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Wednesday 7 September 2022

Notice of Meeting

Dear Member

Planning Sub-Committee (Heavy Woollen Area)

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 15 September 2022.**

(A coach will depart the Town Hall, at 10.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Dewsbury 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.

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 (Heavy Woollen Area) members are:-

Member

Councillor Gwen Lowe (Chair)
Councillor Ammar Anwar
Councillor Nosheen Dad
Councillor Adam Gregg
Councillor Steve Hall
Councillor John Lawson
Councillor Fazila Loonat
Councillor Aleks Lukic
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Jackie Ramsay
Councillor Joshua Sheard
Councillor Melanie Stephen

When a Member of the Planning Sub-Committee (Heavy Woollen Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative	**Green**	**Independent**	**Labour**	**Liberal Democrat**
B Armer	K Allison	C Greaves	M Kaushik	A Munro
D Hall	S Lee-Richards		F Perry	PA Davies
V Lees-Hamilton			M Sokhal E Firth	A Marchington
R Smith			T Hawkins	
M Thompson				
J Taylor				

Agenda
Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

2: Minutes of Previous Meeting 1 - 4

To approve the Minutes of the meeting of the Sub-Committee held on 4 August 2022.

3: Declaration of Interests and Lobbying 5 - 6

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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: Public Question Time

To receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
- Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.

7: Site Visit - Application No: 2022/90175

Erection of 4 stables/tackroom and equestrian use of land at land north of Stocks Moor Road, Stocksmoor.

(Estimated time of arrival at site – 10.30am)

Ward affected: Kirkburton

Contact: Alice Downham, Planning Services

8: Site Visit - Application No: 2022/91176

Erection of workshop/storage building at The Old Stone Yard, Near Bank, Shelley, Huddersfield.

(Estimated time of arrival at site – 11.00am)

Ward affected: Kirkburton

Contact: Katie Wilson, Planning Services

9: Site Visit - Application No: 2022/90825

Erection of single storey extension with integral garage and raise roof heights at 1 Brunswick Drive, Westborough, Dewsbury.

(Estimated time of arrival at site – 11.45am)

Ward affected: Dewsbury West

Contact: Jennifer Booth, Planning Services

Planning Applications 7 - 8

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 have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 12 September.

To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993)

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.

10: Planning Application - Application No: 2022/90825 9 - 18

Erection of single storey extension with integral garage and raise roof heights at 1 Brunswick Drive, Westborough, Dewsbury.

Ward affected: Dewsbury West

Contact: Jennifer Booth, Planning Services

11: Planning Application - Application No: 2022/90175 19 - 30

Erection of 4 stables/tackroom and equestrian use of land at land north of Stocks Moor Road, Stocksmoor.

Ward affected: Kirkburton

Contact: Alice Downham, Planning Services

12: Planning Application - Application No: 2022/91176 31 - 52

Erection of workshop/storage building at The Old Stone Yard, Near Bank, Shelley, Huddersfield.

Ward affected: Kirkburton

Contact: Katie Wilson, Planning Services

Planning Update

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 4th August 2022

Present: Councillor Ammar Anwar
Councillor Nosheen Dad
Councillor Adam Gregg
Councillor Steve Hall
Councillor John Lawson
Councillor Aleks Lukic
Councillor Andrew Pinnock
Councillor Joshua Sheard
Councillor Melanie Stephen

Apologies: Councillor Fazila Loonat
Councillor Mussarat Pervaiz

1 Appointment of Chair
Councillor S Hall was appointed as Chair, in the absence of Councillor Lowe.

2 Membership of the Sub-Committee
Councillor E Firth substituted for Councillor Ramsay.

Councillor Sokhal substituted for Councillor Lowe.

Apologies for absence were received on behalf of Councillors Loonat and Pervaiz.

3 Minutes of Previous Meeting
RESOLVED – That the Minutes of the Meeting held on 23 June 2022 be approved as a correct record.

4 Declaration of Interests and Lobbying
Councillors Dad, Stephen and Sokhal advised that they had been lobbied on Application 2021/92216.

Councillor Lawson advised that he had been lobbied on Application 2022/91228.

5 Admission of the Public
It was noted that all Agenda Items would be considered in public session.

6 Deputations/Petitions
No deputations or petitions were received.

7 Public Question Time
No questions were asked.

8 Site Visit - Application No: 2021/92216
Site visit undertaken.

9 Site Visit - Application No: 2022/90793
Site visit undertaken.

10 Site Visit - Application No: 2022/90257
Site visit undertaken.

11 Planning Application - Application No: 2021/92216
The Sub-Committee gave consideration to Application 2021/92216 – Erection of detached dwelling at land adjacent to 125 High Street, Thornhill Edge, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Simon Russell (on behalf of the applicant) and Ryan Russell (applicant).

RESOLVED – That the application be refused on the grounds that; (i) The proposed plot is small and constrained in size when compared to other plots within the vicinity and the erection of a detached dwelling would introduce development that would appear cramped within the plot, out of keeping with the layout and character of the area, which is predominantly made up of detached dwellings sited within a large curtilage. As such, to permit the development would be harmful to the visual amenity of the street scene as well as the character of the surrounding area, contrary to Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and guidance contained within the National Planning Policy Framework (ii) The proposed dwelling, due to its elevated position in relation to the neighbouring properties and subsequent need for retaining structures and screening, would result in a detrimental overbearing impact to the amenity space of the neighbouring properties, 46 and 48 Daleside, whose amenity space is located within close proximity of the shared boundary with the application site. As such, to permit the development would be harmful to the residential amenity of the neighbouring properties, contrary to Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and guidance contained within the National Planning Policy Framework and (iii) The elevated position of the proposed study window, and its habitable nature, would result in harmful overlooking of the amenity space to the rear of 46 and 48 Daleside, which is located close to the shared boundary at a lower level. As such, to permit the development would be harmful to the residential amenity of the neighbouring properties, contrary to Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide SPD and guidance contained within the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors E Firth, Gregg, S Hall, Lukic, Lawson and A Pinnock (6 votes)
Against: Councillors Anwar, Dad, Sheard, Sokhal and Stephen (5 votes)

12 Planning Application - Application No: 2022/90793

The Sub-Committee gave consideration to Application 2022/90793 – Erection of single storey detached garden room to create dwelling forming annex accommodation associated with 24 Wilson Avenue, Mirfield at 24 Wilson Avenue, Mirfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from James Hallas (local resident).

RESOLVED - That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Standard three year timeframe for commencement and development
- In accordance with approved plans
- Ancillary use
- Reporting unexpected land contamination

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Dad, E Firth, Gregg, S Hall, Lawson, Lukic, A Pinnock, Sheard, Sokhal and Stephen (10 votes)
Against: (no votes)

13 Planning Application - Application No: 2022/90257

The Sub-Committee gave consideration to Application 2022/90257 – Erection of single storey front and two storey side and rear extension at 48 Northstead, Ravensthorpe, Dewsbury.

RESOLVED – That application be refused on the grounds that (i) the proposed side and rear extension, by reason of the mass and bulk along the shared boundary with the adjacent dwelling together with the spatial relationship between the properties would result in an overbearing impact and overshadowing in the later afternoon and evening on the amenity space and windows of the adjacent 46 Northstead and (ii) to permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extensions & Alterations Supplementary Planning Document and advice within Chapter 12 of the National Planning Policy Framework.

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

To defer
For: Councillors Anwar, Dad, Gregg and Sokhal (4 votes)
Against: Councillors S Hall, Lawson, Lukic, A Pinnock, Sheard and Stephen (6 votes)
Abstained: Councillor E Firth

To refuse
For: Councillors S Hall, Lawson, Lukic, A Pinnock, Sheard and Stephen (6 votes)

Against: Councillors Anwar, Dad, Gregg and Sokhal (4 votes)
Abstained: Councillor E Firth

14 Planning Application - Application No: 2022/91228

The Sub-Committee gave consideration to Application 2022/91228 – Erection of first floor extensions and alterations to form first floor accommodation at 1 Penn Drive, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 36(3), the Sub-Committee received a representation from Cllr Kath Pinnock (local member).

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Mark Hellewell (applicant's agent).

RESOLVED - That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Standard three year timeframe for commencement of development
- In accordance with approved plans
- Matching materials

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Anwar, Dad, E Firth, Gregg, S Hall, Lawson, Sheard, Sokhal and Stephen (9 votes)
Against: Councillors Lawson and A Pinnock (2 votes)

15 Application for order to extinguish part of public footpath Denby Dale 82 at Top O' Th' Close, Longroyd Lane, Upper Cumberworth

The Sub-Committee gave consideration to an application for an order to extinguish part of public footpath Denby Dale 82 at Top o' th' Close, Longroyd Lane, Upper Cumberworth, under Section 118 of the Highways Act 1980, on the grounds that it was not needed for public use.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Chris Johnson and Amanda Johnson (applicants).

RESOLVED – That approval be given to Option 4 (as set out at paragraph 2.8 of the report) and that authority be delegated to the Service Director (Legal, Governance and Commissioning) to make and seek confirmation of an order under Section 118 of the Highways Act 1980, without actively supporting the confirmation of the opposed Order.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;
For: Councillors Anwar, Dad, E Firth, Gregg, S Hall, Lawson, Lukic, A Pinnock, Sheard, Sokhal and Stephen (11 votes)
Against: (no votes)

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 declared that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

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 20th July 2021, 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 55 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.

Kirklees COUNCIL

Originator: Jennifer Booth

Tel: 01484 221000

Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Sep-2022

Subject: Planning Application 2022/90825 Erection of single storey extension with integral garage and raise roof heights 1, Brunswick Drive, Westborough, Dewsbury, WF13 4NG

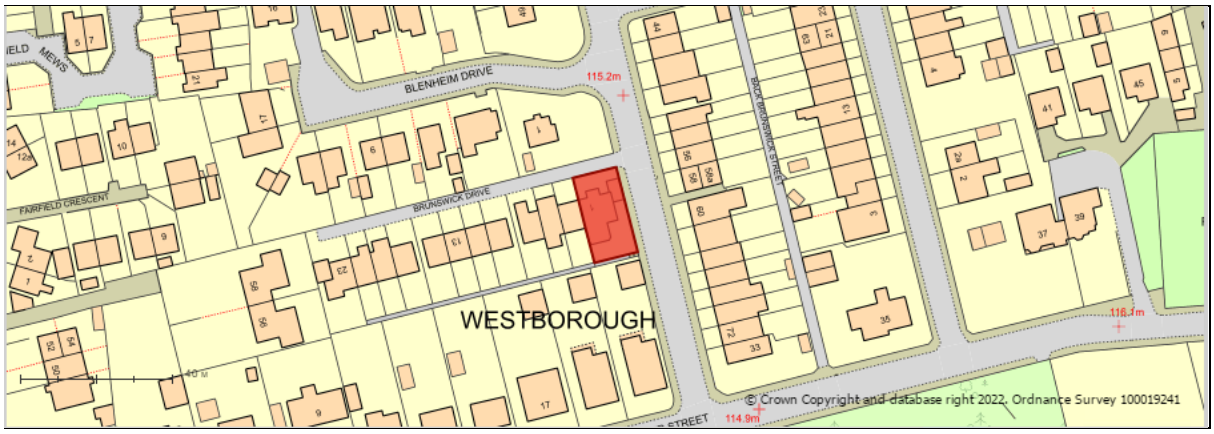
APPLICANT
A Saleem

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
22-Mar-2022	17-May-2022	

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

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: NO

Public or private: Public

RECOMMENDATION:

Refuse

1. The proposed extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

2. The proposed garage, by reason of its design, location and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

3. The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful to the character of the host property and the wider street scene, contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

4. The proposed extension, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadowing to the front bay window of the adjoining property, 3 Brunswick Drive. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

5. The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. This would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to committee at the request of Ward Councillor Darren O'Donovan for the reasons outlined below.

"I'd like to call this application to the committee please as I do not feel this will have an over bearing impact on the visual amenity."

1.2 The Chair of the Sub-Committee has confirmed that Cllr O'Donovan's reason for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 1 Brunswick Drive is a stone built, end terraced property. The dwelling has been previously extended with a two storey extension to the side under application ref:83/6256 and a conservatory to the rear as a larger home notification under application ref: 2015/92719. It also appears that a single storey side extension has been added to the property between 2009 and 2012 with a porch to the front. The dwelling has a raised parking area to the front, a yard area on the ground floor level of the house and an enclosed garden to the rear.

2.2 The dwelling is located on a residential street with similar dwellings in terms of age along the row. There are other residential properties surrounding with some diversity in terms of the style and age.

2.3 There is some ambiguity over which elevation is the principle within this row of properties. Given the applicant has constructed an extension on the southern elevation under the larger home notification scheme of Class A of the General Permitted Development Order (GDPO), the southern elevation is established as the rear and as such the garage and extension proposed for this application would be considered to be the front.

3.0 PROPOSAL:

3.1 The application is seeking permission for a single storey front extension, a garage and raising of the roof over the single storey side extension.

3.2 The front extension is proposed to replace the porch and existing extension with a 3m projection across the full width of the dwelling. The roof form would be lean to for the most part with a pitched detail over the visible window and a flat roof canopy over the door.

3.3 Attached to part of the front extension, in an elevated position would be a flat roofed garage with a further projection of 3m and a width of 6.3m and set 1.6m above the ground level of the dwelling with height of 2.4m along the road level and 3.5m to the blank rear wall.

3.4 The extensions would both be constructed using stone with tiles for the roof covering over the house level extension.

3.5 The roof over the side extension would be increased by 0.7m.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2021/94012 – erection of single storey extension, integral garage and raising of roof – Refused

1. The proposed extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

2. The proposed garage, by reason of its design, location and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

3. The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful to the character of the host property and the wider street scene, contrary to Policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

4. The proposed extension, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadowing to the front bay window of the adjoining property, 3 Brunswick Drive. To permit the extension would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

5. The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. This would be contrary to Policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within Chapter 12 of the National Planning Policy Framework.

4.2 2015/92719 - larger home notification - Approved and built

4.3 83/6256 - erection of a two storey side extension - Approved and built

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

5.1 The submitted plans raised significant concerns in terms of visual amenity given the position of the extensions on the principal elevation, in a prominent position and with regards to the impact on the adjoining dwelling, 3 Brunswick Drive. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. However, the agent is aware of the issues with the proposal as an identical scheme has already been refused under 2021/94012.

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).

The site is unallocated in the Proposals Map of the Kirklees Local Plan.

Kirklees Local Plan (2019):

6.2 **LP 1** – Achieving sustainable development
LP 2 – Place shaping
LP 22 – Parking
LP 24 - Design
LP 30 – Biodiversity

Supplementary Planning Guidance / Documents:

6.3 Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Planning Guidance:

6.4 Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by neighbour letter giving until 27/04/2022 for interested parties to comment. No response has been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory: None

8.2 Non-statutory: None

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on Visual Amenity

10.2 The property is located on Brunswick Drive which has similarly aged stone properties and in the wider area are other residential properties with some diversity in terms of age and style.

10.3 Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

10.4 The proposal under consideration consists of two distinct elements which shall be addressed below.

10.5 *Single storey front extension:* Front extensions are highly prominent within the street scene. Careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character. The materials proposed would match the main house with the stone for the walling and tiles for the roof covering. However, the size proposed would not be subservient and would result in a prominent addition to the dwelling obscuring the front of the property. This would result in an incongruous feature within the street scene which would fail to comply with Policy LP24 of the KLP, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.

10.6 *Garage extension:* The garage would also be located to the front of the dwelling at a significantly higher level than the host dwelling. This would not form a subservient addition to the property and given the very prominent position, this would be highly visible within the streetscene. Furthermore, the use of a flat roof form does not represent good design. The garage fails to comply with Policy LP24 of the KLP, KDP1 & KDP2 of the House Extension SPD and advice within chapter 12 of the NPPF.

10.7 *Roof alteration:* The plans show the roof over the side extension being increased by 0.7m in height. This element of the scheme would have a negligible impact on the overall appearance of the dwelling.

10.8 Having taken the above into account, the proposed extensions to the front of the dwelling, by reason of their size and design together with the cumulative impact with the existing extensions to the property would cause harm in terms of visual amenity of both the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

10.9 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

10.10 There are no properties opposite the dwelling which could be affected by the works proposed.

10.11 *Impact on 3 Brunswick Drive:* The single storey front extension would be built along the shared boundary with the adjoining dwelling and would result in an overbearing impact on the neighbour's bay window. As the extension would be located to the east of the neighbour, there would also be significant overshadowing in the morning. Although it is noted that there would be no overlooking given the lack of openings in the side elevation. However, the overshadowing and overbearing impact would be significant.

10.12 The garage would be set back from the boundary, however given the significant height and land level difference, there would be an overbearing and oppressive impact on the amenities of the occupiers of the adjacent 3 Brunswick Drive. With regards to the impact on the adjoining 3 Brunswick Drive, the scheme is considered to be unacceptable in terms of KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of the extension and garage not minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

10.13 *Impact on 56 & 58 Brunswick Street:* The dwellings on the opposite side of Brunswick Street are separated by the road itself. The front extension would be set down from their level and the garage would be a single storey structure. Given this relationship, there would be no significant impact on the amenities of the occupiers of the neighbouring 56 & 58 Brunswick Street. With regards to the impact on the neighbouring 56 & 58 Brunswick Street, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

10.14 Having considered the above factors, the proposals would result in overshadowing and an overbearing impact on the amenities of the occupiers of the adjoining 3 Brunswick Drive thereby failing to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 5 & 6 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on Highway Safety

10.15 The proposals will not result in a significant intensification of the domestic use and does include the provision of a garage to replace the existing single parking space which is, on balance, considered to represent a sufficient provision. There is also space within the curtilage for bin storage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Other Matters

10.16 *Carbon Budget:* The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

10.15 There are no other matters for consideration.

Representations

10.16 None received

11.0 CONCLUSION

11.1 This application to erect a single storey extension, an attached garage to the front and an increase in the height of the existing single storey side extension at 1 Brunswick Drive has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extension SPD, the National Planning Policy Framework and other material considerations.

11.2 The proposed front extension, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. To permit the front extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

11.3 The proposed raised garage, by reason of its design and projection, would not form a subservient addition to the property and would result in the formation of an incongruous feature harmful to the character of the host property and the wider area. Furthermore, the use of a flat roof form is not considered to represent good design and further exacerbates the incongruous appearance. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

11.4 The cumulative impact of the proposed extensions together with the existing extensions to the dwelling would result in an incongruous appearance which would be harmful in terms of the character of the host property and the wider street scene. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP1 and KDP2 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

11.5 The proposed extension to the front, by reason of its projection along the shared boundary with the adjoining property, would result in an overbearing impact and overshadow the front bay window of the adjoining 3 Brunswick Drive. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

11.6 The proposed raised garage to the front, by reason of its projection and height together with the position relative to the adjoining dwelling, would result in an overbearing impact on the front bay window of the adjoining 3 Brunswick Drive. To permit the rear extension would be contrary to policy LP24 of the Kirklees Local Plan, KDP5 and KDP6 of the House Extension SPD and advice within chapter 12 of the National Planning Policy Framework.

11.7 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. 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 and other material consideration.

Background Papers:

Current application

Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90825

Previous refusal

Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94012

Prior notification
Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92719

Certificate of Ownership – Notice served on adjoining 3 Brunswick Drive and Certificate B signed.

Originator: Alice Downham

Tel: 01484 221000

Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Sep-2022

Subject: Planning Application 2022/90175 Erection of 4 stables/tackroom and equestrian use of land land north of, Stocks Moor Road, Stocksmoor, Huddersfield, HD4 6XL

APPLICANT
R Winn

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
20-Jan-2022	17-Mar-2022	14-Apr-2022

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

Public speaking at committee link

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: APPROVE

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

1.0 INTRODUCTION:

1.1 This application is brought to Heavy Woollen Sub Committee due to a significant volume of local opinion (34 representations) and at the request of Councillor Bill Armer. Cllr Armer's reasons are as follows:

1.2 *"1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.*
2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.
3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.
4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.
5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.
6(a) the provision of hardstanding for a dungheap is an unnecessarily over-engineered approach which introduces a permanent feature into the Green Belt, and that this use does not require a hard base;
6(b) that the proposed location for the dungheap is very close to the road and associated pavement
and is in such a position as to cause a nuisance (by smell) to passers-by

7). The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal… is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.

8). There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.

9). Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt."

1.3 The Chair of the Sub-Committee has confirmed that Cllr Armer's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to a parcel of land to the north of Stocks Moor Road, Stocksmoor, Huddersfield. The site is bounded on two sides by dry stone walls, with an existing vehicle access. The land falls gently to the north. The site is located within the Green Belt and appears to currently be in agricultural use.

3.0 PROPOSAL:

3.1 The application seeks permission for the erection of 4 stables/tackroom and equestrian use of land. The stables and tack room would each measure 3.65m x 3.65m and would be arranged in an 'L' shape. The stables would have partial blockwork walls, with timber exterior cladding. The overall height would be 3.8m.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2021/92506 - Erection of 6 stables, tackroom and equestrian use of land. Refused.

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

5.1 Following comments from third parties and the ward councillor, officers asked the agent to provide details of waste storage and disposal, which was submitted. This was re-advertised. Officers asked the agent to clarify the situation regarding land ownership. The agent confirmed that they were satisfied that the correct red and blue outlines and ownership forms have been submitted with the application. An amended plan was also submitted following KC Highways comments.

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 **LP 1** – Achieving sustainable development
LP 2 – Place shaping
LP 21 – Highways and access
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity & geodiversity
LP 51 – Protection and improvement of air quality
LP 52 – Protection and improvement of environmental quality
LP 56 – Facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt

Supplementary Planning Guidance / Documents:

6.3 Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

6.4 In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Planning Guidance:

6.5 **Chapter 2** – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

7.2 The application was advertised by neighbour letters giving until 9th March 2022 to comment on the initial plans. As a result of the above publicity, 27 representations have been received from 21 addresses. These have been published online. The material considerations raised are summarised as follows:

- Harm to character of the area.
- Design and siting of stable block.
- Noise.
- Odour.
- Highway safety/parking.
- Ecology
- Impact on Green Belt
- Waste storage and disposal.

7.3 The amended plans were also advertised by neighbour letters giving until 5th April 2022 to comment. 7 further representations were received (6 from the same addresses as the initial publicity and 1 from an additional address); however, no new material considerations were raised.

7.4 Cllr Bill Armer has also submitted an objection to the application, which is as follows:

"1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.
2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.
3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.
4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.
5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.
6). The application does not indicate how waste generated by the horses will be stored and/or disposed of. There is a clear potential for nuisance to be caused to neighbours and passers by.
7). The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal… is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning

or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.
8). There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.
9). Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt."

7.4 Kirkburton Parish Council were consulted; however, no response was received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

KC Highways Development Management – no objections subject to conditions.

KC Environmental Health – no objections.

8.2 **Non-statutory:**

None

9.0 MAIN ISSUES

- Principle of development (including impact on Green Belt and visual amenity)
- Impact on residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development (including impact on Green Belt and visual amenity)

Sustainable development

10.1 Policy LP1 of the Kirklees Local Plan (KLP) and paragraph 11 of the National Planning Policy Framework (NPPF) outline a presumption in favour of sustainable development. 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.

10.2 Paragraph 8 of the NPPF identifies the objectives 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.

Impact on the Green Belt

10.3 The site is within the designated Green Belt on the KLP. Therefore, the impact of the development on the Green Belt needs to be assessed.

10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in "very special circumstances". Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'.

10.5 The proposal is for the erection of stables and tackroom and change of use of the land to private equestrian use. As such, Policy LP56 of the KLP is relevant, which state that proposals for appropriate facilities associated with outdoor recreation will normally be acceptable in the Green Belt as long as they preserve openness and do not conflict with the purposes of including land within the Green Belt. This is consistent with the NPPF.

10.6 Policy LP56 continues: *"Proposals should ensure that;*

a. *the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated;*
b. *the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;"*

10.7 The text supporting Policy LP56 notes that: *"As a consequence of changes to agricultural practices and a decline in agriculture generally, the fragmentation of former agricultural holdings often results in individual land parcels being used for the keeping and grazing of horses, where a need for new stabling, including associated buildings for the storage of feed and tack, can arise. Usually the proposal will be for ready-made stables and these are generally acceptable where they are of timber construction and can be appropriately and unobtrusively sited. The use of more permanent materials should be resisted as this can result in a proliferation of permanent structures to the detriment of the open character of the landscape should the use as a stable cease. Stables should where possible be sited where access already exists, as the impact of any new access will be taken into account in assessing impact"*

Whether the proposal is inappropriate development in the Green Belt

10.8 Each stable (and the tackroom) would measure 3.65m x 3.65m (12ft x 12ft) internally, which is in line with British horse society recommendations for minimum stable sizes for horses (https://www.bhs.org.uk/horse-care-and-welfare/health-care-management/stable-safety/). The total footprint of the stable block would be approximately 82sqm. The agent has confirmed that the

stables are to be used solely for private use, and not for commercial purposes. This could be controlled by condition, should members be minded to approve. It is considered by officers that the scale of the stables is acceptable and "no more than is reasonably required", as per Policy LP56 of the KLP.

10.9 As noted in the submitted Planning Support Statement, the site (within the blue line boundary) measures approximately 23 acres. The British Horse Society recommends a ratio of 1-1.5 acres per horse for permanent grazing. The available land would be more than sufficient for permanent grazing for up to four horses.

10.10 The proposed stable block would be of an acceptable appearance, having an L-shaped layout. It would be set slightly back from Stocks Moor Road and would be separated by the existing boundary wall and proposed native screen planting. It is considered to be unobtrusively positioned as the western elevation would be adjacent to the existing dry-stone wall. Furthermore, there is a slight elevation change. It would be constructed of breeze block to a height of 1.4m and clad in timber with a felt roof and canopy. The materials are considered acceptable for a stable in the Green Belt. The breeze block at the lower level is considered an acceptable material for stables as it is strong, helps stables remain cool and mitigates some of the sound should the horse(s) kick out.

10.11 The proposed stable would use the existing access from Stocks Moor Road. The submitted plans indicate the inclusion of a yard area to the western side of the proposed stable block, which would be surfaced in limestone chippings. This is considered acceptable due to its less permanent construction and appearance.

10.12 In this case, the principle of development is considered acceptable and the proposal would constitute appropriate development in the Green Belt, in accordance with the aims of Policies LP24 and LP56 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

Residential Amenity

10.13 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

10.14 In this case, the nearest residential properties to the application site are approximately 145m to the east (Whitestones Barn, Stocks Moor Road) and approximately 185m to the west (2 Ing Head Lane). Given the distance to these neighbouring properties, officers consider that there would be no detrimental impact on residential amenity.

10.15 As mentioned previously, the agent has confirmed that the stables are to be used solely for the private use of the applicant, and not for commercial purposes. This is recommended to be controlled by condition, should members be minded to approve.

10.16 With respect to waste management, an area of hardstanding has been included to ensure safe transfer of horse waste which will be transferred from the stables by wheelbarrow. In terms of waste disposal, an informal arrangement has been made with local farmers. KC Environmental Health were consulted and consider there are no significant environmental health impacts related to this development, including noise and odour, and have no objections. However, it is recommended that details of a waste management strategy are conditioned in the event that planning permission is approved.

10.17 After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policies LP24 and LP52 of the Kirklees Local Plan, and Paragraph 130 (f) of the National Planning Policy Framework.

Highway issues

10.18 KC Highways Development Management were consulted and requested that nothing should be erected or planted within 2.0m from the carriageway edge of Stocksmoor Road in excess of 1.0m high to ensure suitable visibility is maintained. This could be secured via condition should members be minded to approve. Furthermore, following Highways comments an amended plan was received showing tarmac surfacing for the first 5.0m from the back of footway into the site in order to stop any limestone chippings dragging on the footway/highway from within the site. Following further discussion, notwithstanding the submitted details, the area annotated as “tarmac” on the submitted plan (ref: 102-67-04B) should be surfaced in grasscrete. It is considered this would be less impactful on the Green Belt. This is recommended to be secured via condition should members be minded to approve.

10.19 Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the KLP, the guidance within the Council’s Highways Design Guide SPD, and Chapter 9 of the NPPF.

Representations

10.20 Following the initial round of publicity, 27 representations were received from 21 addresses. The material considerations raised are summarised as follows:

- Harm to character of the area.
- Design and siting of stable block.
- Noise.
- Odour.
- Highway safety/parking.
- Ecology.
- Impact on Green Belt.
- Waste storage and disposal.

10.21 Officer comment: The above material considerations have been addressed within the report.

10.22 Following the amended plans publicity period, 7 further representations were received (6 from the same addresses as the initial publicity and 1 from an additional address); however, no new material considerations were raised.

10.23 Cllr Bill Armer has also submitted an objection to the application. The objection is set out below and responded to by officers:

1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.
Officer comment: The proposed internal floor space would be approximately 66.6sqm, as per submitted plan ref: 102-67-04B.

2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.
Officer comment: Submitted plan ref: 102-67-04B shows each stable and the tack room as measuring 3.65m x 3.65m, as per British Horse Society Standards.

3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.
Officer comment: The proposed stables would be constructed of breeze block to a height of 1.4m and clad in timber with a felt roof and canopy. The materials are considered acceptable for a stable in the Green Belt. The breeze block is considered an acceptable material for stables as it is strong and helps stables remain cool.

4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.
5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.
Officer comment: With reference to points 4 & 5, KC Highways Development Management were consulted and raised no objection to the proposal (subject to conditions).

6). The application does not indicate how waste generated by the horses will be stored and/or disposed of. There is a clear potential for nuisance to be caused to neighbours and passers by.
Officer comment: Some details regarding waste storage and disposal have been submitted. KC Environmental Health consider there are no significant environmental health impacts related to this development and have no objections. However, in the event that planning permission is approved, a condition is recommended for submission of a waste management strategy.

7). The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal… is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.

Officer comment: The condition restricting the stables to personal use (not for commercial purposes) would run with the land and would not be a "personal" permission. Government Guidance in the NPPG states that "it is rarely appropriate" to use conditions to limit the benefits of the planning permission to a particular person or group of people. The condition would ensure that the site is used for private use only.

8). There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.

Officer comment: Clarity has been sought from the agent regarding this matter. They confirmed that the correct red and blue outlines and ownership forms have submitted with the application. As mentioned previously, the condition restricting the stables to personal use (not for commercial purposes) would run with the land and would not be a "personal" permission.

9). Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt."

Officer comment: These concerns have been addressed within the report.

Other Matters

10.24 Ecology – The site is partly located within a bat alert layer. The site is approximately 200m from woodland and the nearest watercourse. There are no trees within the site. It is considered that the site is unlikely to have any significant bat roost potential. Should members be minded to approve, an informative footnote would be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This accords with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

10.25 Future residential development – Concerns have been raised relating to the application setting a 'precedent' for future residential development. Any residential development would require a separate planning application and would be considered on its own merits against the relevant policy considerations.

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 proposed stables/tackroom and equestrian use of the land are considered to constitute an acceptable form of development within the Green Belt and would have no adverse impact on residential or visual amenity, or highway safety.

11.3 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 Planning and Development)

1. Commencement of development within 3 years.
2. Development to be in accordance with the approved plans.
3. Stables solely for private use and not for commercial purposes.
4. Nothing over 1.0m high within 2.0m from Stocksmoor Road (visibility).
5. Grasscrete surfacing of area annotated as 'tarmac'.
6. Waste management strategy.

Background Papers:

Current application:

Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90175

Previous application:

Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92506

Certificate of Ownership – Notice served on other owners/agricultural tenants located at Ram Mill, Gordon Street, Oldham and certificate B signed.

Kirklees COUNCIL

Originator: Katie Wilson

Tel: 01484 221000

Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Sep-2022

Subject: Planning Application 2022/91176 Erection of workshop/storage building The Old Stone Yard, Near Bank, Shelley, Huddersfield, HD8 8LS

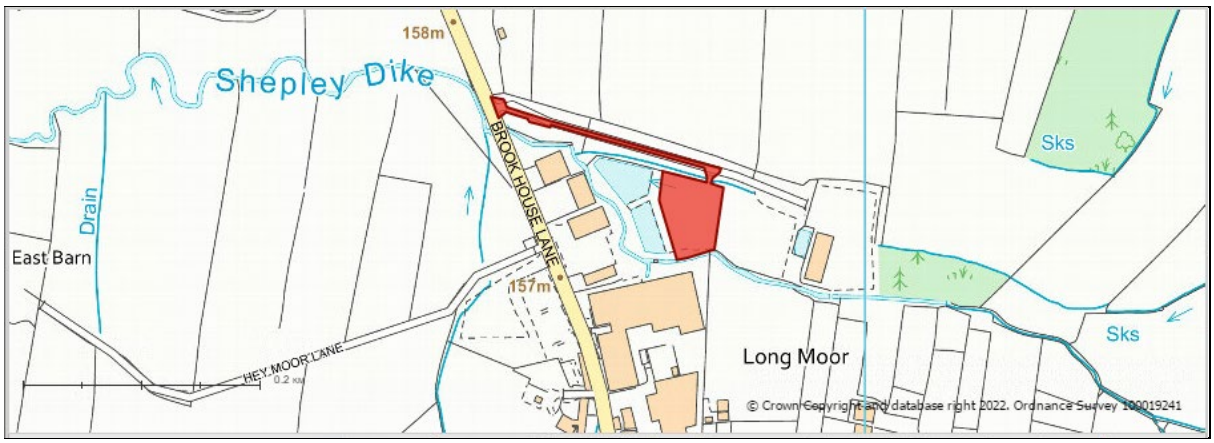
APPLICANT
Luke Hilton, Beneficial

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
04-Apr-2022	30-May-2022	

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

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton Ward

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE

1. The previous and existing use as an external stone yard (now a tree / log storage yard) had/has an open-air character and the proposed workshop / storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. The very special circumstances put forward do not out-weigh the harm to the Green Belt. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.

2. The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3.The constructed purpose built industrial/business unit, together with associated parking, turning area and close boarded fencing, separating it from the remainder of the site, results in a spatial enclosure and fragmentation of the approved log storage yard into separate business units. It changes the permitted use of the land and significantly impacts upon openness of the Green Belt. This would be inappropriate development in the Green Belt.
The very special circumstances put forward would not out-weigh the harm of the proposed building, (which is also part of an unauthorised business park emerging more widely), on the Green Belt and visual amenity of the area. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.

1.0 INTRODUCTION:

1.1 This application is brought to committee at the request of Ward Councillor, John Taylor for the reasons below.

Initial request (16.6.2022): -

'*I would like to exercise the planning committee request option as I feel that the economic and sustainability benefits that the model of supporting start ups in a sustainable way that they are doing on this site is something which we know we need to move to as we adapt to tackle the climate issues we face.*

I think this does outweigh any possible harm to the wider openness of this area. We have talked about some mitigations that they aim to put in place that will lessen the impact of this building and given the associated developments that border it and the fact that it is unseen from the wider locality I feel a balanced judgement which reflects the impact on the openness of the area with the economic benefits and climate advantages it brings could mean that the committee determines this does meet the threshold for exceptional circumstances.

I would also like to ask that the Committee do definitely visit the site to see where it is situated and the surrounding buildings and wider environment in which it is set.

Subsequent request (23.8.2022): -

'*I would like to use our new social value policy as the underpinning of the exceptional circumstances. What we are looking at with this site is an exciting model of sustainability that fits entirely with the Council's ambitions for tackling the climate challenge and living in a more sustainable way.*

This site & its development is being operated in an entirely sustainable way and as an example of a circular economy in practice. It is the other sustainable start ups which they are supporting which enable this to work effectively. By reusing the wood waste to heat the kilns and generating their own electricity needs they are able to supply beneficial logs and the other 3 businesses with all their energy needs.

In addition to this model of sustainability which they are creating, they are also playing a powerful role in supporting small start ups get established and we know that the SME market is the engine of jobs growth & there is no space available to rent for small start ups in the rural areas that will give them a chance and be able to do so at a relatively low cost, given the sustainable energy supplies as well.

I have been to visit the business with our Service Director for Environment & Climate, Katherine Armitage and we are looking at how we could perhaps promote this business as an example of the future and how businesses can adapt to operate in a more sustainable way.

This operation, which has been the vision of and developed by Luke & Martin through their own hard work and funds with no grants or support from anyone is a model we should be seen to support and the broader societal and economic value this delivers by far outweighs any perceived loss of amenity from this site which was already developed and operated as a stone yard.

They did have permission for a building and as you know they were badly advised by their architect to change the log store into a unit, which complements the other units locally. I also feel it is essential that the site is visited as the location, the adjoining developments and the treatment and screening that is already in place I think also have a factor to play in allowing this planning application to proceed.

1.2 The Chair of the Sub-Committee confirmed that the reasons for referring the application to committee were valid having regard to the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is a roughly rectangular, relatively flat piece of land, which is approximately half of wider area (including blue line area to east) granted planning permission for change of use from stone yard to tree/log storage yard (ref: 2018/90242).

2.2 The site is in the Green Belt and has quite recently been cleared, and around the perimeter is a combination of palisade and close boarded timber fencing with a line of tall conifers to the northern boundary; earth bund with some vegetation to the southern boundary; row of newly planted evergreens to the western boundary; internal fencing and gates to eastern boundary with adjacent land in the blue line.

2.3 The northern part of the application site now contains a recently erected new purpose built industrial / workshop unit, with parking and turning at the back and vehicular access to one side. It is currently occupied by a local tenant that produces handmake products such as organic soaps and candles. The walls of the unit are predominantly faced in natural stone to the front with dark coloured metal cladding to the side and rear elevations. The associated parking and turning areas appear to have a surface akin to a loose tarmac. This part of the application site was subject to planning refusal 2021/90237, a retrospective application for the existing building.

2.4 A close boarded fence separates the northern part of the site from the southern part of the site.

2.5 The southern part of the application site is cleared ground with some piles of earth and rubble. Here planning permission was recently sought (reference: 2020/93973) to erect a larger industrial / workshop building (25m x 15m footprint) with associated parking and turning, internally divided into 2no units. The application was refused.

2.6 In the wider area, there is a private access driveway to the north serving the application site and arboricultural depot at the end. The arboricultural depot contains 2no detached buildings and several biomass log drying units. A third recently built larger detached building (internally divided into units 3a & 3b) which may be unauthorised. The first building at the arboricultural depot is now known as Unit 1, currently rented to a company who produce festive decorations to the retail and leisure industries. The second building, now known as unit 2, is in use by Beneficial Tree Care Ltd and Beneficial Estates Ltd. The third building, now known as units 3a & 3b are currently rented to a company that make pizzas and a distillers. The Pizza company have recently submitted a planning application 22/92468 for change of use from general industrial/prep kitchen to restaurant with event space which is pending determination.

2.7 Further to the north are open fields forming part of south facing hillside of Near Bank. To the south is tree lined Shepley Dike, with Barncliffe Mills complex and open fields beyond.

2.8 To the west are two former mill ponds, previously drained and with extant permission for importation of inert waste to infill shallow water collection area (ref: 2019/91542). Beyond this are commercial buildings lining Near Bank, but the surrounding area is predominantly open and rural in character.

2.9 More generally, the site is on open land in a valley bottom, which lies within the Green Belt.

3.0 PROPOSAL:

3.1 Planning permission is sought for erection of a workshop/storage building. The building comprises of the following:

3.2 • Rectangular footprint 17.5m x 14.00m
• Dual pitched roof 4.0m eaves height, ridge approximately 5.0m
• Walls - coursed natural stone to 2.4m high to west (front) elevation reduced to 0.75m high elsewhere with profile metal cladding above. Roof – profiled metal cladding.
• One large delivery / collection doors to front elevation and door. No other openings.
• Providing space for 1no workshop / storage unit with small office area and WC. Associated parking space:
• Access road to southern side of building and parking and turning space at the back.

3.3 It is a retrospective application for the current building at the site. The application form states that it was completed on 15.2.2021. It has been advertised as a new build industrial / workshop, and appears to be also known as Unit 4, Near Bank Park. This address is used by a business that produce natural handmade products such as soaps and scented candles etc. The development has been referred to the Council's enforcement team.

3.4 It follows previous planning refusal for 2021/90237 for the same proposal. The current proposal provides further information in the form of a planning statement, landscape statement and flood risk assessment. This is to try and justify that the erected building has no greater impact on the openness and character of its surroundings than an approved log store (ref: 2018/90242).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 <u>At the application site</u>:

95/90693 – Use of existing hard standing for storage of coursed stone with associated use to adjacent building – Conditional Full Permission

COMP/14/0139 – alleged breach of condition -no evidence of breach

2018/90242 – Change of use from stone yard to tree / log storage yard – Conditional full permission.

2020/93973 – Erection of workshop – pending determination

COMP/22/0331

Adjacent land to the east:

95/91812 – change of use of existing building from storage to stone cutting / sawing operations. Conditional full permission.

2001/93336 – Erection of stone cutting industrial unit and settlement pit – Conditional Full Permission

2004/94515 – erection of stone dressing extension. Conditional full permission.

2011/90466 – Change of use of part of stone yard to arboricultural depot – Conditional Full permission

COMP/12/0123 – alleged unauthorised tarmac standing – permitted development

COMP/14/0139 – alleged breach of condition -no evidence of breach

2015/93091 – Erection of two single storey storage/workshop units – Conditional full permission

2020/90917 – certificate of lawfulness for existing use for tree log / timber storage, 6 biomass boilers log drying units and distribution. - Certificate of lawful use granted.

2022/92468 – Change of use from general industrial / prep kitchen to restaurant and event space – Pending determination.

The development that has taken place on this land has been referred to the Council's enforcement team.

Adjacent land to the west:

2019/91542 – Importation of inert waste and infill of shallow water collection area. Conditional full permission.

2020/91822 – DoC 4 (construction /Vehicle Management Plan) of previous permission 2019/91542. DoC approved.

2020/0294 – alleged breach of condition 2, 3, 4 & 6 of planning approval 19/91542

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

5.1 The agent provided comments on what they consider the three key elements in determining the application (that impact on openness, green belt policy and the NPPF and very special circumstances) in an email of 8th July 2022. They also provided response to officers' invitation to provide evidence as to why the proposed commercial unit should be at this tree / log storage site and not at a commercial / business park in the district. This was in the same email.

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).

6.2 Kirklees Local Plan (2019):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Protection and improvement of environmental quality (including pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution to soil.
- **LP 57** – The extension, alteration or replacement of existing buildings in the Green Belt
- **LP59** – Brownfield sites in the Green Belt

6.3 Supplementary Planning Guidance / Documents:

None relevant

6.4 National Planning Guidance:

- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change.
- **Chapter 15** – Conservation and enhancement of the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by neighbour notification letters, site notice and advertisement in the local paper. The all expired by 10th June 2022.

7.2 No public representations received.

7.3 Ward Councillor John Taylor has provided comments in relation to this application. These are included at paragraph 1.1.

7.4 Kirkburton Parish Council: No comment

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K C Highways Development Management – No objections

K C Environmental Health (pollution & noise) – No objections subject to conditions

K C Lead Local Flood Authority – Building is located in flood zone 3 so should have been subject to a sequential test. Should the area applied to the sequential test be reduced for legitimate reasons and the sequential test is successful the LLFA expect a sequential approach to be applied.

Should the planning officer not apply the above tests in line with NPPF and local planning policy, then finished floor level and flood risk should be analysed by the Environment Agency against their modelling.

If this is not considered, then a safe haven (e.g. upper or mezzanine floor) and dry access and egress for emergencies needs to be examined. The planning officer must decide therefore whether there is compliance.

Given the size of the building, attenuation would serve little benefit and could create a flood risk due to the small orifice that would be required to restrict flow. Kirklees Flood Management & Drainage, as consultees for surface water flood risk, has no objection to a connection to an unregulated discharge to watercourse as stated in the application

8.2 **Non-statutory:**

None

9.0 MAIN ISSUES

- Principle of development and Green Belt issues
- Visual amenity issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development and Green Belt issues

10.1 The application site is in the Green Belt on the Kirklees Local Plan and the proposal is to erect a workshop/storage building. The proposed building has already been constructed and the application form states that it was completed in February 2021.

10.2 The current application follows previous planning refusal for 2021/90237 for the same proposal. The current application was submitted with further information in the form of a planning statement, and a landscape statement. This is to provide evidence and justification that the erected building has no greater impact on the openness and character of its surroundings than the approved log store (ref: 2018/90242).

10.3 The NPPF requires local planning authorities to regard the construction of new buildings as inappropriate development in the Green Belt. It sets out, at paragraph 147, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, at paragraph 148, it states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.4 Paragraph 149 of the NPPF lists exemptions to when buildings are regarded as inappropriate, this includes the following:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

and

g) 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; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Background:

- 2018/90242–Change of use of from stone yard to tree/log storage yard. Approved

10.5 This planning approval established the current legal use of the application site as a tree / log storage yard.

10.6 It included permission for the following:

- Concrete base - (14.0m x 17.5m).
- Log store - (5.0m x 17.5m footprint) centrally placed on 1/3rd concrete base. Mono-pitched roof (max. height of 4.0m), timber boarding sides and open to front and back.
- Green powder coated palisade fencing - (1.8m high) around the site boundary.

10.7 In the officer report for 2018/90242, the land was regarded as brownfield land due to its previous use as a stone yard. The laying of a concrete base was considered an engineering operation and so allowed (not inappropriate development) under paragraph 146 of the NPPF. The log store and fencing were thought to be minor forms of development with minimal impacts and not considered to be demonstrably harmful to the Green Belt. The storage of logs was by its nature thought by officers to be a temporary and fluctuating activity which would not have a detrimental impact on the openness of the Green Belt. It was also considered to support an existing rural business (i.e. associated existing arboricultural depot business), so in accordance with chapter 6 of the NPPF (supporting a prosperous rural economy).

- 2021/90237 – Erection of workshop / storage building. Refused.

10.8 2021/90237 was for the same development as the current application but without a Planning or Landscape Statement.

10.9 It regarded the 2018/90242 as extant as it was a retrospective application and the unauthorised constructed building had a footprint of the same dimensions as the approved concrete base, and appeared to be in the same position. Therefore, it could be considered that the approved concrete base had been implemented.

10.10 2018/90242 was granted with a standard commencement condition of 3 years from the date on which permission was granted, which was 17th April 2018. The 2021/90237 application form stated that the building was completed on 1st June 2020 and therefore the approved log store could be built on the approved concrete base.

10.11 However, the structure that had been erected on the concrete base was at least three times larger and resembled a purpose built industrial / commercial unit.

10.12 In fact, it had been advertised as a new build industrial / workshop, and appears to be also known as Unit 4, Near Bank Park. This address is used by a business that produce natural handmade products such as soaps and scented candles etc.

10.13 In officer's opinion the constructed building was not in the same use as the approved log store associated with the arboricultural depot.

10.14 Furthermore, the constructed building was considered significantly larger in terms of footprint and overall height, than the approved log store. Its scale and massing had considerably more impact upon the openness and character of the Green Belt than the log store it replaces. In officers' opinion the new building was materially larger than the log store

10.15 As such, in officer's opinion the replacement building was not in the same use and was materially larger than the one it replaces. It was considered that it did not meet the requirements of point d) of paragraph 149 of the NPPF, and so was not exempt from being inappropriate development in the Green Belt

10.16 In terms of point g) of paragraph 149 of the NPPF, as detailed above the land is consider a brownfield site in the Green Belt.

10.17 An aerial map dated 1965 held on the Kirklees mapping system, indicates that the application site and land to the east was open land, with water collection areas associated with Barncliffe Mills to the west.

10.18 Aerial photographs held on the Kirklees mapping system taken 2000, 2002, 2006, 2009, 2012, and 2018 show that the application site (and adjacent land in blue line) have been used for external storage of materials, in the open, sometimes with several skips / metal storage containers present.

10.19 In officers' opinion, the previous and existing use as a stone yard (now tree / log storage yard) had/has an open-air character. It was acknowledged that planning approval 2018/90242 would have allowed a concrete base of the same dimensions as the building now built and a relatively modest log store on the concrete base. However, the building which has now been built on that concrete base is considerably larger (at least three times larger) and completely different in character. The log store is open to the front and back with timber boarding side walls, whereas the constructed building resembles a purpose built industrial / commercial unit. It has four walls of predominantly dark coloured metal cladding with some coursed natural stonework and roller shutter door.

10.20 As such, in officer's opinion the proposed workshop / store building with associated parking and turning had a significantly greater impact on the openness of the Green Belt than the stone yard or tree / log storage yard with relatively modest log store building granted with planning permission 2018/90242. It is therefore considered that it does not meet the requirements of point g) of paragraph 149 of the NPPF, and so was not exempt from being inappropriate development in the Green Belt.

10.21 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances were supplied for 2021/90237.

10.22 It was refused for the following reasons:

1. The previous and existing use as an external stone yard (now a tree / log storage yard) had/has an open-air character and the proposed workshop / storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. No very special circumstances have been put forward. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.

2. The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect and enhance the predominantly open character of the landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

The current proposal

10.23 The current proposal is for the same retrospective development as refused in 2021/90237, but the current application has been submitted with a Planning Statement and Landscaping Statement.

10.24 The planning statement (supported by the landscape statement) asserts that the constructed building meets exemption criteria (g) of paragraph 149 of the NPPF ie. it would not have a greater impact on the openness of the Green Belt than the existing development. Therefore, it would be appropriate development in the Green Belt.

10.25 In officers' view, whilst the landscaping assessment provides additional information regarding landscaping and the visual impact of the building, openness has both a visual and spatial element. Although the site is not highly visible within the landscape, there being some screening at the site and further planting shown on the landscaping plan, screening or visibility form publicly accessible locations is only one part of an assessment of openness.

10.26 The most recent planning approval at the site (and adjacent land in blue) ref: 2018/90242, granted planning permission for the change of use from stone yard to tree/log storage yard in connection with existing arboricultural depot. The approval also allowed a small open sided covered log store on a larger concrete base and green palisade fencing around the perimeter of the whole site. The committee report for 2018/90242 commented that 'the storage of logs is by its nature a temporary and fluctuating activity which would not have a detrimental on the openness of the Green Belt'.

10.27 The permitted log store was designed only to provide shelter for the storage of logs at the tree/log storage yard (granted permission 2018/90242) in association with an arboricultural depot to the east of the site. The dimensions of the approved covered log store were 5.0m x 17.5m with maximum height of 4.0m. It had a simple frame, mono-pitched roof, with two open sides and two shorter sides in timber boarding. Its design was appropriate to its use and being open on two main sides it would appear less substantial or permanent and otherwise in keeping with the open-air character of the tree/log storage yard.

10.28 By contrast, the constructed building is a purpose built industrial/business unit on 14.0m x 17.5m footprint with dual pitched roof 4.0m eaves level and ridge height approximately 5.2m. All sides are enclosed by a combination of natural stone walls and profile metal cladding apart from delivery door and one other door. It has a solid and permanent construction and appears as a new build industrial/business unit, in use totally unrelated to providing shelter for the storage of logs at the tree/log storage yard, which is the permitted use of the site.

10.29 The constructed building is at least three times the volume of the approved log store. We therefore disagree with your view that this represents a marginal increase in the approved log store. We consider that the constructed industrial unit is considerably larger than the approved log store and has a materially greater impact on openness.

10.30 Moreover, the constructed industrial unit together with its associated and parking, turning area and close boarded fencing, separating it from the remainder of the site, results in spatial enclosure and fragmentation of the approved log storage yard into separate business units. It changes the permitted use of the land and significantly impacts upon openness.

10.31 Given its completely different scale, design and use detailed above, in officers' opinion it has a significantly greater impact on openness than the permitted development.

10.32 As detailed above, in officers' opinion the constructed industrial/business unit would have a greater impact on openness of the Green Belt than the permitted log store. As such it is considered that it is not an exception to being inappropriate development in the Green Belt and is therefore inappropriate development in the green belt (paragraph 149 of the NPPF). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147 of the NPPF).

Very special circumstances:

10.33 Notwithstanding that the Planning Statement asserts that the proposal is an exception to being inappropriate development in the Green Belt and therefore very special circumstances are not required, it puts forward several material considerations which it believes could be considered 'very special circumstance'. These are wider economic benefits, visual enhancements, and precedence for existing buildings in the Green Belt. These are discussed below:

Economic benefits

10.34 The statement puts forward that the constructed industrial unit could potentially result in employment for 3-6 people, whereas the approved log store would not generate any direct employment.

10.35 This is noted, but the NPPF requires LPAs to ensure that substantial weight is given to any harm to the Green Belt, and in this instance the approved log store is associated with an arboricultural depot which is believed to employ 2 people. The Local Plan clarifies that employment land requirement is expected to be met through land allocations and the development of vacant land in Priority Employment Areas. The increased employment potential is relatively small and in officers' opinion this would not amount to very special circumstances that out-weigh the significant harm to the openness of the green belt detailed above.

Visual enhancements

10.36 The statement describes that the site has been cleared of stone, containers and general waste, and there has been significant planting.

10.37 Site clearance in order to implement the 2018/90242 approval for change of use to tree/log storage yard is appreciated as is some new planting around part of the perimeter. In officers' opinion this would not amount to very special circumstances that out-weigh the significant harm to the openness of the green belt detailed above.

Precedence for existing buildings

10.38 The statement and summarising email of 8th July 2022 state that 'Three *existing units within the applicant's site to the east were approved planning permission by Kirklees Council previously. These existing units – which are larger than the building subject to this current application - were considered to be acceptable by the Council and are considered to be in a more open and more visible location within the Green Belt. Along with the various buildings that exist at the adjacent industrial/commercial area, this represents a very strong precedent for similar development in this location and it would be inconsistent for the Council to take the view that the building subject to this application has a significantly material impact on openness*.'

10.39 In response, the three buildings referred to, are on separate land to the east of the current application site (including its blue line boundary). The planning history shows the following:

- 1995 - the land was part of a plant nursery (believed to be for the storage of garden equipment, planting boxes, plant pots etc), and planning permission granted for it to be used for the storage of coursed stone with associated use of adjacent building (currently unit 1). Separate planning permission was also granted to change the use of the associated building (currently unit 1) from storage to stone cutting.
- 2001 - planning permission granted for another stone cutting building (in location of current Unit 3). It was considered inappropriate development in the Green Belt, but very special circumstances were demonstrated.
- 2011 - planning permission granted to change part of stone yard to arboricultural depot. It was considered appropriate use in the Green Belt.
- 2015 - planning permission granted for 2no single storey buildings for the arbricultural depot business. One (currently unit 2) and the other where currently Unit 3 stands.
  At the time of the site visit the site contained an agricultural type shed (currently unit 1), 3 biomass log dryers, piles of logs, a metal storage container and JCB tractor. The approved plans indicate that the latter building was to house the biomass log dryers and logs were to be stored in both. Each building is shown as being a standard agricultural shed design with coursed natural stone walls to approximately 2.0m high with vertical timber boarding above and dual pitched roofs surfaced in profile metal cladding, considered appropriate for a rural location. In the yard between there were to be spaces for 14 vehicles and turning.
- 2020 – a certificate of lawfulness was issued for existing use of site for tree log/timber storage, 6 biomass boiler drying units and distribution. It was considered that on the balance of probability the existing biomass log drying element of the business is ancillary to the arboricultural depot granted planning permission 2011/90466 and the existing use as tree log storage, 6 biomass boiler log drying units and distribution began within the last 10 years.

10.40 This illustrates that the approved buildings were for either the former stone cutting business or the current arboricultural depot.

10.41 The lawful use of the site is an arboricultural depot. Units 1 and 3 (and possibly part of unit 2) are currently in use by businesses unrelated to the arboricultural depot and as such are unauthorised uses of the site.

10.42 It is noted that the current unit 3 has not been constructed in accordance with any approved plans and subdivided into two units 3a & 3b. Its use is also entirely unrelated to permitted arboricultural depot with ancillary biomass log drying element, as are current unit 1 and the building subject to this application (labelled unit 4), all mentioned in the planning statement.

10.43 The area is not allocated for employment or a priority employment area on the Kirklees Local Plan. It is in the Green Belt where LPAs should regard the construction of new buildings as inappropriate development. Officers' disagree that other buildings and development in the vicinity (authorised or not) represent a strong precedence for similar development here, as each application is assessed in terms of the relevant planning policies, on its individual merits and this is a consistent approach taken by the LPA.

10.44 In this instance as detailed before, the permitted use of the land at the application site is as a tree/log storage with small, covered log store on larger concrete base and palisade fencing around the perimeter, maintaining and open air character. The constructed industrial/business unit (which is at least 3 times the volume of the permitted log-store, and in entirely unrelated use) together with its associated parking, turning area and close boarded fencing, separating it from the remainder of the site, results in spatial enclosure and fragmentation of the approved log storage yard into a separate business units. It changes the permitted use of the land and significantly impacts upon openness.

10.45 Given its completely different scale, design and use, in officers opinion it has a significantly greater impact on openness than the permitted development.

10.46 Furthermore, planning refusal 2020/93973 for another, larger new build industrial / commercial unit on the southern part of the application site (referred to as unit 5 on the plans and in the current planning statement) indicates an intention to intensify development of the application site. The decision of the current application would be a material consideration should there be another planning application for a new industrial / commercial building on the southern part of the application site.

10.47 During assessment of the application planning officers asked the agent why the constructed industrial / business unit should be at this tree/log storage site and not a commercial /business park in the district.

10.48 In an email of 8th July 2022 the applicant / agent three reasons are given. These are summarised and responded to below:

- The site is within the applicants' ownership and they have spent considerable time and money enhancing their site for their own business and for smaller local businesses.
  In response – in planning terms this would not be a very special circumstance to outweigh the harmful impact of the industrial/business unit on the Green Belt.
- Since the beginning of the Covid-19 pandemic their business model has changed, they intended to occupy the building but given the significant time taken in the determination process of the previous application, the applicants had to react quickly to the market, as an estate agent says

there is local demand for smaller units in the area. They protect their business by remortgaging their own properties and renting the building (and others in their ownership) to a tenant(s).

In response – Three planning applications have been determined within this and the wider site since the beginning of the Covid pandemic. As mentioned above the site is not allocated for employment or in a priority employment area. The constructed industrial/business unit would usually be expected to be in such an area. Unauthorised changes to the use class of the land, which appears to be happening here and the wider site need to be addressed through the planning process. The changes that require planning permission, that have happened without planning permission, and so are unauthorised development, are not considered to amount to very special circumstances that outweigh the harm to the green Belt.

- The applicants place great importance on sustainability and energy efficiency, not necessarily possible outside the ownership of the applicants.

  In response – This is noted but is not considered very special circumstances to out-weigh the harm of the industrial/business unit on the Green Belt.

10.49 To conclude the constructed purpose built industrial / business unit with associated parking and turning has a significantly greater impact on the openness of the Green Belt than the log storage yard with relatively modest log store building granted with planning permission 2018/90242. It is therefore considered that it does not meet the requirements of point g) of paragraph 149 of the NPPF and so is not exempt from being inappropriate development in the Green Belt.

Furthermore, the constructed purpose built industrial/business unit, together with associated parking, turning area and close boarded fencing, separating it from the remainder of the site, results in spatial enclosure and fragmentation of the approved log storage yard into separate business units. It changes the permitted use of the land and significantly impacts upon openness of the Green Belt. This would be inappropriate development in the Green Belt. The very special circumstances put forward would not out-weigh the harm.

Visual amenity issues

10.50 Policy LP24 of the KLP states that good design should be at the core of all proposals in the district. Proposals should promote good design by ensuring the form, scale, layout and details respect and enhance the character of the townscape, heritage assets and landscapes.

10.51 In this instance the character of the area is of rough ground used as an open yard for the storage of materials, formerly stone and now logs. However, this is effectively a retrospective application for the workshop / building already at the application site and it significantly changes the open storage yard character of the area to a permanent built up, light, industrial / commercial area with purpose-built workshop / storage buildings.

10.52 In officer's opinion the proposal by virtue of its size and scale would not respect or enhance the open character of the landscape and as such is contrary to policy LP24 of the KLP.

Residential Amenity

10.53 The building is some distance from the nearest residential property and as such it is considered that there would be no overshadowing or overlooking issues.

10.54 In terms of noise nuisance, environmental health officers have commented on the current proposal. In their response they say that 'It is possible that noise from industrial and commercial sources may negatively impact the nearby noise-sensitive receptors. As such, noise conditions are required'. The recommended condition seeks to ensure that the combined noise rating level from any fixed mechanical services, external plant and equipment does not exceed background sound levels at any time.

10.55 They note the hours of use are 08:30 hrs to 16:30hrs Monday to Friday only and no working at weekends. They accept these hours of use and recommend a condition to reflect them.

10.56 Provided that these conditions are applied, the proposal would be acceptable form a residential amenity point of view and in terms of environmental health.

Highway issues

10.57 The site is accessed from Near Bank, via a private driveway leading to arboricultural depot. The proposed workshop / storage building has been assessed by the Council's Highways officers who gave the following comments:-

10.58 The scheme makes no changes to the access arrangements compared to application no. 2021/90237. For that application it was surmised that the scheme was unlikely to significantly intensify the vehicular use of the site or access and is therefore acceptable from a highway safety perspective. No specific conditions required.

10.59 This is considered acceptable for this specific unit, although the wider site appears to be changing into a business park of multiple units, which at some stage may need to be assessed in its entirety, in terms of impact upon highway safety.

Drainage issues

10.60 Flood risk: The proposed development site is fully located within Flood Zone 3, according to the Environment Agency's Flood map for planning. The site is also mostly located within surface water flood risk up to high, according to the Environment Agency's Long term flood risk map and it is within an area receiving Flood Alerts.

10.61 The application was accompanied by a Flood risk assessment by T J Booth Associates dated June 2020 revision 0. Doc reference rep-tjba-beneficial-the old stone yard, shelley-FRA-060421.docx. It is the same as document submitted for the previously refused applications 2020/93973 (erection of workshop on southern portion of the application site) and 2021/90237 (retrospect application for the current building at the site).

10.62 The Council's flood management and drainage section as lead local flood authority (LLFA) have assessed the application and comment that the existing building should have been subject to a sequential test process in line with Kirklees LPA guidance documents.

10.63 Should the area applied to the sequential test be reduced for legitimate reasons and the sequential test is successful, the LLFA expect a sequential approach to be applied. Is there scope for it to be located in an area of lower flood risk ie zones 1 or zone 2 in the red/blue boundary. This appears to be the case and should have been considered.

10.64 Should the above tests not be applied then finished floor levels level and flood risk should be analysed by the Environment Agency against their modelling.

10.65 If this is not considered, then a safe haven (e.g upper or mezzanine floor) and dry access and egress for emergencies needs to be examined.

10.66 Given the size of the building attenuation would serve little benefit and could create a flood risk due to the small orifice that would be required to restrict flow. Kirklees Flood Management & Drainage, as consultees for surface water flood risk, has no objection to a connection to an unregulated discharge to watercourse as stated in the application

10.67 Notwithstanding the above, when planning refusal 2021/90237 was being assessed, it was noted that the same FRA pointed out that the building had been constructed, and the conclusion of the document was that:-

'*the commercial use and low flood risk vulnerability along with minimal flood depths noted in the basic search, suggest flood risk to the development is low. Finished floor levels are elevated from the surrounding ground level by at least 150mm, and higher than this to the northern side owing to the gentle site slope ensuring minor surface water flows do not infiltrate the development building. The residual risks noted are to the safety of the owners / tenants for access and egress as the lane to the north of the site can become a conduit for flood water. These groups should sign up to the emergency flood alert / warning scheme, and emergency flood evacuation plans should be made clear as part of the health and safety management files and within the building'.*

10.68 There is no surface water drainage plan. However, although the application form states that surface water run-off would discharge to existing water courses, the flooding officer points out that there are several water courses in the area, and they are likely to be suitable as a discharge point, and that flap valves should be considered on any discharge pipes to ensure that elevated water levels do not back up the system.

10.69 Further surface water drainage information is required to include proposed discharge point, discharge rate, surface water drainage layout and mico-drainage outputs to satisfy modern standards of design. The FRA says that drainage design is to be undertaken by others, and drainage design has not been submitted with the application.

10.70 The FRA provides an options appraisal to demonstrate the most suitable method of achieving safe access and egress to the site and suggests two sites within walking distance on high ground where occupants could gather in the event of a flooding event, and that groups sign up for flood alert / warning scheme.

10.71 The officer assessment for planning refusal 2021/90237 concluded that these elements could be conditioned should the application be approved.

10.72 In officers' opinion it would be consistent to draw the same conclusions with the current application.

Representations

10.73 No public representations received during the course of this application.

10.74 The representations from Ward Councillor John Taylor have been addressed within the above report. Whilst they are noted, it is not considered that the presumed benefits and very special circumstances outweigh the harm to the Green Belt.

Other Matters

10.74 Impact upon Public Right of Way:

PROW KIR/147/10 is to the east of the site and further up the access track. The PROW officer has provided comments for the adjacent site to the south (ref: 2020/93973) and these are thought to be relevant to the current application. They raise no objections to the proposed development.

10.75 Impact upon air quality:

Environmental health officers have commented on plans, and in the interests of air quality enhancement electric vehicle charge points are recommended, and these could be sought by condition and fitted retrospectively. Should the application be approved, it is recommended that a condition to this end could be applied to the decision notice.

10.76 General matters:

The permitted tree/log storage yard together with the arboricultural depot at the end of the access drive, now appear to be morphing into a new unauthorised business (or light industrial) park of multiple units in the Green Belt.

This emerging business (or light industrial) park should be assessed in its entirety, not in a piece-meal fashion.

10:77 Should this application be approved it would fail to address the unauthorised use of the land.

11.0 CONCLUSION

11.1 To conclude, in officers' opinion the constructed purpose built industrial / business unit with associated parking and turning area has a significantly greater impact on the openness of the Green Belt, (which has both visual and spatial elements), than the log storage yard with relatively modest log store building granted with planning permission 2018/90242. It is therefore considered that it does not meet the requirements of point g) of paragraph 149 of the NPPF and so is not exempt from being inappropriate development in the Green Belt.

11.2 The very special circumstance put forward are not considered to outweigh the harmful impact of this proposal upon the Green Belt.

11.3 Furthermore, the constructed purpose built industrial/business unit, together with associated parking, turning area and close boarded fencing, separating it from the remainder of the site, results in spatial enclosure and fragmentation of the approved log storage yard into separate business units. It changes the permitted use of the land and significantly impacts upon openness of the Green Belt. This is considered inappropriate development in the Green Belt. In officers' opinion, the very special circumstances put forward do not out-weigh the harmful impact of the proposed building, (which is also part of an unauthorised business park emerging more widely), on the Green Belt and visual amenity of the area.

11.4 The application has been assessed against relevant policies in the Development Plan and other material considerations. It is considered that the development would not constitute sustainable development and is, therefore, recommended for refusal.

12.0 Recommendation is for refusal of this application for the reasons set out at the beginning of this report.

Background Papers:

Application and history files.

At the application site:

Current application 2022/91176
Link to application details
Planning application details | Kirklees Council

95/90693 – Use of existing hard standing for storage of coursed stone with associated use to adjacent building – Conditional Full Permission
Link to application details
Planning application details | Kirklees Council

COMP/14/0139 – alleged breach of condition -no evidence of breach

2018/90242 – Change of use from stone yard to tree / log storage yard – Conditional full permission.
Link to application details
Planning application details | Kirklees Council

2020/93973 – Erection of workshop – pending determination
Link to application details
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F93973

Adjacent land to the east:

95/91812 – change of use of existing building from storage to stone cutting / sawing operations. Conditional full permission.
Link to application details
Planning application details | Kirklees Council

2001/93336 – Erection of stone cutting industrial unit and settlement pit – Conditional Full Permission
Link to application details
Planning application details | Kirklees Council

2004/94515 – erection of stone dressing extension. Conditional full permission.
Link to application details
Planning application details | Kirklees Council

2011/90466 – Change of use of part of stone yard to arboricultural depot – Conditional Full permission
Link to application details
Planning application details | Kirklees Council

COMP/12/0123 – alleged unauthorised tarmac standing – permitted development

COMP/14/0139 – alleged breach of condition -no evidence of breach

2015/93091 – Erection of two single storey storage/workshop units – Conditional full permission
Link to application details
Planning application details | Kirklees Council

2020/90917 – certificate of lawfulness for existing use for tree log / timber storage, 6 biomass boilers log drying units and distribution. - Certificate of lawful use granted.
Link to application details
Planning application details | Kirklees Council

2022/92468 – Change of use from general industrial / prep kitchen to restaurant and event space – Pending determination.
Link to application details
Planning application details | Kirklees Council

Adjacent land to the west:

2019/91542 – Importation of inert waste and infill of shallow water collection area. Conditional full permission.
Link to application details
Planning application details | Kirklees Council

2020/91822 – DoC 4 (construction /Vehicle Management Plan) of previous permission 2019/91542. DoC approved.
Link to application details
Planning application details | Kirklees Council

COMP/20/0294 – alleged breach of condition 2, 3, 4 & 6 of planning approval 19/91542

Certificate of Ownership – Notice served on/ or Certificate A signed and dated.

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