - Protecting Green Belt Land
Chapter 15 -Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application by site notices and through neighbour notification letters.

7.2 As a result of the publicising the proposals, two representations were received. The concerns of which are summarised below:

- The site cannot sustain any further development for the business
- The current state of the site has had a massive impact on the green belt land
- There are numerous local properties for sale or rent within the area
- Building is not essential as such no very special circumstances demonstrated
- Existing buildings not used for intended use
- Site access has poor sight lines & unsafe for pedestrians
- Adverse impact on openness of green belt
- No need for 24hour security on this site
- Not all the land referred to is in the ownership of the applicant.

Holme Valley Parish Council - support the application

The additional information was not re-publicised as this did not materially alter the development applied for.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC DM Highways – no objections or concerns

8.2 Non-statutory:

KC Environmental Health - support subject to condition relating to package treatment plant for foul water disposal

9.0 MAIN ISSUES

- Principle of development and impact on the Green Belt
- Residential amenity
- Highway issues
- Foul water drainage:
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development & impact on the Green Belt:

10.2 The construction of new buildings in the Green Belt is inappropriate and is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87-89 of the NPPF). Paragraph nos. 145 and 146 provides a list of exceptions to this but none of these include the erection of new dwellings.

- 10.3 Paragraph 79 of the NPPF does however state that exception to the presumption against isolated dwellings in the countryside may be considered if one or more of the circumstances set out under this paragraph apply. This includes the essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. This will be taken into account in considering whether any 'very special circumstances' exist.
- 10.4 Policy PLP55 of the Kirklees Local Plan, reiterates the above. The justification for this policy does however also acknowledge that the need for a new dwelling in the green belt for a worker engaged in any other type of enterprise will be judged on a case by case basis. In relation to this, paragraph nos. 19.15 and 19.16 of the Local Plan clearly sets out that the essential need for a new dwelling in the green belt should be demonstrated on the grounds of animal welfare or agricultural /forestry processes where attendance is needed at short notice, at all times of the day or night and where failure to attend could lead to serious loss of crops or livestock.
- 10.5 Furthermore, where the need is permanent, applicants should show that the worker is required on a full time basis, that the enterprise is financially sound, able to sustain the farming enterprise, can support a permanent need both now and as far as can reasonably be seen ahead and that the dwelling will remain available while the need remains.
- 10.6 Subject to there being a clear functional need, for a full time worker on the farm, evidence that the existing farm has been established, is financially sound with clear prospect of remaining so, the principle of a permanent farm workers dwelling or a dwelling for a worker engaged in any other type of enterprise could be supported.
- 10.7 The assessment below will consider whether sufficient information has been submitted that justifies the need for an agricultural workers dwelling, or a dwelling associated to a worker engaged in any other type of enterprise, and whether the proposals causes harm to the Green Belt, if so whether very special circumstances (VSC) exists that clearly outweigh the harm caused.
- 10.8 The accompanying statement states that:

"the farm holding amounts to 120 acres/48.5 hectares [this is a mixture of tenures] and the business base is sited at Hollin Bank Farm, Cross Gate Road. The applicant has made a living for himself from the business and employees two part time people". To continue to develop and grow the agricultural business the applicant requires more assistance/input for the 24 hour operations (rabbit breeding, all year round, and lambing, during spring along with preparing sheep for sales in the autumn).

Hollin Bank Farm is an established farming business that requires appropriate on site living accommodation. The current caravan doesn't provide sufficient space for the applicant and his daughter to live on site. Furthermore the space occupied by the current touring caravan is required to expand the business activities.

The current housing/accommodation situation is not fit for purpose for the long term. The touring caravan sited within the largest agricultural building is occupied by the applicant, which is a 3 berth caravan only with one bedroom. The applicant's daughter, an employee of the farm business currently lives with her mother, 4.5miles away. It is intended the applicant's daughter will move in with her father to enable a more streamlined operation of agricultural activities, lambing and rabbit rearing which is intensive and time consuming.

Given the need for the staff working on the farm to be available long hours, unsociable hours and at very short notice, the need for the applicant's daughter, farm worker to live on farm has been identified as an issue.

- 10.9 The accompanying statement describes in detail the overall operations of the existing enterprise and the statement of need for the agricultural workers dwelling which in the applicants opinion amounts to VSC that outweigh harm to the Green Belt by definition and the "minimal other harm". It should be noted that no documentary evidence has been submitted to indicate that the touring caravan referred to above has been continuously occupied continuously in recent past.
- 10.10 Given the lack of in-house expertise for assessing the additional financial information, for such proposals, advice was sought externally from an Independent Agricultural Surveyor on behalf of the Council, to consider the essential need for a permanent agricultural workers dwelling on this site. Additional information, (including sensitive and confidential information) along with a plan showing the full extent of the farm and acreage in ownership of the applicant, was obtained during the course of the application, to allow a thorough assessment to be made, as the proposals seeks permission for a permanent dwelling for an agricultural worker.
- 10.11 The Council's Surveyor also met with the applicant and inspected the site, carrying out a visit to associated land in use with this enterprise. The independent surveyor at the site meeting sought further information and clarity on a number of issues from the applicant. On the basis of the information obtained, the Council's Independent Agricultural Surveyor has considered whether there is an essential need for a rural worker to live permanently on this site and advises in his opinion application raises a number of issues and sets out his case below.

1. With regards to Land:

- 10.12 Overall, the Holding extends to approximately 175 acres which, on the face of it, is a significant area. But, of the 175 acres, I understand that only 10 acres is owned. The remaining 165 acres is occupied under a range of ad-hoc arrangements, with no security from year to year, or season to season. The significance of this is that the land could easily be lost and the justification for the dwelling undermined, or, if the farmstead and proposed house were to be sold, a future owner without the benefit of the other land could seek removal of the agricultural occupancy condition on the grounds it is no longer appropriate.
- 10.13 The Holding is made up of approximately 12 land blocks ranging in size between 4 and 27 acres.

10.14 The land blocks are spread over the District between Newsome HD4, Scholes HD9, High Flatts HD8 and Millhouse Green S36. The areas are therefore not only diverse in area and occupied on an insecure basis, but are also spread up to approximately 6 miles from the Application Site in different directions.

2. With regards to Livestock:

10.15 Livestock amount to approximately 150 breeding ewes, rams and the progeny. In addition there are approximately 350 breeding rabbits and progeny together with sheep dogs in training.

10.16 From Industry Standard Data I calculate that the sheep enterprise, grassland and farm management etc amount to approximately 65% of a full time labour unit.

10.17 I suspect that I might be persuaded that with the rabbits, the Holding is a full time unit. However, I am far from clear as to the extent to which the rabbits are "agricultural" as, firstly, this is merely a breeding unit and the kids are sold at 8 weeks old. Secondly, I am unclear of the extent to which they go on to be reared for meat, as opposed to being bred for pets.

10.18 I note the sheep dog training but whilst this is agriculture related, I do not consider this to be agricultural.

3. With regards to Finance:

10.19 From the financial information provided, profits appear to swing significantly from year to year and I do not feel that they show the business to be reasonably sustainable.

4. In summary:

10.20 On the basis of the lack of security of tenure, number of land blocks and distances involved, it is difficult to consider this as a cohesive sustainable Holding. Only the application site is owned. Other areas are larger or form more significant groupings.

10.21 With regard to land use, number and type of livestock etc I am not convinced that the agricultural activity constitutes a full time activity.

10.22 In considering the financial information, it appears that the profit has only exceeded the National Minimum Wage for 3 out of the past 6 years. And on average the profit has equated to less than 80% of the National minimum/ living Wage. Whereas, I would expect a proprietor to seek a significantly higher income to reflect the "business risk" being taken, interest charges on investment, and funding for future investment etc.

10.23 Overall, whilst I have significant sympathy for the applicant I do not feel that the essential need for a permanent agricultural dwelling has been demonstrated.

10.24 Reference has been made to alternative existing residential accommodation - I would normally focus on properties within approximately 400m of the Site, and in "sight and sound".

10.25 With regards to the concealed existing caravan, if there were to be sympathy for a temporary dwelling then this would offer opportunities to fulfil this role. But one would normally only consider a temporary consent where a business is developing and there is a reasonable expectation that there will be a need for a permanent dwelling in due course. The applicant is not making this case.

Response by applicant to assessment by Council's Independent Surveyor:

10.26 In response to the above, the applicant clarifies:

- *the farm holding amounts to "an overall 223 acres of long term rented land not 120".*
- *There are two part time employees along with the applicant and his daughter*
- *Just to clarify the caravan accommodation is compact, it is a 3 berth caravan but given this is the only living space on site it isn't fit for more than one person to live full time within.*
- *livestock numbers and operations of the activities being carried out, as set out below:*

*150 - Breeding Ewes
80 Female Shearlings
83 male rams
204 lambs
5 stock rams*

There has been a focus on the figure of 150 sheep plus offspring. The agricultural surveyors report stated "150 breeding ewes, rams and the progeny". As the above numbers confirms this is almost tripled taking into account the annual offspring. Please note livestock levels do fluctuate during the year but as evidence above the farm is continuing to grow and develop.

The shearlings and male rams are the offspring from April 2017 – these are now around 18months old. The rams will be sold on at market with some shearlings kept back for breeding and others also sold on. Keeping some back increases the quality of the breeding stock and ensures a tiered age range to provide continuity. Whilst some replace lost or older ewes the overall breeding number increases each year.

The male rams are kept separate to prevent bloodline issues.

The lambs are this year's offspring (April) and are now around 6 months old. These too will be kept on the farm till they are circa 18months old where some will be selected and kept back the others sold on. This number of 200 lambs evidences the increase in stock/growth of the farm as the previous year was 163.

The stock rams are the breeding males used each year to cover the breeding ewes.

With reference to rabbit rearing, the applicant has no control over their future destiny once sold, pet or meat.

With regards to land and it being acquired on an ad hoc basis, the applicant makes the following comments and request this be included within the committee report

- *This is a strange statement that I feel is intentionally misleading. Many farmers (in fact most I know) rent land. The applicant is no different. Since the 'ad-hoc, with no security from year to year' comment further correspondence has been provided to illustrate the arrangement isn't ad-hoc and is indeed a long term and historical arrangement.*
- *6 miles between agricultural land, when rented, is not uncommon. I am currently working for a farmer who's base and owned land is in Holme Village yet his other rented land is in the lakes !*
- *As previously discussed/confirmed the applicant has no control over the destination of the rabbits once he sells them on (they are reared on an agricultural basis) – can you please confirm this is agreed.*
- *Sheep dog training (training working dogs to round up sheep) cannot be seen as anything but an agricultural activity. The agricultural surveyors comment in relation to this not being agricultural is ridiculous.*
- *With regard to finance the business has been proved over a number of years to provide an income for the applicant whilst also paying 2xparttime staff and his daughter. Agricultural enterprises are seldom lucrative businesses, the fact that the business is still operating (years on) and also growing year on year proves it's sustainable*

Conclusion of principle of development:

10.27 To summarise, taking into account the assessment of the Council's independent Agricultural Surveyor as set out above, Officers are of the opinion that whilst there may be a case for a worker to be on site, on grounds of animal welfare primarily in relation to the rearing of rabbits only in association with a non-agricultural activity, the need for a full time worker to be on site, based on the functional and essential requirements for the purpose of 'agricultural' activities of the existing enterprise has not been sufficiently demonstrated.

10.28 Furthermore, the information submitted has also failed to demonstrate that the enterprise is sound to financially sustain a permanent need both now and as can reasonably be seen ahead and that the dwelling will remain available while ever the need remains, contrary to Policy PLP55 of the Kirklees Local Plan and guidance in the NPPF.

Other harm to the openness of the Green Belt:

10.29 Notwithstanding the above, there now follows an assessment of other harm on the openness and character of the green belt, through various elements of the new built form and the normal domestic paraphernalia and activities associated with the domestic use of the site.

10.30 Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; it later goes on to state that the essential characteristics of Green Belts are their openness and permanence.

- 10.31 The dwelling would be sited along the western elevation of the existing large barn, and served by the access track from Cross Gate Road. The scale and prominence of it within the surrounding landscape would be mitigated somewhat by the existing large agricultural buildings on site and consequently the impact on the green belt can be argued to be reduced. In addition to maintain an open character, withdrawal of permitted development rights for any additional buildings or extensions within the red line boundary, could be conditioned, which defines the residential curtilage, to accord with Policies PLP24 and PLP58 of the Kirklees Local Plan (as modified). Nevertheless, the development would reduce the openness of the Green Belt by its built form on land which is currently open. This would cause harm the Green Belt in principle.
- 10.32 To conclude, Officers are of the opinion the VSC put forward by the applicant do not outweigh the harm by reason of inappropriateness and the other recognised harm and as such would be contrary to paragraph nos. 143 and 144 of the National Planning Policy Framework and Policy PLP55 of the Kirklees Local Plan (as modified).
- 10.33 Residential Amenity:
- 10.34 The nearest residential properties lie approximately 80m on Dunford Road, south west from the proposed siting of the dwelling. It is considered the amenities of the occupiers of these properties would not be materially affected by the proposed dwelling.
- 10.35 Highway issues:
- 10.36 This application is for the erection of a two bedroom farm workers dwelling within the farm yard of Hollin Bank Farm that is accessed by an existing farm track to Cross Gate Road. C577 Cross Gate Road is a rural road set at national speed limit with occasional footways and very limited street lighting present.
- 10.37 The access is as existing and as the applicant already resides there would not be an intensification of use. The application proposal is not expected to generate sufficient traffic as to have an effect on the operation of the local highway network.
- 10.38 Kirklees parking standards for this type and size of development are for two parking spaces, four spaces are proposed to remain and this would allow for the proposed development and also parking for other temporary farm workers. There is sufficient space within the farm yard to allow vehicles to access/ egress these site in forward gear.
- 10.39 Refuse/recycling bin collections would remain as presently carried out from Cross Gate Road, this is approximately 60m from the proposed dwelling which is above the guidance for carry distances, however there is sufficient space within the access to allow for bin collection storage without obstructing the highway/footway.
- 10.40 On the basis of the above, the proposals are not considered to materially add to any highway safety implications and would accord with the aims of Policy PLP21 of the Kirklees Local Plan (as modified).

10.41 Foul water drainage:

No details have been provided of how foul water would be disposed of. Environmental Health have requested a condition regarding the provision of a package treatment system for foul drainage. If main drainage is not feasible to serve the dwelling then a package treatment system would be the most sustainable form of non-mains drainage. In these circumstances if the application was to be approved it would be appropriate to require a pre-commencement condition requiring details of the method of foul drainage. This would accord with Policy PLP52 (as modified) which seeks to ensure the well-being of people and protection of the environment.

10.42 Representations

The preceding paragraphs address the concerns raised.

10.43 Other Matters

Air Quality:

Along with reduction of air pollution, the NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of an electric vehicle charging point should the proposals be supported. This could be conditioned to secure the charging point for the proposal to comply with the aims of Chapters 9 and 15 of the NPPF as well as Policy PLP24 of the Kirklees Local Plan

11.0 CONCLUSION

11.1 For the reasons set out above the principle of developing this site for a permanent dwelling has not been sufficiently demonstrated. This application has been assessed against relevant policies in the development plan, the NPPF and other material considerations. Considering all the supporting information submitted Officers are of the opinion the VSC put forward by the applicant do not clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and the other recognised harm.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice. The application of policies in Chapter 13 of the NPPF provide a clear reason for refusing the development proposed.

Background Papers:

Application and history files. As noted above

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91244>

Certificate of Ownership –Certificate A signed by Agent, on behalf of applicant

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2019/90030 Demolition of stables and erection of detached games room Hogley Farm, Hogley Lane, Holmfirth, HD9 2QA

APPLICANT

A & R Hogley

DATE VALID

08-Jan-2019

TARGET DATE

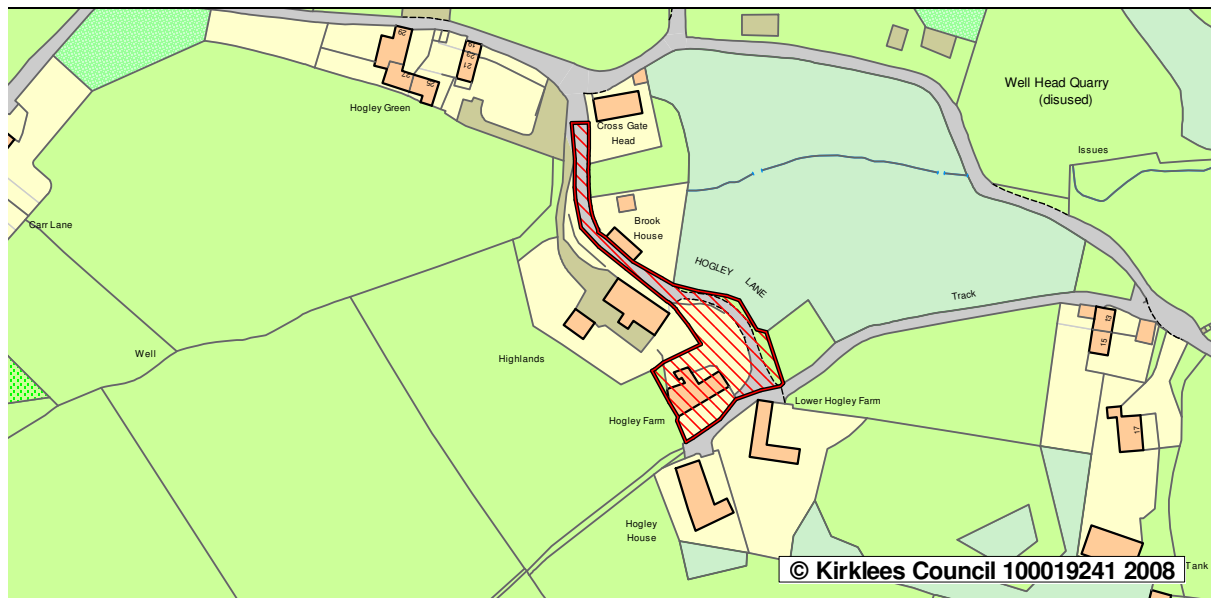
05-Mar-2019

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application seeks the demolition of a stable and the erection of a detached games room adjacent to the host dwellinghouse.
- 1.2 The application is brought to Huddersfield Planning Sub-Committee at the request of local ward Councillor Nigel Patrick. Cllr Patrick's reason for the requesting a committee determination is as follows;

'Although the amended plan is an improvement to what was originally proposed, the principle of development is not acceptable, in that the proposal does not meet the requirements set out in the NPPF for the construction of new buildings in the Green Belt.'

- 1.3 The Chair of Sub-Committee confirmed that Cllr Patrick's reason for making this request is valid, having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site hosts a detached timber stable. The stable is single storey with a side facing gabled roof and a canopy projecting to the front. The stable sits on a concrete pad which extends to the front of the building. The land adjacent to the stable has a drystone wall to the side and front with a retaining wall to the rear.
- 2.2 The stable fronts onto Hogley Lane, an un-adopted road serving the surrounding dwellings and which hosts PROW HOL/80/60. To the rear of the site/stable, on a higher ground level, is the curtilage and dwelling of Highlands. To the south, adjacent to the site, is Hogley Farm which is the dwelling associated with the stable.

2.3 The surrounding area is Green Belt, being rural in character and having open fields and woodland surrounding the site.

3.0 PROPOSAL

3.1 The existing stable is to be demolished. A replacement building is to be erected. It is to be used as a games room in association with Hogley Farm.

3.2 The new building is to be single storey and have a rectangular footprint, measuring 5.5m x 9.7m (including external area covered by canopy). The internal floor area is to be 38sqm. The roof is to be an asymmetrical double pitch, with eaves height of 2.15m and ridge of 2.9m. There is to be a canopy forming a covered area to the front.

3.3 The structure is to be faced in timber cladding above a stone plinth. The roof is to be sedum covered. Openings are to the front and south side elevation, with Rooflights on the rear pitch of the roof. The openings, and the overall architectural design, replicates that of a converted stable.

3.4 External works include part of the existing drystone wall along the site's frontage being demolished and repositioned.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

75/1095 – Change of use of two agricultural buildings to two dwellings – Approved

80/7415 – Outline application for conversion of barn to residential – Granted

82/1730: Conversion of barn to dwelling and erection of detached garage – Approved

4.2 Surrounding Area

Highlands

2017/94051: Works to TPO(s) 05/83 – Granted

5.0 HISTORY OF NEGOTIATIONS

5.1 The proposal now under consideration represents a significant amendment to the original proposal. The initial proposal sought a much larger building, with a greater footprint and height, to be faced in stone and having a less fitting architectural appearance. Officers expressed concerns over the proposal's impact on the Green Belt and visual amenity.

5.2 The amended scheme reduced the scale of the building, proposed the use of timber and sedum roofing while changing the architectural appearance to be more in keeping with the area's character and rural environment.

- 5.3 Officers were supportive of the changes made. However Cllr Patrick maintained his objection and requested a committee determination. In response to the application being referred to committee, the applicant has provided the following statement;

We are seeking permission to change our existing stables building into a games room to provide our three primary school children with an environment in which they can enjoy playing table tennis and pool. We wish to create a space large enough to play these games alongside the provision of a toilet. It is intended for private use only and builds on the overall footprint of the stables, making use of 'dead space' at the back of the current structure and seeking to enhance the appearance of the building. Following discussions with the Kirklees planners, we have revised our original stone design, which had been chosen to complement Hogley Farm itself, to more closely follow the original appearance of the stables by using wood and a sedum roof.

We moved into Hogley Farm in 2011 and prior to our purchase of the property, a number of neighbouring fields were sold by the previous owners. This reduced our pasture area to one field which does not border our property. We do not own horses but understand from local horse owners that the stables is no longer appropriate for regular use given the lack of associated pasture to support the two horses it could accommodate. Since moving in, we have used the stables building as a store for our family's garden equipment, bicycles and other tools. The stables had already been in place for some time and already had electricity providing lighting and a water tap. We have maintained the fabric of the building but the roof is now falling into disrepair and needs to be replaced.

We believe that the proposed design is appropriate for its rural setting and will not be harmful to the openness of the Green Belt or be detrimental to the visual amenity of the area. Since our purchase of Hogley Farm, we have renovated the house and worked hard to create an attractive garden and open space which complements the beautiful setting. Hogley Farm is our 'forever home' and we seek your permission to change the disused stables into a more suitable building to meet our family's requirements into the future.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February, 2019).

6.2 The site is within the Green Belt on the PLP Policies Map.

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees
- **PLP59** – Infilling and redevelopment of brownfield sites

National Planning Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice, press advertisement and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement.

7.2 Following the re-advertisement of the application on receipt of the amended plans, the public representation period was extended and then expired on the 29th of March, 2019. Eight public representations have been received during the course of the application. The following is a summary of the comments made;

Public representations

- The structure is not within the curtilage of the host building (and therefore cannot be considered an extension), not to be in the same use class nor permeant in construction. Therefore, its replacement is not supported by the NPPF or Local Plan policies relating to the Green Belt. There are no very special circumstances to enable the development.
- Specific to not being permanent, the stable is timber constructed with a corrugated roof on a concrete base. It is not airtight and has no visible utilities.
- The replacement building would be more substantial and permanent in nature, being more substantially constructed and air/water tight.
- Concerns that the proposed building could be converted in the future, such as to a dwelling or another use. The conversion of existing buildings, or as a separate dwelling, would harm openness, residential and visual amenity but not be in breach of Green Belt policy.

- The proposed building is significantly larger in footprint and height than the one it is replacing. It would be out of character with the area and harmful to the Green Belt.
- The replacement building is not agricultural in appearance and fails to harmonise visually with its setting. This includes the use of solar panels.
- The replacement building would interfere with sightlines and cause highway safety issues. The road is a PROW and used by many pedestrians.
- The new building would reduce parking for the host dwelling and street parking for delivery/service vehicles.
- Concerns over construction traffic and how they'd be managed.
- Concerns over the PROW during construction.
- The scale of the games room appears excessive and it is questioned if it could be considered to be ancillary to the main dwelling. Reference is made to the store/plant room.

Holme Valley Parish Council

- 'R Hogley left the meeting having declared a Personal Interest. No comment as the applicant is a Member of the Holme Valley Parish Council Planning Committee'.

Ward Member Interest

- 7.3 Local Ward Councillor Nigel Patrick expressed concerns over the initial proposal and its impact on the Green Belt and residents. These concerns were shared by officers, leading to the negotiations an amended proposal. The amended plans were shared with Councillor Patrick, who provided the following comment;

'Although the amended plan is an improvement to what was originally proposed, the principle of development is not acceptable, in that the proposal does not meet the requirements set out in the NPP for the construction of new buildings in the Green Belt.'

8.0 CONSULTATION RESPONSES

8.1 Statutory

There are no statutory consultees for this application.

8.2 Non-statutory

K.C. Ecology: No objection, with no conditions sought.

K.C. Trees: No objection, with no conditions sought.

9.0 MAIN ISSUES

- Principle of development
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 11 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal.
- 10.2 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land Allocation (Green Belt)

- 10.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF or the corresponding policies within the Kirklees Local Plan.
- 10.4 Paragraph 145(g) includes;

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;

- 10.5 This provision is supported and expanded upon by PLP59 (as modified), which states;

Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded, and*
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for*

Whether the proposal is inappropriate development in the Green Belt

- 10.6 The tests of Paragraph 145(g) and PLP59 require the site to be 'brownfield land'. The NPPF defines brownfield land as 'Land which is or was occupied by a permanent structure'.

- 10.7 Case law establishes three tests for whether something forms a 'permanent structure'; these are size, permanence and physical attachment. On size, the stable would have required assembly on site and at 46sqm is not negligible in scale. Turning to permanence, the stable has been in place for in excess of 15 years and would require disassembling to remove. With regard to physical attachment, the stable is attached to the ground on a concrete pad, with drainage and an electricity supply. Officers are therefore satisfied that the stable is a permanent structure, having required operational development to erect, and the site can be considered brownfield land.
- 10.8 The next test is the impact on openness. The proposed building is the same height and width of the existing building. Regarding footprint, while there is an increase this is considered not to be material in the context of the proposal. The footprint is to increase from 46sqm to 53sqm, which is considered a minimal increase that does not go against the purpose of PLP57(b) in the overall planning balance. Furthermore, the additional footprint is to the rear of the structure, in land between the existing structure and a retaining wall; therefore, it has little to no visual impact in relation to openness.
- 10.9 Turning to design, the proposed building has an architectural appearance which mimics a traditional stable, or building converted from a stable. It is to be faced in timber cladding, as per the existing building, atop a low stone plinth (the existing building is erected on a brick plinth). A sedum roof will provide a natural aspect of the design and be similar to the existing moss-covered roof. Compared to the existing building, the visual appearance of the building is not considered harmful to either openness or permanence, suitably harmonising with the established agricultural character of Hogley Lane.
- 10.10 Considering PLP57(c), the site is not of high environmental value (considered in further detail in paragraphs 10.25 – 10.26).
- 10.11 Summarising on the above assessment, officers consider the application site to be brownfield land and the redevelopment as proposed would not cause harm to the openness of the Green Belt. Therefore, the proposed development is considered to comply with the exceptions of Paragraph 145(g) of the NPPF and PLP59.

Whether there would be any other harm to the Green Belt, including Urban Design

- 10.12 Paragraph 134 of the NPPF established five purposes of the Green Belt. These are;
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

- 10.13 First considering a, b, c and e, this site has been determined to be brownfield land that does not have a greater impact on openness. Accordingly, there is considered to be no conflict with these purposes as there would be encroachment into undeveloped greenfield land or continuation of development not already present. Regarding d, while Hogley Farm does have a historic character, it does not form a 'historic town'. Nonetheless, as addressed above the proposal is not considered to harm the local character.
- 10.14 The design of the building has been addressed above in relation to its impact on the character of the Green Belt. General design advice is provided within PLP24 and Chapter 12 of the NPPF. Officers are satisfied that, from a general design perspective, the proposal represents good design. The proposed development, in isolation, is considered visually attractive and well designed. In terms of the wider area, it harmonises with the established character and would not appear as an incongruous addition. Therefore, the proposal is deemed to comply with PLP24 and Chapter 12 of the NPPF.

Conclusion

- 10.15 The proposed development has been assessed against policy PLP59 and Paragraph 145 of the NPPF and found to be development acceptable in principle within the Green Belt. Furthermore, it would not cause harm to the established character of the Green Belt. As such, the principle of development within the Green Belt is found to be acceptable. Consideration must be given to the local impact, outlined below.

Residential Amenity

- 10.16 The 3rd party neighbour adjacent to the site (west) is Highlands. Highlands sits on a higher land level than the application site and does not have primary habitable rooms directly facing the site, although they do have an oblique angle.
- 10.17 The proposed building will not be higher than the existing structure. It will project closer to Highland's curtilage, however this is a modest 0.6m increase with a gap of 1.1m remaining between the building's rear and the shared boundary. Given the existing arrangement and layout, including the level differences between the sites; with Highlands' ground level being approx. 2m higher than the stable's, officers are satisfied that the proposal would not cause harmful overbearing or overshadowing.
- 10.18 Overlooking will not occur from the windows on the front and side elevations. Roof-lights are proposed which would face towards Highlands' garden. In the interest of privacy for occupiers of Highlands and the proposed building, it is proposed to condition that these roof-lights be obscure glazed.
- 10.19 Regarding the use of the building as a games room and its proximity to Highlands, residential uses (C3) adjacent to one another do not raise concerns over conflicting uses or noise pollution. Should an excessive or unreasonable level of noise pollution be caused, which is atypical for a C3 use, it should be brought to the attention of K.C. Pollution and Noise. Furthermore, as a stable, the existing building has the potential to harm the amenity of closely spaced neighbouring dwellings through noise and odour pollution.

- 10.20 Subject to this condition, officers are satisfied that the proposed development would not cause material harm to the amenity of neighbouring residents, in accordance with PLP24 of the KLP and Chapter 12 of the NPPF.

Highway issues

- 10.21 The proposed development, which includes alterations to the boundary walls, would not interfere with driver sightlines. In terms of traffic generation, the development of a domestic games room, in association with Hogley Farm, is not anticipated to materially increase demand for parking at the dwellinghouse.
- 10.22 PROW HOL/80/60 runs along Hogley Lane. The proposed development would not interfere or harm the PROW or its users. An informative note is proposed relating to ensuring the PROW is not blocked or interfered with before, during or after development.
- 10.23 The proposed development is not considered harmful to the local Highway network, including the PROW, in accordance with PLP21 of the Kirklees Local Plan.

Other Matters

Impact on local ecology

- 10.24 The site is adjacent to woodland which forms a habitat network and is within a bat alert layer. However given that the structure is single storey, has a thin roof and is in a poor state of repair, K.C. Ecology are satisfied there is limited bat roost potential and further survey work is not required; the proposal is not considered harmful to local ecology, in accordance with PLP30 and Chapter 15 of the NPPF.
- 10.25 PLP30 and Chapter 15 of the NPPF seek for development to enhance local ecology. However given the nature of the proposal, such opportunities are considered limited and would not be reasonable to control by condition. The proposed use of a sedum roof would in itself provide foraging opportunities for wildlife.

Impact on adjacent trees

- 10.26 Following the approval of 2017/94051 protected trees along the boundary with Highlands (within Highland's curtilage) have been removed. There are protected trees to the north of the site, within the woodland. However these are well spaced from the development, with Hogley Lane between. Therefore, officers and K.C. Trees are satisfied there would be no detrimental impact upon the adjacent protected trees, in compliance with PLP33.

Representations

Public representations

- The structure is not within the curtilage of the host building (and therefore cannot be considered an extension), not to be in the same use class nor permeant in construction. Therefore, its replacement is not supported by the NPPF or Local Plan policies relating to the Green Belt. There are no very special circumstances to enable the development.
- Specific to not being permeant, the stable is timber constructed with a corrugated roof on a concrete base. It is not airtight and has no visible utilities.
- The replacement building would be more substantial and permanent in nature, being more substantially constructed and air/water tight.

Response: Officers acknowledge that the building is not within Hogley Farm's curtilage and that the proposal would not be in the same use. However, officers do consider the existing building to be permanent in nature, and therefore the site represents brownfield land and would not have a greater impact on openness, for the reasons detailed within paragraphs 10.6 – 10.11.

- Concerns that the proposed building could be converted in the future, such as to a dwelling or another use. The conversion of existing buildings, or as a separate dwelling, would harm openness, residential and visual amenity but not be in breach of Green Belt policy.

Response: The current application would approve a use as a games room / room associated with Hogley Farm. Should a material change of use take place (which would include use as a separate dwelling), a separate planning permission would be required. Officers cannot pre-judge such an application at this time.

To ensure compliance with this, if minded to approve, officers proposed a condition stipulating that the use be incidental to the enjoyment to the host building, Hogley Farm.

- The proposed building is significantly larger in footprint and height than the one it is replacing. It would be out of character with the area and harmful to the Green Belt.
- The replacement building is not agricultural in appearance and fails to harmonise visually with its setting. This includes the use of solar panels.

Response: These comments were received to the original proposal. The amended proposal is considered to have a suitable agricultural / stable aesthetic which reflects and harmonises with the historic origins and setting of the area.

- The replacement building would interfere with sightlines and cause highway safety issues. The road is a PROW and used by many pedestrians.
- The new building would reduce parking for the host dwelling and street parking for delivery/service vehicles.

Response: These comments were received to the original proposal. Officers are satisfied that the amended plan would not interfere with existing sightlines, limit access for vehicles or increase demand for parking on site or within the wider area.

- Concerns over construction traffic and how they'd be managed.
- Concerns over the PROW during construction.

Response: The proposed development is small in scale, with the host dwelling having a reasonably sized car parking area immediately adjacent to the site, in addition to the surfaced area to the front of the stable. Officers are therefore satisfied that appropriate parking / delivery during construction can take place.

The PROW is protected by the relevant legislation from being blocked, including temporarily during construction. A note informing the applicant of this is to be imposed, if minded to approve.

- The scale of the games room appears excessive and it is questioned if it could be considered to be ancillary to the main dwelling. Reference is made to the store/plant room.

Response: These comments related to the original proposal. Following amendment, the store / plant room has been removed and the overall scale reduced.

Holme Valley Parish Council

- 'R Hogley left the meeting having declared a Personal Interest. No comment as the applicant is a Member of the Holme Valley Parish Council Planning Committee'.

Response: This is noted.

Ward Member Interest (Councillor Patrick)

- 'Although the amended plan is an improvement to what was originally proposed, the principle of development is not acceptable, in that the proposal does not meet the requirements set out in the NPPF for the construction of new buildings in the Green Belt.'

Response: Officers note these comments. Nonetheless, for the reasons given in paragraphs 10.1 – 10.15, and address elsewhere in responses to the public representations, officers do consider the development to be appropriate within the Green Belt

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 Considering the principle of development, while within the Green Belt the proposal is considered to represent an appropriate redevelopment of an existing brownfield site which would not cause greater harm to openness. Therefore the principle of development has been found acceptable.
- 11.3 Turning to the local impact, the building is considered well designed to harmonise with its rural environment. Furthermore it would not detrimentally harm the amenity of neighboring residents, local highway safety or the natural environment.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Time limit
2. In accordance with plans
3. Roof-lights to be obscure glazed
4. Use incidental to Hogley Farm

Note: PROW advisory

Background Papers

Application and history

Files available at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90030>

Certificate of Ownership

Certificate A signed.

This page is intentionally left blank

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

18 APRIL 2019

Planning Application 2018/91581

Item 13 – Page 27

**Erection of detached dwelling with access off Longwood Edge Road
rear of, 481, New Hey Road, Salendine Nook, Huddersfield, HD3 3XG**

Correction

Paragraph 4.3, outlining the relevant planning history of the area states;

rear of, 481, New Hey Road

2018/91581: Erection of detached bungalow – Conditional Full
Permission

The address and reference are incorrect, and are corrected to;

483, New Hey Road

2009/91952: Erection of detached bungalow – Conditional Full
Permission

Further Plans

An amended location plan has been received. It removes the blue line around no.481 New Hey Road, as this unit has been sold and therefore no longer falls within the applicant's ownership.

Another plan has been provided showing access sightlines, in response to local objection.

Public Representation

Due to amended plans being received throughout the process of the application, the application's third public representation period expired on the 12th of April, following the committee report being published on the 10th of April.

A further nine public representations have been received. The following is a summary of the further comments received.

- Highlighting safety concerns over the erection of a dwelling on a bend in the road. These are exacerbated by the idea of cars reversing into the road. Drivers travel at speed along Longwood Edge Road.
- The turning cannot facilitate three vehicles.
- Question over the location of visitor parking.
- The proposed turning area is not accurate and could not be achieved. This will result in the dwelling being pushed back.

Response: Being on the outside of the bend, officers consider the dwelling's access to have appropriate sightlines. This has been demonstrated on the plan showing the sightlines.

Regarding turning, it is accepted that because the parking is tandem internal coordination will be required by future residents. Nonetheless this is not unusual. Officers explored various layouts between the dwelling and parking, with that proposed being concluded to be acceptable.

Officers do not seek visitor parking for a single dwelling, with this to be accommodated on the local highway network similar to neighbouring dwellings.

- The design is not in keeping with the surrounding bungalows.
- The proposal is back-land development.

Response: It is accepted that the dwelling is not a bungalow, and that those fronting onto New Hey Road are. However, the newer dwellings along this section of Longwood Edge Road are 2-storey or have accommodation in the roof space.

- Concerns that the proposal requires the loss / repositioning of a telegraph pole. Local residents, many who are elderly, rely upon their phones. What assurances can be provided?

Response: The pole is part of Openreach's infrastructure (a part of BT). Their permission is required to legally move or alter telegraph poles, with their own internal process and procedures in place.

- The dwelling overlooks neighbouring dwellings.
- The proposal causes overshadowing upon no.481 New Hey Road.
- No.481 is left with too small of a garden

Response: A detailed assessment of residential amenity has been undertaken within paragraphs 10.11 – 10.21 of the principal report.

For the properties to the rear, they are in excess of 22.75m from the new dwelling's rear which is considered sufficient to prevent harmful overlooking (paragraph 10.12).

Specific to no.67 Longwood Edge Road, this is considered within paragraph 10.16 – 10.18. It is acknowledged that the proposed building is set back from no.67. However this is typical for dwellings fronting onto Longwood Edge Road. Given the separation distance and relative layouts of the dwellings officers concluded, on balance, that there would be no undue harm upon the amenity of no.67's occupiers.

In relation to no.481's garden, it is acknowledged to be small. On balance, given the circumstances of the application with particular weight given to the fact that the bungalow fell within the same ownership at the time the application was made and that this has been now purchased with the smaller garden it is clear the future occupier is aware of the dwelling's garden size, on balance officers do not object to the garden arrangement for no.481 (paragraph 10.13).

- The granting of permission in 2009 next door does not establish a principle for this site.

Response: This is noted and, while reference is given to it within the report, the application has been assessed on its own merits. Limited weight is given to the 2009 application; given that the grant of permission has since expired and that it was assessed under different planning policy.

- More street lighting and double yellows should be considered for Longwood Edge Road.

Response: Officers are satisfied that neither of these are required to make the development acceptable in planning terms. Therefore, to require them in association with this development, would be unreasonable.

- Question over the time of development and impacts such as dust and noise upon neighbouring residents.
- Concerns over construction traffic.

Response: A level of disruption during construction is inevitable; given the scale and nature of the proposal. An informative note can be imposed setting out good practice in terms of hours of construction. For a development of this scale it would not be reasonable to impose a construction management plan.

- Questioning why the committee report was published before the deadline and why it is dated the 18th of April, which suggests public comments are not taken into account and a decision has been made.

Response: The committee report is dated the 18th as that is the day of the intended committee. Within paragraph 7.2 of the report officers identify that the public representation period had not expired at the time of the report being published and any further representations would be reported within the update.

- Concerns that the proposal would be changed in the future and become even worse.

Response: Material alterations would be subject to subsequent applications and require review by officers. Should unauthorised works take place and the LPA notified, they would be investigated by planning enforcement.

- Question over waste sewerage arrangements.

Response: This would be addressed at building regulations stage for a development of this scale.

Planning Application 2018/94038

Item 14 – Page 43

Demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation (Listed Building)

95, Church Street, Paddock, Huddersfield, HD1 4UB

Correction

Paragraph 10.19 should read “*Although the extension would create an additional bedroom, it is considered that this would **not** have a material impact on the demand for on-street parking space*”.

Representation

Two further representations have been received since the agenda was published. The following is a summary of the comments made;

- Two local residents / neighbours have reviewed the proposal and do not object, offering their support. The proposal would match with the surrounding environment.

Response: Comments in support are noted. Nonetheless, for the reasons outlined within the assessment undertaken in paragraph’s 10.6 – 10.16 of the committee report, and as summarised within the reason for refusal, officers maintain that the proposal would cause less than substantial harm to the significance of the listed building which is not outweighed by identified public benefits.

Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation

95, Church Street, Paddock, Huddersfield, HD1 4UB

Representation

Two further representations have been received since the agenda was published. The following is a summary of the comments made;

- Two local residents / neighbours have reviewed the proposal and do not object, offering their support. The proposal would match with the surrounding environment.

Response: Comments in support are noted. Nonetheless, for the reasons outlined within the assessment undertaken in paragraph's 10.6 – 10.16 of the committee report, and as summarised within the reason for refusal, officers maintain that the proposal would cause less than substantial harm to the significance of the listed building which is not outweighed by identified public benefits.

Erection of detached bungalow (farm workers dwelling)

Hollin Bank Farm, Cross Gate Road, Holmfirth, HD9 1SL

The applicant has requested the following information from the Group Secretary of the National Farmers Union be included in the update:

“I write to confirm that Mr Bruce Roberts has been a Full Farming Member of the National Farmers Union for at least the past 18 years (as far as our current records go back). For many years Mr Roberts has bred pedigree Charolais sheep, and in addition slightly diversified his farming to breeding rabbits. He has further supplemented his farming by being a drystone walling contractor.

The reason for Mr Robert's requirement for the house at the farm can be more than justified in him keeping breeding livestock which need daily care all year around.”

Response: Officers are of the opinion the a case for a worker to be on site, on grounds of animal welfare can be made however, the applicant has failed sufficiently demonstrate that the existing enterprise is financially sound to sustain a permanent need for an agricultural/rural worker both now and as can reasonably be seen ahead, having regard to Policy PLP55 of the Kirklees Local Plan.

This page is intentionally left blank