
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Mar-2018

Subject: Planning Application 2017/93217 Conversion of redundant former storage building to form one dwelling Emley Lodge Farm, Off Langley Lane, Emley, Huddersfield, HD8 9QS

APPLICANT

Matthew Asquith

DATE VALID

19-Sep-2017

TARGET DATE

14-Nov-2017

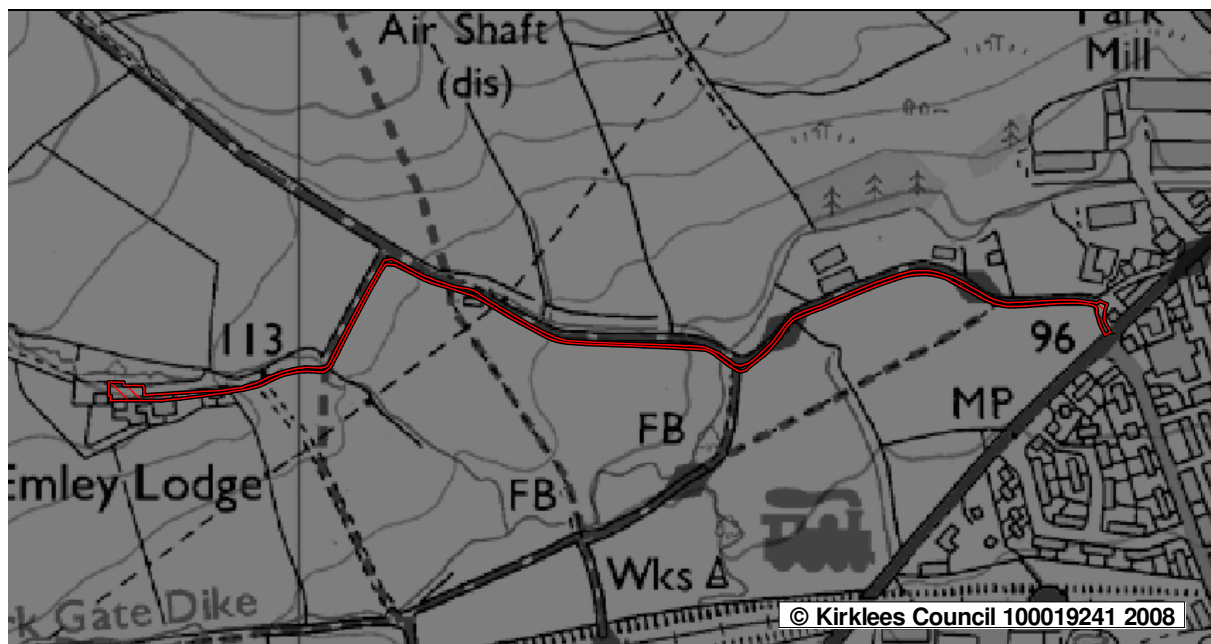
EXTENSION EXPIRY DATE

19-Mar-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Denby Dale

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed dwelling is sited in a rural location, outside the settlement boundary and is inaccessible to local shops and amenities thus being reliant on the private car. The applicant has failed to demonstrate any special circumstances as identified within Paragraph 55 of the National Planning Policy Framework which would outweigh the unsustainable location of the proposed dwelling. The proposal is therefore contrary to the National Planning Policy Framework in addition to Policies PLP1 and PLP20 of the Kirklees Publication Draft Local Plan.

2. The existing buildings are not of permanent and substantial construction and as such cannot be reused. The redevelopment of the site would be inappropriate development for which no special circumstance have been submitted and as such is contrary to Paragraph 90 of the National Planning Policy Framework in addition to Policy PLP60 of the Kirklees Publication Draft Local Plan.

3. The existing building is sited in a prominent location which is open to 3 sides to the countryside. The works required in order to create an acceptable level of outdoor amenity area for future occupiers would involve engineering operations and a change of use of adjoining land. The subsequent use of this land as a domestic garden, along with associated domestic paraphernalia, would be a form of encroachment which would fail to preserve the openness of the Green Belt. The application is therefore, considered to constitute inappropriate development in the Green Belt. There are no very special circumstances that would clearly outweigh the harm identified and the proposal is therefore contrary to the National Planning Policy Framework in addition to Kirklees Publication Draft Local Plan Policies PLP1, PLP3 and PLP57.

4. The access and egress would involve utilising an existing track which is also a Public Right of Way. The use of the building as a dwelling, coupled with the lack of adequate provision of access would lead to a conflict of users. The development is therefore, contrary to policies R13 and T10 of the Kirklees Unitary Development Plan and the National Planning Policy Framework in addition to Kirklees Publication Draft Local Plan Policy PLP21.

5. The development proposed provides insufficient parking and suitable access for a fire tender and refuse collection contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan in addition to Policy PLP21 of the Kirklees Publication Draft Local Plan.

6. The applicant has submitted ecological information that relates to bats and breeding birds only. The supporting evidence does not address the potential for impacts to Great Crested Newts, which are known to inhabit several ponds located to the south of the site. It has not been demonstrated that development could be carried out without impact to the local ecology and as such the development proposed is contrary to Chapter 11 of the National Planning Policy Framework as the Local Planning Authority is not able to discharge its duty, under regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, to have regard to the requirements of the Habitats Directive.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Sub Committee for determination in accordance with the Council's scheme of delegation at the request of Councillor Michael Watson the following reason(s):

- The comments are not a representation as to the merits of the application.
- Suggestion that there will be further applications in due course in relation to what might ultimately be a significant residential development some distance from the highway in green belt land. These are likely to be sufficiently significant to start off the process in relation to the development of the site by consideration by Committee
- Validity of objectors as the rights of landowners need to be considered.
- Significance of highway issues such that a decision should be taken by elected Members.
- The observations of Denby Dale Parish Council are noted and having regard to these comments it would seem prudent to have these matters tested before, and determined by, the Heavy woollen sub-committee.
- Green belt issues are important to local residents and, therefore, it seems sensible that where matters of such significance are to be decided the responsibility should lie with the elected Members.
- Consideration of the specific provisions of the council's constitution in relation to referral by members the application satisfies a number of material considerations.
- It would be in the interests of everyone involved that it should be determined by the sub-committee having regard to the possibility of further applications in the future, interest in terms of consultation responses and also the decision of a potentially controversial application should be taken by elected members.

1.2 The Chair of Sub-Committee has confirmed that Councillor Watson's reasons for making this request are valid having regard to the Councillor's Protocol for Planning Committees.

1.3 It is the opinion of Officers that the development proposed is not considered to be acceptable and there are no special circumstances that would outweigh the inappropriateness of the development and harm caused to the character of the area contrary to Kirklees Unitary Development Plan Policies and the National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site forms part of a collection of buildings known as Emley Lodge Farm which is located in the allocated Green Belt on the Kirklees Unitary Development Plan proposals map. The application includes an elongated single storey stone cart shed which adjoins an agricultural shed. The stone building is predominantly open fronted with the rear elevation being supported by stone buttresses. The land slopes away to the rear and is overgrown with tall grass and bushes. The unit located to the western end of the site is a typical farm structure constructed of metal and breeze block shed.
- 2.2 Access extends in excess of 1km (0.7mile) via a track known as Langley Lane which is an unmade route taken from the A636 at Clayton West. The access is also a bridleway.

3.0 PROPOSAL:

- 3.1 The application is described as conversion of redundant former storage building to form one dwelling.
- 3.2 The application includes works to two farm buildings to facilitate residential accommodation comprising of 4 double bedrooms, lounge and dining/living. The new buildings are shown to retain the same footprint.
- 3.3 Access is proposed via the existing track which extends to the main adopted highway.
- 3.4 The application form states that 2 parking spaces would be included as part of the scheme but it is not clear where these are located.
- 3.5 The application includes the installation of a septic system.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2009/93519 – Reuse and adaptation of existing barns to 4 no. dwellings - Withdrawn

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

- 5.1 The agent has been advised on a number of occasions that the details submitted are insufficient with the absence of structural evidence to show that the building/s are sound enough to be converted. The agent was also requested to remove the shed from the development proposals as this is clearly not convertible. No information has been forthcoming regarding the insufficient information to support the proposals.
- 5.2 The agent has, at the request of officers, reduced the site red line and curtilage to the building.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The 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 25th 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D11** – Extensions to buildings in the Green Belt
BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
T10 – Highway safety
R13 – Right of Way and Public Access Areas

Supplementary Planning Guidance / Documents:

- 6.3 None considered relevant

National Planning Guidance:

- 6.4 **Chapter 6** – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 9 – Protecting Green Belt Land

- 6.5 Kirklees Publication Draft Local Plan (PDLP)

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity
PLP60 – The re-use and conversion of buildings

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The applications was advertised by site notice and neighbour notification letters which have expired. A summary of the comments received are summarised below:

- Increased traffic
- Support the reuse of redundant farm buildings
- Farmhouse is not listed
- Conflict of riders and vehicles (unsafe)
- Access is a bridleway and footpath
- Loss of pleasant leisure facility/loss of amenity
- Bats/Owls

7.2 Denby Dale Parish Council – Objects due to the effect on the bridleway and that it is unsustainable within the Green Belt.

7.3 Kirklees Bridleways Group – Bridleway should remain unmade, single track therefore result in conflict between vehicles and riders, lack of safety.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: Object

Coal Authority: No objections

8.2 Non-statutory:

KC Public Rights of Way: Object

KC Biodiversity Officer: Concerns

KC Conservation & Design: Comments not received

KC Environmental Services: No objections subject to conditions

KC Lead Local Flood Authority: Comments not received

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 As the application site is located within the Green Belt, the starting point for consideration of the change of use is the guidance contained within Chapter 9 of the National Planning Policy Framework.
- 10.2 Paragraph 79 of the National Planning Policy Framework says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 90 states that the re-use of buildings is not inappropriate - provided that the buildings are of permanent and substantial construction and the development would preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 10.3 The application is not supported by any structural survey that demonstrates that the building/s could be reused as a dwelling without significant or complete reconstruction. The inclusion of the agricultural shed is wholly unsuitable and the agent has been advised to omit this from the scheme. It is not clear what the single storey shed has been used for but is described as a cart shed under the 2009 submission. This is an open fronted building with stone piers to the rear elevation to support the structure from collapse. A structural report submitted in 2009 examined the cart shed and concluded that parts of the building would require demolition and rebuilding to provide garage accommodation. The building is almost 10 years older and is likely to be in a worse state of repair. The extent of works outlined in the report at the time demonstrates that conversion to residential accommodation would not be achievable without substantial rebuilding and it is more than likely that the building is in worse condition thereby requiring more significant works and as such is unlikely to be considered able of conversion thereby contrary to Paragraph 90 of the NPPF.
- 10.4 Whilst further information has been sought regarding the principle of development, no additional justification has been received. A Kirklees Senior Building Surveyor has examined the building and referred to it as a "failing structure" with "substantial movement". The cause of the movement is likely to be that the foundation has failed or is insufficient to transmit the loads from structure to ground. It was also noted that buttresses have been erected to support the rear wall with the slope being constructed to form further support. The conclusions of the report confirm that major works would be required to resolve the issues evident. In order to provide the restraint and support needed the majority of the building would be lost. As such it is considered that the development is contrary to Paragraph 90 of the NPPF in so far as the buildings are not considered to be of permanent and substantial construction.
- 10.5 Additionally, Paragraph 89 states that the extension or alteration of a building is not inappropriate development *"provided that it does not result in disproportionate additions over and above the size of the original building."* The application has been revised removing unacceptable excavation works to the rear of the stone building. The development does not include extension explicitly however, the application includes redevelopment of the framed agricultural building for which there is no planning policy to support conversion, and as such could be considered as an extension to the cart shed. The impact of which would significantly impact on the openness and character of the Green

Belt in addition to dominating the single storey stone building. As such it is considered that the proposed development would not be sympathetic to the open character of the area and nor would it respect the traditional character of the existing buildings.

- 10.6 Furthermore, the application is reliant on the introduction of domestic curtilage where none currently exists. The proposed garden area has been reduced at the request of Officers and, whilst it has proved a compromise to gain garden whilst minimising impact on the Green Belt, any intrusion would have a visual impact on the character of the Green Belt. This would be as a result of the introduction of steps and likelihood of other domestic paraphernalia being introduced although it is acknowledged that limited space for such equipment would exist.
- 10.7 The NPPF sets out at paragraph 49 that ‘housing applications should be considered in the context of the presumption in favour of sustainable development.’ The location of the site is one that cannot be considered as sustainable being located more than 500 metres off a highway with no connection to any agricultural function in the locality. Paragraph 55 of the NPPF reiterates that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities” and goes on to state “that authorities should avoid isolated homes in the countryside unless there are special circumstances”. There are no special circumstances to justify the development and the provision of a dwelling in the location proposed would be very much isolated.
- 10.8 *Locational Sustainability:*
The application site is some 1100 metres from an adopted road and as such is isolated from day to day services due to a lack of facilities within walking distance. The proposal would conflict with paragraphs 17 and 55 of the Framework which say that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to avoid isolated homes in the countryside.
- 10.9 The proposed development would be contrary to these fundamental aims of the NPPF and as such cannot be supported.

Urban Design issues

- 10.10 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history and reflects the identity of local surroundings and materials.
- 10.11 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. Policy PLP24 regarding design is also of relevance.

- 10.12 The application lacks information to justify the development and in the absence of any supporting statements regarding the structural stability of the buildings it is apparent from the site visit that excessive rebuilding would be required to facilitate any development. The extent of the works required would result in an unacceptable impact on the openness and character of the Green Belt. In addition, the associated changes required to make the buildings suitable for habitation would be detrimental to the character of the Green Belt, eroding the rural character, and increasing the domestic/residential character.
- 10.13 Furthermore the introduction of domestic curtilage would introduce an alien character into an area that is currently rural in character.
- 10.14 Whilst the more contemporary design of development may provide interest in visual terms this has to be weighed up against the location of the site and character of the rural environment. The buildings in the locality are very much rural with the main Lodge being the most domestic in character. Officers do not object to the more contemporary character of the design and whilst the principle remains unacceptable the simplicity of the design and openings is not considered to detract from the character of the area.
- 10.15 The materials proposed include stone slate roof and a combination of stone and timber walling. The permanent buildings in the vicinity of the site and some of the existing farm buildings are constructed of natural materials. The use of natural stone and slate is considered appropriate for the development proposed. Depending on the balance of the timber boarding to natural stone the use of it may be acceptable. It is not clear from the submitted details to what extent timber will be incorporated into the scheme. Subject to conditions the materials proposed would be acceptable.

Residential Amenity

- 10.16 Given the open and rural character of the surrounding area, there are very few residential properties close by. Emley Lodge is located to the south west of the site with other farm buildings directly to the south.
- 10.17 Policy BE12 of the UDP normally requires separation distances of 21 metres between existing and proposed habitable room windows. There is no direct relationship between the development proposed and existing residential accommodation. Notwithstanding the fact that the principle is not acceptable the angles between existing habitable accommodation and that proposed are considered sufficient so as to avoid any concerns regarding loss of privacy.
- 10.18 No buildings are present to the north of the application site and therefore the aims of UDP Policy BE12 are met.
- 10.19 Given the separation distances present and the fact that the building/structure is already in place it is considered that there will be no detriment to residential amenity in terms of overbearing impact or overshadowing.

10.20 The application site boundary has been reduced retaining a small area to the rear of the buildings which would provide an area of curtilage for proposed occupants. There is currently no access to this area and its character is that of an overgrown field. Any encroachment into this area would not be supported in principle due to the character change as raised previously. The area is quite small, when considered in context, to provide outdoor space for the occupants of a large 4 bedroom property but it is a compromise to reduce the impact on the Green Belt. Policy BE1 of the UDP states that development should promote a healthy environment, including space and landscaping about buildings. The development would provide limited space that is disproportionate to the scale of the dwelling but balancing this up against the impact on the Green Belt it is considered to be adequate.

Housing issues

10.21 The development of the site would not contribute sustainably to the housing stock of the area.

Highway issues

10.22 The application has been assessed by KC Highways Development Management and, despite the submission of further information, concerns remain. Due to the scale of the development proposed the provision for parking of 3 vehicles should be shown on the details.

10.23 The application states that that turning for a 6.0m refuse collection vehicle should be accommodated in addition to an arrangement for the collection of refuse however no evidence of such an agreement has been submitted to accompany the application.

10.24 As the site is in excess of 500 metres from Wakefield Road a suitable access for a fire tender is required and turning to be kept clear from obstruction should be provided within 40 metres of the proposed dwelling.

10.25 The matters raised have not been addressed and as such the development is contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan in addition to PDLP Policies PLP20, PLP21, PLP22 and PLP1.

Public Right of Way (PROW):

10.26 The effect upon the PROW is a separate issue to highway safety and comments received from members of the public highlight the conflict between vehicles and those using the PROW. The application has failed to demonstrate that the development would not result in an unacceptable risk to other users of the track. The Council's PROW Officers have raised concerns regarding the development that have not been addressed. These include pedestrian improvements, use of specific materials for vehicle access and introduction of passing places. The application lacks recognition and information in respect of the effect on the public bridleway and its users, on the route being proposed for access to the property, it largely ignores this material consideration. Officers also object to the tarmacing of any of the public bridleway, as it is undesirable both in terms of surfacing and expected increased vehicle speeds. The application does not include any supporting traffic figures to support the applicant's claims that the development would be offset by a decrease in agricultural movements. The buildings have been vacant for some time and as such it is not likely that there is any material trade off.

10.27 Officers therefore conclude that the proposed development would have a harmful effect on the PROW contrary to Policy R13 of the Kirklees Unitary Development Plan.

Representations

10.28 Officers comments in relation to the concerns raised in the representations received are as follows:-

- Increased traffic
Reason: It is recognised that there would be an increase in traffic associated with the development which could potentially conflict between vehicles associated with the development and users of the bridleway and these concerns have not been addressed in the submitted information.
- Support the reuse of redundant farm buildings
Reason: The reuse of buildings need not be inappropriate subject to them being of permanent and substantial construction
- Farmhouse is not listed
Reason: It is recognised that the buildings are not listed.
- Conflict of riders and vehicles (unsafe)
Reason: It is recognised that there could be potential conflict between vehicles associated with the development and users of the bridleway and these concerns have not been addressed.
- Access is a bridleway and footpath
Reason: It is recognised that there could be potential conflict between vehicles associated with the development and users of the bridleway and these concerns have not been addressed.
- Loss of pleasant leisure facility/loss of amenity
Reason: It is recognised that there could be potential conflict between vehicles associated with the development and users of the bridleway to the point that amenity may be compromised.
- Bats/Owls
Reason: The application has been assessed with regards to matters of ecology and biodiversity and there are matters that require addressing.

10.29 The matters raised by Councillor Watson are addressed by officers as follows:-

- The comments are not a representation as to the merits of the application.
Officer response: *Noted.*
- Suggestion that there will be further applications in due course in relation to what might ultimately be a significant residential development some distance from the highway in green belt land. These are likely to be sufficiently significant to start off the process in relation to the development of the site by consideration by Committee.

Officer response: An application should be considered on its own merits and in accordance with the development plan unless there are material considerations that indicate otherwise. It is not considered relevant to consider future development at the site in this instance. The location of the site is isolated and paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside.

- Validity of objectors and the rights of landowners need to be considered.
Officer response: The comments received from objectors are consistent with the concerns raised by officers. It is understood the buildings are currently for sale and therefore any potential purchaser should be aware of the significance of planning concerns.
- Significance of highway issues such that a decision should be taken by elected Members.
Officer response: Professional Highway and PROW Officers have raised significant concerns to the development proposed and these are considered justifiable to support refusal of the development.
- The observations of Denby Dale Parish Council are noted and having regard to these comments it would seem prudent to have these matters tested before, and determined by, the Heavy woollen sub-committee.
Officer response: The Parish Council concur with the concerns raised by members of the public in addition to professional Officers.
- Green belt issues are important to local residents and, therefore, it seems sensible that where matters of such significance are to be decided the responsibility should lie with the elected Members.
Officer response: Local residents, in addition to the Parish Council, concur with the concerns raised by members of the public in addition to professional Officers and as such there is no reason to refer the matter to Members.
- Consideration of the specific provisions of the council's constitution in relation to referral by members the application satisfies a number of material considerations.
Officer response: Noted.
- It would be in the interests of everyone involved that it should be determined by the sub-committee having regard to the possibility of further applications in the future, interest in terms of consultation responses and also the decision of a potentially controversial application should be taken by elected members.
Officer response: The application should be considered in light of material planning considerations. The development proposed raises significant concerns. The principle of the development is unacceptable and as such its refusal is not considered controversial.

Other Matters

Ecology

- 10.30 Survey information has been submitted that relates to bats and breeding birds. While this survey is to a high standard, this location is subject to a number of other potential ecological constraints that have not been identified. In particular, a large proportion of the site is identified as part of the Kirklees Wildlife Habitat Network (KWHN), and as such is likely to be within an important habitat corridor, and breeding great crested newts have been recorded within 500 m of the site.
- 10.31 Although no breeding birds or roosting bats were recorded in the buildings subject to this application, the wider site supports both breeding birds, including Schedule 1 species, and roosting bats. Development in the area proposed therefore has the potential to result in indirect ecological impacts if appropriate controls are not implemented.
- 10.32 Development of the wider site, if this is to be undertaken in future, will certainly result in significant ecological impacts unless appropriate mitigation is provided. This mitigation may well require works within the present application area, and it would therefore be sensible and more likely effective to design this mitigation for the site as a whole.
- 10.33 Due to the location and the nature of the site, there are significant opportunities for ecological enhancement, which are required under national and emerging local policy.

Foul Sewage

- 10.34 In consultation with Environmental Service it is recommended that the applicants submit a report giving details of the packaged sewage treatment plant to be installed, and that it be agreed in writing with the Local Planning Authority, before development commences. In particular the following information should be included:

1 Location of the tank. If the location is near to any well, stream or river it is recommended that the Environment Agency be consulted about the application.

2 The capacity of the tank and number of persons using the tank.

3 Adequate means of vehicular access should be provided to allow the tank to be emptied.

The installation shall be installed and maintained in accordance with the agreed details.

- 10.35 Subject to compliance with the above the development is considered in accordance with Kirklees Unitary Development and the National Planning Policy Framework.

Sustainable Transport

- 10.36 This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is less than that of prescribed values set out in this document, which is why it is regarded as a minor development.
- 10.37 Sustainable transport Paragraph 35 of the national Planning Policy guidance states that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles.” As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. Should the recommendation have been to approve the application, a condition can be imposed in relation to the provision of facilities for charging plug-in electric vehicles.

Coal Mining Legacy:

- 10.38 A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development. The inclusion of such conditions would ensure that the proposals comply with the aims of chapter 11 of the NPPF.

Drainage issues

- 10.39 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. Due to the size of the site and development proposed, the application does not require referring to the Environment Agency. The Lead Local Flood Authority has been consulted but have not provided any comment. It is considered that measures could be undertaken to ensure the development meets responsibilities outlined in the National planning Policy

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. It is therefore recommended that the application be refused.

12.0 Reasons for refusal:

1. The proposed dwelling is sited in a rural location, outside the settlement boundary and is inaccessible to local shops and amenities thus being reliant on the private car. The applicant has failed to demonstrate any special circumstances as identified within Paragraph 55 of the National Planning Policy Framework which would outweigh the unsustainable location of the proposed dwelling. The proposal is therefore contrary to the National Planning Policy Framework in addition to Policies PLP1 and PLP20 of the Kirklees Publication Draft Local Plan.

2. The existing buildings are not of permanent and substantial construction and as such cannot be reused. The redevelopment of the site would be inappropriate development for which no special circumstance have been submitted and as such is contrary to Paragraph 90 of the National Planning Policy Framework in addition to Policy PLP60 of the Kirklees Publication Draft Local Plan.

3. The existing building is sited in a prominent location which is open to 3 sides to the countryside. The works required in order to create an acceptable level of outdoor amenity area for future occupiers would involve engineering operations and a change of use of adjoining land. The subsequent use of this land as a domestic garden, along with associated domestic paraphernalia, would be a form of encroachment which would fail to preserve the openness of the Green Belt. The application is therefore, considered to constitute inappropriate development in the Green Belt. There are no very special circumstances that would clearly outweigh the harm identified and the proposal is therefore contrary to the National Planning Policy Framework in addition to Kirklees Publication Draft Local Plan Policies PLP1, PLP3 and PLP57.

4. The access and egress would involve utilising an existing track which is also a Public Right of Way. The use of the building as a dwelling, coupled with the lack of adequate provision of access would lead to a conflict of users. The development is therefore, contrary to policies R13 and T10 of the Kirklees Unitary Development Plan and the National Planning Policy Framework in addition to Kirklees Publication Draft Local Plan Policy PLP21.

5. The development proposed provides insufficient parking and suitable access for a fire tender and refuse collection contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan in addition to Policy PLP21 of the Kirklees Publication Draft Local Plan.

6. The applicant has submitted ecological information that relates to bats and breeding birds only. The supporting evidence does not address the potential for impacts to Great Crested Newts, which are known to inhabit several ponds located to the south of the site. It has not been demonstrated that development could be carried out without impact to the local ecology and as such the development proposed is contrary to Chapter 11 of the National Planning Policy Framework as the Local Planning Authority is not able to discharge its duty, under regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, to have regard to the requirements of the Habitats Directive.

Background Papers:

Application and history files.

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93217>

Certificate of Ownership –Certificate A signed and dated 02/09/2017.

Website link for previous application reference 2009/93519 for the reuse and adaptation of existing barns to 4 no. dwellings which was withdrawn:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2009%2f93519>

