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**Report of the Head of Strategic Investment**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Nov-2017**

**Subject: Planning Application 2015/90758 Listed Building Consent for conversion of barn into a dwelling and associated works(within a Conservation Area) 18, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL**

**APPLICANT**

John Radcliffe, Park  
Farm (Farnley) Ltd.

**DATE VALID**

14-Oct-2015

**TARGET DATE**

09-Dec-2015

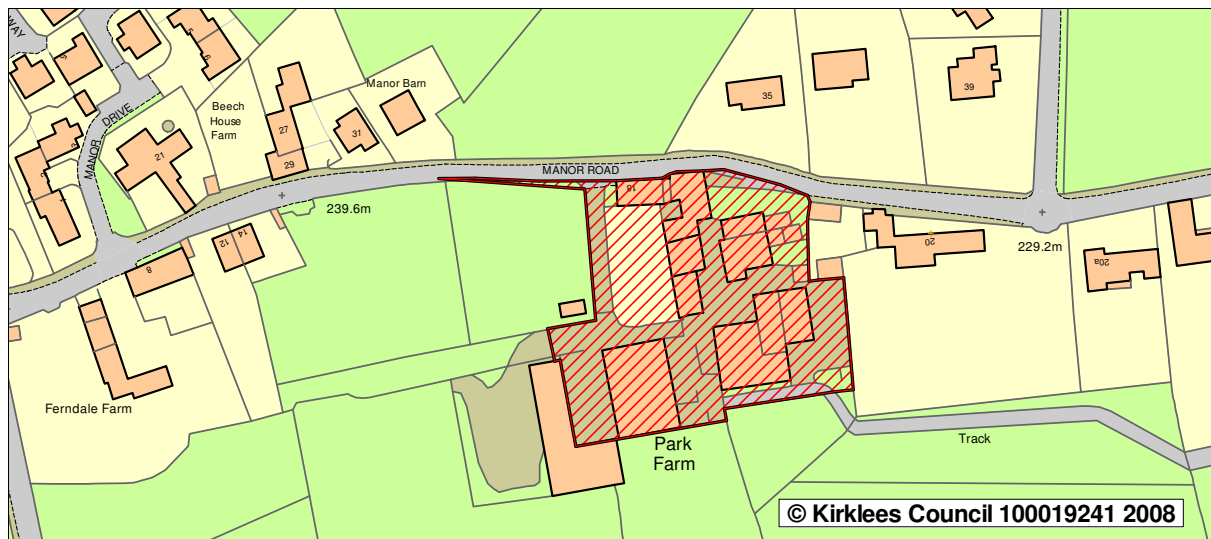
**EXTENSION EXPIRY DATE**

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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.

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

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Kirkburton**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:**

- 1. Await the expiration of the additional site publicity, which ends on 10<sup>th</sup> November 2017;**

**Provided that there are no new material considerations raised as result of the publicity, complete the list of conditions including those contained within the report.**

**1.0 INTRODUCTION:**

- 1.1** The application is brought to the Heavy Woollen Planning Sub Committee due to the significant number of representations received. This is in accordance with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1** The application site is located to the east of the village of Farnley Tyas, comprising a series of redundant agricultural buildings. These are predominantly of metal portal frames with corrugated sheet roofs, in addition to a number of stone built farm buildings including a traditional cart barn and Grade II listed barn fronting Manor Road. The site slopes downwards to the south.
- 2.2** The site itself is within the Farnley Tyas Conservation Area which covers the majority of the village; the Conservation Area was designated as an area of high architectural and historic interest in the 1980's; it is a rural village of largely stone built houses which has an intimate relationship with its natural landscape surroundings. The houses within the Conservation Area are close knit and appear to have been developed along the principal thoroughfares but also in an organic nature. The houses vary in date but many appear to be of 18<sup>th</sup> and 19<sup>th</sup> century origin.
- 2.3** The site is accessed directly from Manor Road.

### **3.0 PROPOSAL:**

- 3.1 Listed Building Consent is sought for the conversion of the barn to one dwelling, and associated works. This application is accompanied by a planning application for the erection of 6 dwellings and conversion of barn to dwelling (2015/90759).

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2015/90759 – Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) – Under consideration on this agenda

2016/93177 (adjacent 14 Manor Road) – Erection of one dwelling – refused at Heavy Woollen Planning Sub Committee on 23 February 2017 (appeal dismissed)

2015/90663 – Erection of 2 dwellings – approved at Heavy Woollen Planning Sub Committee (30 October 2015)

2014/93187 – Erection of 3 detached dwellings – Withdrawn

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Through the course of the application, a revised Heritage Statement has been submitted by the applicant which takes into account the wider context of the site.

### **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The application site is located within the Farnley Tyas Conservation Area on the UDP and draft local plan. Some of the southern part of the site falls within the Green Belt.

## Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **BE1** – General Design Principles  
**BE2** – Quality of Design  
**BE5** – Preservation/enhancement of Conservation Areas

### Kirklees Publication Draft Local Plan

- 6.4 **PLP24** – Design  
**PLP35** – Historic Environment

### National Planning Guidance:

- 6.5 **Chapter 12** – Conserving and Enhancing the Historic Environment

### Planning (Listed Buildings and Conservation Areas) Act 1990, S16

- 6.6 This imposes a duty on the local planning authority, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

- 7.1 As a result of the original site publicity, 15 letters of representation were received (in relation to this and the accompanying planning application). The concerns raised can be summarised as follows:

- Highway safety issues – roads and pavements on Manor Road are already in a bad state of repair and further traffic would increase the deterioration of the services. Traffic generated from Park Farm would add to the existing problem in conjunction with the extra traffic generating from Beech Farm via the link road
- The development proposes too many houses
- Schooling would be a problem as the school in Farnley Tyas isn't big enough to cope with an influx of children
- Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them
- The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm
- The southern part of the development extends into the Green Belt surrounding Farnley Tyas, with portions of the buildings on Plots 4, 5 and 7 and the majority of the building in Plot 8 sited in the Green Belt. The majority of all the garden area on these plots also lie within the Green Belt
- This development in addition to the two dwellings adjacent to the site and Beech Farm would result in a 33% increase in the number of dwellings in Farnley Tyas. This is not taking into account the future plans for Yew Tree Farm in the centre of the village.
- There is a surplus of houses in Farnley Tyas and therefore no market for another 8 properties
- The proposed development is not reflective in terms of massing, access and the landscaping of the predominant features of the area.

- The proposed dwellings, by reason of size, scale, height and siting would be out of keeping with surrounding properties and detrimental to the amenity of the village

7.2 Following receipt of amended plans, three further rounds of publicity were carried out. Two letters of representation were received in response to these. The concerns raised are summarised as follows:

- The design of the barn conversion is unsympathetic to the existing building and does not reference any historical format, being out of keeping with the character of the Farnley Tyas Conservation Area.
- The scale and number of proposed dwellings is totally out of character with the Conservation Area and will create additional problems with car parking on Manor Road.
- The visibility splays at the exit points appear to be inadequate and will create a serious hazard for vehicles leaving the site
- The development site encroaches into the Green Belt and beyond the Conservation Area boundary with an area indicated as "Orchard" and "Paddock" in the south west corner of the site. If approved, this parcel of land will no doubt be absorbed within the curtilage of a dwelling. The site also encroaches several metres into the Green Belt along the southern boundary.

7.3 Kirkburton Parish Council was notified of the application who object to the application on Kirkburton Parish Council was notified of the application and objects on the following grounds:

- The area needs upgrades to the infrastructure before any additional housing can be accommodated.
- Highway Safety: The extra traffic from this proposed development of 8 properties along with the adjacent application for 3 properties and the Beech Farm Development will add to the ever increasing traffic flow exiting Manor Road at the junction Manor Road/The Village with no plans to improve sight lines at what is a dangerous junction.
- Detrimental impact on the visual amenity of the surrounding Conservation Area.
- Part of the development is within the Green Belt, but no special circumstances have been demonstrated.
- The overall effect of these developments will result in a 50% increase in the size of the village without any correspondence increase in facilities and infrastructure planned.

7.4 Ward Councillor Bill Armer has contacted Officers about the application and requested to be kept updated on the status of the application.

7.5 A revised Heritage Statement was received following comments received from Historic England.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**Historic England:** Request that the issues and safeguards outlined in their advice are addressed for the applications to meet the requirements of paragraphs 128-129, 131-134 of the NPPF.

### **8.2 Non-statutory:**

**KC Conservation and Design:** No objections

## **9.0 MAIN ISSUES**

- General principle
- Impact on the significance of the building
- Considering the public benefit
- Representations
- Conclusion

## **10.0 APPRAISAL**

### General Principle

- 10.1 The application site comprises a former farm complex located on the southern side of Manor Road, within the Farnley Tyas Conservation Area and consisting of a Grade II listed barn, detached stone barn, and four modern agricultural buildings. Listed Building Consent is sought for the conversion of the Grade II listed barn to dwelling and associated works.
- 10.2 Listed Building Consent is sought for the conversion of the barn to one dwelling, and associated works. This application is accompanied by a planning application for the erection of 6 dwellings and conversion of barn to dwelling (2015/90759).
- 10.3 The proposal will be assessed having regard to the relevant policies in Chapter 12 of the NPPF. Of particular relevance in the NPPF, Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of development making a positive contribution to local distinctiveness. Furthermore that development causing harm to the significance of heritage assets should not be permitted unless a proportionate public benefit can be demonstrated to outweigh that harm.
- 10.4 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act 1990 imposes a duty, when determining applications that affect buildings within a conservation area, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

### Impact on the significance of the Building

- 10.5 The NPPF requires Local Planning Authorities to identify and assess the particular significance of a heritage asset. This assessment is required so as to be taken into account when considering the impact of a proposal on a heritage asset. This is in the interest of preserving the specific features of the asset which contribute to its heritage value. Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a heritage asset great weight is given to the asset's conservation. The NPPF describes any harm as substantial or less than substantial depending on the nature of the harm; substantial harm is normally the total loss of heritage features. In such cases paragraph 134 applies which states that in such cases the harm should be weighed against the public benefit accrued by the proposal.
- 10.6 The barn is of significant merit as an example of a relatively unaltered threshing barn from the late 17<sup>th</sup> century as such should be retained without the removal of any surviving historic fabric. As with many agricultural buildings, it has been adapted and altered over time, although this does not prevent the historic interest from being read.
- 10.7 During the consultation period, Historic England provided detailed comments which outlined their concerns over the impact on the Farnley Tyas Conservation Area both in terms of the nature of the layout of the new development and the demolition of the outbuilding immediately adjacent to the listed barn.
- 10.8 The application has been accompanied by a Heritage Impact Assessment (HIA) and later update which assesses the value and significance of the listed building and its contribution to the preservation and enhancement of the Conservation Area. The original heritage statement paid little regard to the outbuilding to the south east of the listed barn and provided minimal detail over its impact upon the character of the conservation area, along with the need for a structural survey to explore why the building could not be converted rather than demolished. The agent subsequently produced a revised heritage statement that referred to a structural report. The overall conclusion of the Heritage Impact Assessment was that the outbuilding contributed to the significance of the listed barn as well as the Farnley Tyas Conservation Area and as such less substantial harm occurs (Para 134 of the NPPF). However, the report equally concludes that the significance of the building has been eroded through changes and Unit 3 of the proposed development has been designed to replicate the floor plan; due to the alterations, the plan form and materials are the only parts that are significant.
- 10.9 Officers are of the opinion that the updated HIA resolves the issues raised by Historic England that the HIA as a whole has led to the proposals being carried out sensitively and that the principle is acceptable, resulting in less than substantial harm.

Considering the public benefit

- 10.10 Paragraph 134 of the NPPF states that where development will cause less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. This does include securing its optimum viable use.

- 10.11 The existing Grade II listed barn has been unoccupied for some time except for its use as a garden store, and is in need of a long term viable use. A residential use is considered to be an appropriate way forward, provided that the conversion is carried out sympathetically, retaining as much historic fabric as possible. This would ensure that the harm is balanced against the public benefit of the new use, in compliance with paragraph 134 of the NPPF, and preserve and enhance the character and appearance of the Farnley Tyas Conservation Area, which is required under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

### Representations

- 10.12 The representations received relate to both the planning and Listed Building Consent applications. Insofar as the application for Listed Building Consent is concerned, the specific representations are addressed as follows:

Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them

**Response:** The proposed dwellings would be constructed using natural stone, natural stone slates and timber doors and windows which are an acceptable palette of materials for the Conservation Area setting.

The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm

**Response:** The proposed dwellings would be constructed using natural stone, natural stone slates for the roofing material, and timber doors and windows. These are considered to be an acceptable and appropriate palette of materials for development within a listed building setting.

The design of the barn conversion is unsympathetic to the existing building and does not reference any historical format, being out of keeping with the character of the Farnley Tyas Conservation Area

**Response:** Following advice from the Council's Conservation & Design officers, the proposals are considered acceptable from a heritage perspective and would sustain the significance of the designated heritage asset (the listed building).

## **11.0 CONCLUSION**

- 11.1 The proposed works to the building to allow for the conversion into a dwelling have been identified as causing less than substantial harm to the significance of the designated heritage assets: the host listed building and Conservation Area.
- 11.2 The public benefit of securing a new use which will retain the historic character of the building, and preserve and enhance the character and appearance of the Farnley Tyas Conservation Area, which is required under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 11.3 The application is therefore in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or Chapter 12 of the National Planning Policy Framework.



11.4 The NPPF has introduced a presumption in favor 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 is therefore recommended for approval.

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

1. Timeframe for the implementation of development (3 years)
2. Development to be carried out in accordance with the submitted plans
3. Samples of materials to be submitted for approval
3. Joinery details
4. Archaeological record

**Background Papers:**

Link to the application details on the website:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90758>

Certificate of Ownership – Certificate B completed with notice served on Mr & Mrs Bullas, Manor Road, Farnley Tyas, HD4 6UL dated 16/03/2015.