

# Public Document Pack



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

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Wednesday 23 August 2023

## Notice of Meeting

Dear Member

### Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 31 August 2023**.

(A coach will depart the Town Hall, at 11.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall)

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

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

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

**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 Strategic Planning Committee members are:-**

### **Member**

Councillor Steve Hall (Chair)  
Councillor Moses Crook  
Councillor Carole Pattison  
Councillor Mohan Sokhal  
Councillor Bill Armer  
Councillor Mark Thompson  
Councillor Andrew Pinnock

When a Member of the Strategic Planning Committee 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**

D Bellamy  
D Hall  
A Gregg  
R Smith  
J Taylor

#### **Green**

K Allison  
A Cooper  
S Lee-Richards

#### **Labour**

B Addy  
A Anwar  
P Moore  
E Firth  
T Hawkins  
H Zaman

#### **Liberal Democrat**

PA Davies  
J Lawson  
A Munro  
A Marchington  
A Smith

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Membership of the Committee**

To receive any apologies for absence, or substitutions to membership.

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**2: Minutes of the Previous Meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on 3 August 2023.

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**3: Declaration of Interests and Lobbying**

7 - 8

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 Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

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**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the 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.

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**5: Deputations/Petitions**

The Committee will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

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In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

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## **6: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

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## **7: Site Visit - Application No: 2023/91267**

Partial demolition of existing outbuilding and alterations to form office/gym/garage/trailer store/stables/tackroom/feed store and change of use of agricultural building for horse schooling arena at Grange Farm, Slaithwaite Road, Meltham, Holmfirth.

Contact: William Simcock, Planning Services

Ward affected: Holme Valley North

(Estimated time of arrival at site – 11.20am)

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## **8: Planning Applications**

9 - 10

The Planning Committee will consider the attached planning application.

Please note that any members of the public who wish to speak at the meeting must register by 5.00pm (for phone requests) or 11:59pm (for email requests) on Tuesday 29 August 2023.

To register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone Andrea Woodside/Sheila Dykes on 01484 221000 (ext 74993)

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**9: Planning Application - Application No: 2023/91267**

11 - 20

Partial demolition of existing outbuilding and alterations to form office/gym/garage/trailer store/stables/tackroom/feed store and change of use of agricultural building for horse schooling arena at Grange Farm, Slaithwaite Road, Meltham, Holmfirth.

Contact: William Simcock, Planning Services

Ward affected: Holme Valley North

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**Planning Update**

An update providing further information on matters raised after the publication of the Agenda will be added to the web Agenda prior to the meeting.

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 3rd August 2023**

Present: Councillor Steve Hall (Chair)  
Councillor Moses Crook  
Councillor Carole Pattison  
Councillor Mohan Sokhal  
Councillor Bill Armer  
Councillor Andrew Pinnock

Apologies: Councillor Mark Thompson

**1 Membership of the Committee**

Apologies for absence were received from Cllr Thompson.

**2 Minutes of the Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 6 July 2023 be approved as a correct record.

**3 Declaration of Interests and Lobbying**

There were no declarations or lobbying or interests.

**4 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Site Visit - Application 2023/91092**

Site visit undertaken.

**9 Planning Application - Application No: 2023/91092**

The Committee gave consideration to Application 2023/91092 – Demolition of existing school, improvements to existing access and formation of internal access road and turning head, formation of car park, children's outdoor play areas and associated landscaping at St Peters CE VA Junior and Infant and Early Years School, Field Head Lane, Birstall.

## Strategic Planning Committee - 3 August 2023

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nick Willock (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;

- Three years to commence development
- Development to be carried out in accordance with the approved plans and specifications
- Solar panels to be provided as proposed
- Phasing strategy to be provided
- Construction Management Plan to be provided
- Condition for materials to be provided
- Boundary stone wall to be re-built, with access improvements
- Works to be done in accordance with Arb reports
- Landscaping strategy to be submitted and implement in first season after occupation
- Landscaping management and maintenance to be provided
- Fencing / boundaries to be done in accordance with plans
- Odour mitigation plan
- Review of noise mitigation measures after 12 months
- 3.5m high weldmesh ballstop Design Guidance Note from Sport England Artificial Grass Pitch (AGP) Acoustics
- Roof plant noise limit
- HW survey of local road network and parent parking habits. If necessary, mitigation to be implemented
- Development to operate in accordance with travel plan
- Details of minimum secure 18 cycle parking spaces to be provided
- Drainage system to be installed in accordance with approved details
- Temporary surface water to be managed in accordance with submitted details
- Kitchen discharge to go via fat / grease trap
- Lighting strategy to be provided (ecology, amenity, and security)
- Site clearance outside of bird breeding
- EclA enhancement measures to be implemented
- 10% net gain to be delivered on site
- Contaminated land investigations
- Minimum two EVCP to be provided at required spec

(The Committee resolved that a condition to apply a maximum of staff and students shall not apply).

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

For: Councillors Armer, Crook, S Hall, Pattison and Sokhal (5 votes)

Against: Councillor A Pinnock (1 vote)



## Strategic Planning Committee - 3 August 2023

The Committee gave consideration to Application 2023/90509 – Erection of 2 storey, 5 classroom teaching block including toilet facilities and staff/store rooms at North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield.

### RESOLVED –

1) 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;

- Time Limit (three years)
- Development in accordance with approved plans
- Contaminated land investigation conditions
- Noise Assessment
- Construction Environmental Management Plan
- Travel Plan
- Scheme of mitigation works at Woodhouse Hill Junction
- Submission of an Arboricultural Method Statement prior to works commencing on site
- Submission of a detailed planting scheme/proposal for the new planting shown to the south
- Full, detailed sections of the proposed green roof should be submitted prior to its installation, this should also include loading information, species to be planted and details of its maintenance

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover off site highway works for junction improvements to Woodhouse Hill Junction – contribution of £50,000.

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Armer, Crook, S Hall, Pattison, A Pinnock and Sokhal (6 votes)

Against: (no votes)

### 11 **Planning Application - Application No: 2023/91093**

The Committee gave consideration to Application 2023/91093 – Construction of permanent vehicular access track and the erection of fencing (within a site of special scientific interest) at land adjacent to March Haigh Reservoir, off Blake Lea Lane, Marsden.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nick Wild (on behalf of the applicant).

**RESOLVED –**

- 1) That authority be delegated to the Head of Planning and Development to approve the application, subject to the response of the Secretary of State under Regulation 64(5) of the Conservation and Habitats and Species Regulations 2017 and, if no objection is received, to issue the decision notice and complete the list of conditions including matters relating to;
  - Time limit to commence development (3 years)
  - Development to be carried out in accordance with the approved plans and specifications
  - Prior to their use, details of the stone to be used for the access track shall be submitted to and approved in writing by the LPA
  - Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site
  - Prior to the commencement of the development (including ground works), a survey (including photographic evidence) of the existing condition of the highway on Blake Lea Lane (the extent of highway to be surveyed to be agreed in writing by the Local Planning Authority in advance) and the Public Footpath COL/195/10 (from Blake Lea Lane to the proposed access track) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. The submission made pursuant to this condition shall also include a timetable of works and a commitment (with responsibilities assigned to named parties) to undertake remedial works (the details of which shall be submitted to and approved in writing by the Local Planning Authority) to maintain the highway during the entirety of the construction phase to the condition documented in the pre-commencement highway condition survey. The final highway remediation works so approved shall be completed within one month of completion of construction phase.
  - Prior to the installation of the track at point C, details of the existing definitive public footpath Col/195/40 to be retained on site where crossed by the proposed access track, as detailed on the approved site layout plan, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: (a) A large scale plan showing the location, design and landscape of this section of the definitive public footpath (b) Existing and proposed full cross and long sections, including gradients (c) Construction specifications, signing and surfacing materials (d) An independent Safety Audit covering all aspects of the work (e) Pedestrian safety measures in respect of where the public footpath crosses the proposed track and (f) A timescale for its implementation. The definitive public footpath shall then be provided in accordance with the approved timescale and thereafter retained.

### Strategic Planning Committee - 3 August 2023

- Prior to the installation of the track at point C, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority for the protection of the public safety of Col/195/40 (Colne Valley public footpath 195) in relation to all aspects of construction works within and including areas to or from the site. Unless otherwise agreed in writing, the approved scheme shall be implemented throughout the construction period of the development
- The development shall be carried out in complete accordance with the Written Scheme of Investigation dated June 2023, unless otherwise agreed in writing with the Local Planning Authority
- The gates to restrict unauthorised access shall be installed before the track is first brought into use and kept locked at all times, other than when the track is in use. The gates shall thereafter be retained for the lifetime of the development
- The development shall not be carried out other than in strict accordance with the Construction Environmental Management Plan (CEMP). All relevant measures detailed in the CEMP (dated June 2023), including (but not limited to) monitoring of breeding bird location and activity by a suitably qualified ECoW; ECoW toolbox talk; maintenance of a stripped vegetation corridor along the construction route; and temporary visual screening should be strictly adhered to at the site
- The development shall not be carried out other than in strict accordance with the Operation and Maintenance (O&M) Manual
- Prior to the commencement of development, a Biodiversity Mitigation and Management Plan shall be submitted and approved by the LPA. The plan shall detail all mitigation measures required to avoid adverse effects on site integrity, as fully detailed within the HRA. Additional mitigation measures for construction/operational impacts on the SSSI should be included within the BMMP, including (a) Creation of acid grassland along track edges (within the designated site); and (b) Inclusion of suitable seed mix for twite in acid grassland creation areas
- A restoration scheme to be submitted and agreed in writing with the LPA in the event that any part of the track is removed/no longer required
- Before the development commences, a full structural dilapidation survey of the existing highway retaining walls along Blake Lea Lane shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report submitted to the Highway Structures team for record purposes. A further structural dilapidation survey of the retaining walls shall also be required following the completion of the works and any defects arising in the highway retaining walls due to heavy traffic associated with the proposed development shall be made good to the satisfaction of the Council's' structures team, within one month of completion of the construction phase
- Prior to replacement, full details of any further culverts shall be submitted to and approved in writing by the Local Planning Authority

2) That authority be delegated to the Head of Planning and Development to secure a S106 Agreement to cover ecological compensatory measures to provide a financial contribution to compensate for the ecological impacts of the development likely to be relayed to the National Trust in order to diversify at least 3.5ha of purple

## Strategic Planning Committee - 3 August 2023

moor grass dominated vegetation at the plateau areas around Round Hill, east of Ellen Clough and north of Deer Hill Conduit, within Holme Moor.

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Armer, Crook, S Hall, Pattison, A Pinnock and Sokhal (6 votes)

Against: (no votes)

<b>KIRKLEES COUNCIL</b>			
<b>DECLARATION OF INTERESTS AND LOBBYING</b>			
Strategic Planning Committee			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>

**LOBBYING**

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

Signed: ..... Dated: .....

## **NOTES**

### **Disclosable Pecuniary Interests**

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

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

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

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

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

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

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

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

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

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

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Lobbying**

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

**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 27<sup>th</sup> 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 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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.**



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## Report of the Head of Planning and Development

### STRATEGIC PLANNING COMMITTEE

Date: 31-Aug-2023

**Subject: Planning Application 2023/91267 Partial demolition of existing outbuilding and alterations to form office/gym/garage/trailer store/stables/tackroom/feed store and change of use of agricultural building for horse schooling arena Grange Farm, Slaithwaite Road, Meltham, Holmfirth, HD9 5PT**

#### APPLICANT

P Whiteman

#### DATE VALID

03-May-2023

#### TARGET DATE

28-Jun-2023

#### EXTENSION EXPIRY DATE

14-Jul-2023

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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**

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

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 before Strategic Committee for determination under the terms of the Delegation Agreement because it is a non-residential development in which the area of the site exceeds 0.5ha (5,000sqm).

**2.0 SITE AND SURROUNDINGS:**

2.1 Grange Farm, also known as Meltham Grange Farm, comprises a detached two-storey farmhouse with several ancillary outbuildings and associated land. The site lies on the south-eastern side of the unadopted, hardcore-surfaced Deer Hill End Road which provides a means of access to the adopted highway some 200m away.

2.2 Attached to the stone-built farmhouse at right-angles is a former barn which is of similar height (to the eaves), but which lacks a roof and both gable ends have partially collapsed. This extends 16m from the south-eastern elevation of the farmhouse. As a continuation of this, another building is attached, described as "store."

2.3 Adjacent to the outbuilding to the south-west is a large agricultural building measuring approximately 500 square metres. The building, which was used as a cattle shed, has a substantial steel frame with elevations of block work and steel cladding. Two similar agricultural buildings are located approximately 60 metres to the west, with an open field to the rear.

2.4 A prefabricated domestic garage stands in front of the farmhouse, together with a small greenhouse.

2.5 The site is in a rural setting with no close neighbours. The land shows a general downward slope from west to east.

### **3.0 PROPOSAL:**

3.1 The proposal is for:

- Partial demolition of existing outbuilding and alterations to form office, gym, garage, trailer store, stables (for two horses), tackroom, feed store;
- Change of use of agricultural building for horse schooling arena.

3.2 The applicant has clarified that the arena is intended to be for domestic or private use only, not for operating a riding school.

3.3 The outbuilding would be reduced in height so as to become a single-storey structure, maximum height 3.5m to eaves (but variable owing to natural ground level), and would have a dual-pitch roof reaching to a height of 2.7m above eaves. It is proposed that the roof would be reclaimed stone slate, localised repairs in reclaimed stone, timber boarding above lintel level.

3.4 It is proposed to repair or replace the damaged cladding and roofing sheets on the agricultural building in order to both weatherproof the building and improve its visual appearance. The floor of the building currently slopes and will require levelling and resurfacing to provide an appropriate surface for horses.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 None.

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

5.1 None.

### **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 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

#### Kirklees Local Plan (2019):

6.2 The site is within land without designation within the Local Plan proposals map.

#### **Kirklees Local Plan:**

- **LP 1:** Presumption in favour of sustainable development
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 56:** Facilities for outdoor sport, outdoor recreation and cemeteries
- **LP 57:** The extension, alteration or replacement of existing buildings
- **LP 60:** The reuse and conversion of buildings.

## Supplementary Planning Guidance / Documents:

6.3 The following Supplementary Planning Documents are deemed relevant:

- Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

## National Planning Guidance:

6.4 National Planning Policy Framework

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Planning for climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the historic environment.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Publicity period expired 09-Jun-2023. Publicity was undertaken by site notice and press advertisement since the proposed would affect the setting of Public Right of Way).

7.2 Comments by Meltham Town Council - The Town Council are of an opinion that this is an unsustainable development on green belt land, with a restricted covenant imposed on future development.

7.3 No representations made by other third parties.

7.4 Ward Councillor comments – none.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** Peak Park Authority were consulted but did not respond.

8.2 **Non-statutory:**

KC Ecology – were consulted but did not respond.

## **9.0 MAIN ISSUES**

- Principle of development
- Appropriateness within the Green Belt
- Design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such the proposal will be assessed having regard to NPPF chapter 13 paragraph 148 which advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated.
- 10.2 The erection of new buildings is generally inappropriate unless they are for a limited range of uses, such as agriculture and forestry. The extension or alteration of a building may however be appropriate in principle (NPPF paragraph 149) provided that it avoids giving rise to “disproportionate additions” over and above the original building. In addition, paragraph 150 permits the reuse of buildings provided they are of “permanent and substantial construction”.
- 10.3 Turning to the Local Plan, Policy LP56 states that facilities for outdoor sport should ensure that the scale of the facility is no more than “reasonably required” for the use of the land to which it is associated, unobtrusively located and designed (taking into account the impact of parking and access).
- 10.4 Under Policy LP57, any proposal for the extension and/or alteration of a building must ensure that the original building remains the dominant element in terms of scale and appearance, that it does not have a greater impact on openness in terms of treatment of outdoor areas, and that the design and materials must not materially detract from its Green Belt setting.
- 10.5 Policy LP60 sets out the criteria for assessing the reuse and conversion of buildings. Such proposals will normally be accepted where the building is of “permanent and substantial construction” (which echoes the advice in the NPPF Chapter 13), does not introduce incongruous domestic or urban characteristics and uses high-quality materials and design appropriate to their settings.
- 10.6 The other LP policies listed above, dealing with design, environmental issues and highway safety, will also be given due consideration. The House Extensions and Alterations SPD, in so far as it relates to outbuildings, is also a material consideration.

### Green Belt issues

- 10.7 The proposal now under consideration would include alteration to two buildings and a material change of use to one of them (the barn). Part (a) of Policy LP57 relates to extensions. It is considered that the degree of new build and rebuild would not be sufficient for the development to be classed as the erection of a new building. It is also questionable whether this could be described as an “extension” since the proposal involves no enlargement outside the existing footprint of the outbuilding and would not result in any net increase in height (compared to how the building stood when it was complete and functional). It is however considered on balance that the proposal would support the aims of

LP57(a) in that the original building would remain the dominant element both in size and overall appearance, and (c) in that the design and materials would be appropriate in its Green Belt setting.

- 10.8 According to the applicant's statement, the outbuilding has been used for purposes incidental to the enjoyment of the dwelling house for many years (possibly as far back as the 1980s, but certainly for at least the last 12 years). It is therefore possible that a material change of use to a domestic outbuilding has already occurred and has become immune from enforcement action owing to the length of time it has been carried on (more than 10 years). It is considered that on the balance of probability, the proposal does not involve a material change of use of the outbuilding, but only of the barn. The barn is considered to be permanent and substantial, in the sense that it can be reused without significant rebuilding, and the proposal would not introduce incongruous domestic or urban characteristics. It is therefore judged to be compatible with the aims of LP60.
- 10.9 No new build is required to form the stables, but only repair, alteration and repurposing of an existing building. These, plus the tack room and feed store are deemed to be modest in scale considering the amount of land associated with the site and therefore should be classed as "reasonably required". The proposal is therefore considered to be compliant with LP56.
- 10.10 The conversion of the agricultural barn to form an arena would not usually be classed as "outdoor recreation" (see LP56 above) since it is an indoor use, but again, since it would only involve repair works to an existing building and no extension, it is therefore considered appropriate in the Green Belt under Policy LP60.
- 10.11 In conclusion, it is considered that all works comprising the proposed scheme would be appropriate in principle in the Green Belt under the restrictions set out in Chapter 13 of the NPPF and would be compatible with the aims of the relevant Kirklees Local Plan policies concerning the Green Belt.

#### Design and landscape issues

- 10.12 Part 5.6 of the House Extensions and Alterations SPD states that outbuildings should normally be subservient in scale and footprint to the original building and garden taking into account other extensions and existing outbuildings, and preserve, as a general principle, 50% of original garden space.
- 10.13 In this instance the outbuilding is large compared to the existing house, but it is not a recent addition, and since the proposal does not involve a net increase in the footprint or height of the building, it is deemed to be compatible with the SPD.
- 10.14 The scale, detailed design and materials are considered appropriate for their setting and will result in an enhancement to the visual amenity of the site by repairing an unsightly dilapidated building.
- 10.15 As such it is considered to accord with the aims of Policy LP24(a) and (c) and NPPF Chapter 12. It is considered that no conditions on materials are necessary.

### Residential Amenity

- 10.16 There are no other dwellings nearby that are in a position to be affected by the development, which is therefore considered to accord with the aims of LP24(b) and (c) and Key Design Principles 3-6 of the SPD.

### Highway issues

- 10.17 The development would use an existing access and it is considered unlikely that it would result in a material intensification to the site. There is no shortage of space to park vehicles within the site. It is therefore considered to accord with the aims of LP21 and 22 of the Local Plan.
- 10.18 It is considered that the development would not have any adverse impact upon the visual setting of the Public Right of Way or the safety of its users. Given the scale of the development and the fact that the track has good visibility and is wide enough along most of its length for two vehicles to pass each other, safety of PROW users during construction is not a significant concern and a condition requiring details on this issue would not be proportionate in the circumstances.
- 10.19 For the avoidance of doubt and to ensure that the development does not contribute to highway safety problems as a result of increased vehicular traffic, it is however recommended that a condition be imposed to limit the use of the arena to private non-commercial use only.

### Representations

- 10.20 The comments made by Meltham Town Council are noted, with officer responses:
- The Town Council are of an opinion that this is an unsustainable development on green belt land, with a restricted covenant imposed on future development.
- 10.21 **Response:** The site is not ideally located from the point of view of sustainable transport. Existing and future occupants would be heavily dependent on the use of one or more private cars. Since the proposal is not for a new dwelling but for the provision of facilities to be used by an existing one, it would be unreasonable to refuse it on the grounds of inaccessibility.
- 10.22 The proposals have been assessed as meeting current Green Belt policy, as set out in detail in part (2) of the Assessment. The removal of permitted development rights as a condition of granting planning permission should only be imposed where it can be clearly justified, such as where further extensions or outbuildings erected under permitted development rights would, in conjunction with those granted permission by the local planning authority, result in cumulative harm to the openness of the Green Belt. This is not considered to apply here because the proposals do not result in a net increase in built volume.

## Other Matters

### 10.23 *Ecology*

The site is not in the bat alert layer or wildlife habitat network. It is within the Twite buffer zone. Whilst a bat survey is sometimes justified for works to former agricultural buildings even if they are not within the bat alert layer, it is considered that neither the dilapidated outbuilding nor the barn contain features that are likely to host a bat roost, so such a measure would be disproportionate in this instance. A survey report has been submitted by a qualified ecologist which concludes that neither of the buildings are likely to support roosting or nesting Barn Owls.

- 10.24 It is considered the development would have no negative impact upon the habitat value of the site or the surrounding area. The applicant, in the supporting statement, has proposed the installation of owl nest boxes on land surrounding the application site but it states that the buildings themselves are not suitable for this purpose. It is considered that the scale and nature of the proposal does not provide opportunities for ecological enhancement within the site, and that whilst the above enhancement proposal is welcomed, it would not be appropriate to make it a condition of granting planning permission. It therefore accords with the aims of Policy LP30 of the Local Plan and KDP 12 of the SPD.

### *Climate Change:*

- 10.25 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. Since February 2023, the submission of a Climate Change Statement has been mandatory for new applications. In determining this application, the Council will use the relevant Local Plan policies including LP24(d).

- 10.26 The applicant's Climate Change Statement sets out, in brief, the following measures to reduce the causes and effects of climate change:

- Natural ventilation;
- Efficient energy controls;
- Insulation to a high standard;
- Make use of reclaimed materials where possible;
- Installation of air source heat pump;
- Rainwater retention system.

- 10.27 The site is not easily accessible by means of transport other than the private car, but as the proposal involves the alteration and reuse of existing buildings, it is considered all aspects of the development are compatible with the carbon reduction aims set out above, and in NPPF Chapter 14, and that no specific conditions are necessary.



## **11.0 CONCLUSION**

11.1 It is considered that the proposed development would be compliant with the aims of Green Belt policy in that it would be an appropriate form of development that would protect the openness of the Green Belt whilst avoiding giving rise to disproportionate additions and allowing the original building to remain the dominant element. It is considered that all aspects of the design would respect the character of the existing building and its surroundings and conserve visual amenity, and that it would adversely affect highway safety, or the safety of the Public Right of Way or its setting.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. 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 it 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. Standard 3-year timeframe for commencement of development**
- 2. Development to be completed in accordance with the submitted plans and specifications**
- 3. External facing and roofing materials to match existing**
- 4. To be used for private non-commercial purposes only.**

### **Background Papers:**

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership D – Press notice served under Article 14.

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