
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Oct-2020

Subject: Planning Application 2020/90691 Erection of chicken shed (Listed Building within a Conservation Area) 75, Wooldale Road, Wooldale, Holmfirth, HD9 1QG

APPLICANT

Mr & Mrs Weatherburn

DATE VALID

06-Mar-2020

TARGET DATE

01-May-2020

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: REFUSE

1. The proposed development is located within the designated Green Belt whereby, as set out in the National Planning Policy Framework, the construction of new buildings, save for certain exceptions, is inappropriate development. The construction of buildings for agriculture is one such exception. Policy LP54 of the Kirklees Local Plan qualifies this in requiring such buildings to be genuinely required for the purposes of agriculture. Information submitted with the application has failed to demonstrate that the building is genuinely required for the purpose of agriculture and therefore the proposal is contrary to policy LP54 a. of the Kirklees Local Plan.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission (reference: 2020/90691), for the erection of a chicken shed.
- 1.2 The application is brought before the Huddersfield Sub-Planning Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Firth for the reason outlined below:

'I visited the above mentioned property last Friday at the request of Mr Matthew Weatherburn , the Owner. I don't know whether you have visited the property or not, but I can find nothing untoward with what he is wanting to do. No.1 Mr Weatherburn is registered as a Smallholder with DEFRA - his registration No.49/544/0081. No.2 Mr Weatherburn is registered to have as many as 500 hens on that Holding Number. But he only wants about 12 hens and, believe it or not, the hen hut is about the right size for up to 24 hens, the size of which will include storage for dry corn feed, crushed sea shells known as grit for calcium, feeding equipment , water fountains etc. When I visited the site last week I personally thought the hen hut/the grassed lawn/steps and all the dry stone walling were a credit to Mr Weatherburn, plus the workmanship and design very well thought out etc. I don't particularly like the word 'Hobby Farmer' and is not something we need, as a Council, to get involved with. I come from 6 plus generations of farmers and think we need more 'Hobby Farmers' , they make a very pleasant change from all the House Building which has been well overdone, especially over the last few years. The Holme Valley area was always known for its Textiles and Farming. The farmers bred sheep which in turn provided the textile mills with the wool. Poultry were kept to provide eggs as a quality food supplement, and the larger farms provided the bakers with cereal products/eggs. Unfortunately, now with all the house building which has taken place we provide very little into the food chain and we manufacture very little. If we don't do more to support the 'hobby farmers' and small businesses, The Holme Valley will be just another 'do nothing' dormant area'.

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

2.0 SITE AND SURROUNDINGS:

2.1 The application site is no. 75 Wooldale Road, Wooldale, Holmfirth, HD9 1QG

2.2 The application site relates to a paddock measuring approximately 0.2 acres in size, the paddock adjoins the domestic curtilage of no. 75 Wooldale Road to the east. No. 75 Wooldale Road is a Grade 2 listed three storey semi-detached dwelling occupied by the applicant of this application.

2.3 The listing description is as follows:

'SE 15 08 WOOLDALE ROAD 13/436 (Wooldale)

Nos 73 and 75 GV II

Two houses. Late C18 – early C19. Hammer dressed stone. Quoins. Stone slate roof with gable copings on carved kneelers. Central stack. Two storeys with 3 to rear. Elevation to road is later extension with catslide roof. Rear elevation: each dwelling has one 3-light window to ground floor, and two 2-light windows to first and second floors'.

3.0 DESCRIPTION OF PROPOSAL:

3.1 The application seeks retrospective approval for the erection of a chicken shed on land adjacent to the domestic curtilage of no. 75 Wooldale Road.

3.2 The chicken shed measures approximately 7.4m x 5.5m, with an approximate ridge height of 3.1m. The shed is constructed from timber walls, with timber doors and polycarb windows. The roof consists of pitched sheet timber with plastic sheeting.

3.3 The paddock is a registered holding with a county parish holding number of 49/544/0081. The holding has 30 hybrid hens producing circa 28 eggs every day. These eggs are sold to local residents at the gate to the west of the site.

4.0 RELEVANT PLANNING HISTORY:

4.1 COMP/19/0134 – General investigation in respect to the erection of a shed.

Officer note: The above investigation relates to the chicken shed subject to this application, it was recommended that planning permission would be required for this structure in this location.

5.0 HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED:

5.1 No amendments were sought in this instance.

6.0 PLANNING POLICY BACKGROUND:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The application site is unallocated in the Kirklees Local Plan but is identified as being located within the Green Belt, a bat alert area, Conservation Area, Holme Valley Neighbourhood Area and partially (to the south) within the Strategic Green Infrastructure Network. The site is also adjacent to Grade 2 listed buildings to the east and has a number of TPO's within it.

6.3 KIRKLEES LOCAL PLAN (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP10 – Supporting the Rural Economy
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP54 – Buildings for Agriculture and Forestry

6.4 NATIONAL POLICES AND GUIDANCE:

- Chapter 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding, and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 4 representations have been received on the proposals. 3 have been received in support, and 1 in objection to the proposals. Comments have been summarised below.

Support -

- No intrusion in terms of noise;
- It seems appropriate to site a chicken shed in this rural location;
- The house is on a steep hillside and does not spoil the view;
- Well situated;
- Excellent for the animals welfare;
- Local produce a good thing in these difficult times;
- The building is far away enough from other dwellings and the road;
- No. 73 Wooldale Road are the only neighbours who can see the building;
- Looking forward to being able to purchase local free-range eggs.

Object –

- The 'shed' is much larger than necessary for a dozen hens;
- The shed was previously used for parties by the owner and his daughters;
- The shed has been in situ for the best part of a year or possibly longer but the 'Free Range Eggs sold here' sign only arrived early March 2020;
- The sign is on a gate post on the drive some distance from their house, the residents are also out all day, it seems doubtful that there is any real interest in selling the eggs produced;
- There are numerous large gabions installed and significant changes to the nature of what was previously a meadow, with the removal of 3 large trees and numerous smaller trees and bushes this has significantly changed the delightful rural character of this land.

Officer note: The applicant has provided justification within the submitted Conservation Heritage Impact Assessment for the reasoning behind the size of the chicken shed. It is considered that this reasoning is acceptable in this instance. In respect of the building and its use, this application is seeking to remedy the previous situation which was raised as a complaint to the planning enforcement team. Clarification was provided by the applicant on the matter of the location of the sign, the applicant confirms that due to the current COVID 19 situation it is deemed safer to have the sign away from the house, additionally the applicants dogs will bark if the gate to their dwelling is used. The applicant also states that there is an honesty box for customers to place their money in and that they are self-employed and therefore regularly return home, with his wife being able to also work from home. From looking at the planning history of the site the applicant was granted consent under application 2015/93171 for the felling of 1 Sycamore, 3 Lombardy Poplars and 1 Pine. They were also given consent to prune 1 Oak and 1 Sycamore, it is therefore considered that the works undertaken appear to be in line with what was approved by the Council's trees officer.

Holme Valley Parish Council – Comments received 12th May 2020. Support.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of consultee advice received, more details of this advice are contained within the assessment section of this report, where appropriate
- 8.2 **KC Conservation & Design** – Comments received 13th May 2020. There are no objections to this proposal.
- 8.3 **KC Environmental Health** – Comments received 19th May 2020. The officer has no objections to the proposals but does recommend conditions in regard to the number and types of chickens kept on site and that waste should be controlled and managed in line with the Waste Management Plan provided.
- 8.4 **KC PROW** – No comments have been received within statutory timescales.
- 8.5 **KC Trees** – Comments received 7th May 2020. The officer raised no objections, although if the application is to be refused the removal of the structure needs to be done without causing further harm.

9.00 SUMMARY OF PRINCIPAL PLANNING ISSUES:

- Principle of development
- Scale, design, and visual impact of the proposed development
- Impact of the proposed development upon the privacy and amenity of neighbouring properties
- Impact on highway safety
- Other matters

Principle of Development:

- 9.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Policy LP54 of the Kirklees Local Plan sets out the criteria against which proposals for agriculture and forestry in the Green Belt will be assessed, as detailed below. It is against this policy that the chicken shed will be first considered. The wording of this policy states that *'proposals for new buildings for agriculture and forestry will normally be acceptable, provided that:*
- a. The building is genuinely required for the purposes of agriculture or forestry;*
 - b. The building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;*
 - c. There will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and*
 - d. The design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.*
- 9.2 Paragraph 19.11 continues that when proposals for new agricultural buildings are received the local planning authority will scrutinise the history of the holding to ascertain whether any agricultural or other suitable building has recently been severed from the holding or converted to another use.
- 9.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'... these are set out within paragraphs 145 and 146 of the NPPF.
- 9.4 One of the exceptions to 'inappropriate development' in paragraph 145 is the erection of a building to be used for agriculture or forestry. In relation to determining whether or not an agricultural building is inappropriate, the NPPF does not set out any limiting criteria in relation to size or other matters. As the proposal is for an agricultural building to be used as a chicken shed the proposal would fall within one of the specific exceptions of paragraph 145 of the NPPF and, for the NPPF alone, would not constitute inappropriate development in the Green Belt.

Is the building 'genuinely required' for the purposes of agriculture

- 9.5 Local Plan Policy LP54 (a) requires buildings to be genuinely required for the purposes of agriculture. Within the policy justification of Local Plan Policy LP54 paragraph 19.10 highlights that the construction of buildings for agriculture is not considered to be inappropriate in the Green Belt although they must be genuinely required in connection with an agricultural enterprise for which the need can be demonstrated. It will also depend on the extent and type of the holding in question and will be unlikely to apply to hobby farms. Hobby farms are usually defined as those where the enterprise is not the applicant's main, principal, or full-time occupation or business.
- 9.6 In this instance it is stated within the submitted Conservation and Heritage Impact Assessment that the chicken shed is being used to store 30 chickens to provide free range eggs to sell. It is considered that the number of chickens kept on site is minimal and whilst it is acknowledged that within the submitted Conservation/Heritage Impact Assessment that this has been done to ensure that there are no noise or smell concerns for local residents and neighbouring properties, this small number of hens would only produce around 28 eggs per day, this would not create a sufficient income for the applicant to live from. Additionally, within an email from the applicant dated 1st April 2020 it was highlighted that they use an honesty box to collect money from customers and that he is self-employed and that his wife also works, it is therefore deemed that the egg production is not the applicants main source of income and therefore the proposals are considered to be hobby farming defined as *'a small farm operated primarily for pleasure rather than profit'*.
- 9.7 Local Plan Policy LP10 relates to supporting the rural economy. Within the policy justification of LP10 paragraph 7.30 states that an overall balance needs to be struck between providing local employment opportunities, promoting sustainable patterns of development, and protecting the character of the countryside and reflecting Green Belt purposes. Whilst it is acknowledged that the proposals are seeking to produce free range eggs to be sold to residents, the production of eggs is considered to be minimal and would not provide local employment opportunities given its size. This is further supported by the submitted application forms which states under Part 19 'Employment' that existing and proposed employee details are not applicable for this proposal. Additionally, paragraph 2 of this policy states that *'in all cases where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy'*.
- 9.8 Given the conclusion drawn above in respect to 'hobby farming', it is in officers opinion that a genuine agricultural need for the building cannot be demonstrated. Therefore, the proposals would not comply with LP54a of the Kirklees Local Plan or paragraph 141 of the NPPF which states that Local Planning Authorities should plan positively to enhance the beneficial use of Green Belts by, inter alia, retaining landscapes and visual amenity. The erection of a new building not genuinely required for the purposes of agriculture would harm the visual amenity of the area and result in a new building on formally open land.

Impact on Visual Amenity:

- 9.9 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 9.10 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:
- 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.*
- 9.11 Paragraphs 193 & 194 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Kirklees Local Plan Policy LP35 also seeks to preserve or enhance the significance of designated heritage assets.
- 9.12 In this instance the chicken shed is located to the east of the Grade 2 Listed Buildings (Nos. 73 & 75 Wooldale Road) within the Conservation Area. Given the nature of the proposals the Council's Conservation and Design officers were consulted, they concluded that as the structure is small in scale and set away from the listed building at a lower level, it is not considered to harm the setting of the listed building. This part of the conservation area is rural in character and partially surrounded by mature trees with land dropping steeply towards open fields to the south. The chicken shed as constructed in timber sits comfortably in this environment and does not harm the character of the conservation areas and therefore, they raise no objections to this proposal. It is therefore in officer's opinion that the chicken shed does not detract from the Grade 2 Listed Buildings or the Conservation Area in this instance, given its size, location and materials used.
- 9.13 In conclusion, the proposals are considered to be appropriate in size, scale, and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. Furthermore, it is considered that given the chicken sheds location within the site the proposals would not detract from the setting and significance of the neighbouring listed buildings or significantly harm the character and appearance of the Conservation Area. The proposals therefore accord with LP24 and LP35 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

- 9.14 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'Proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. 73 Wooldale Road

- 9.15 This dwelling adjoins the application site to the north. Given the separation distance between the chicken shed and this neighbouring property and the differing ground levels, it is in officer's opinion that there are no concerns in regards to overshadowing, overlooking or the shed being overbearing in nature.
- 9.16 In terms of noise and odour, whilst it is possible that there will be additional noise coming from this site that wasn't there previously, there are only 30 chickens housed in the shed and it is therefore in officers opinion that any noise and odour coming from the site would not be detrimental to the amenity of this neighbouring dwelling. However, it is noted that Environment Health officers did raise some initial concerns in respect of noise and odour and stated that the number of birds would need to be controlled via a condition to ensure that this does not become a concern moving forward. In addition, a Waste Management Plan was provided to support the proposals and sets out a strategy for cleaning out the chicken shed and managing odour. The Waste Management Plan would also need conditioning if the application was approved.

Impact on Highway Safety:

- 9.17 The application site appears to have no off-street car parking available and fronts the public highway Wooldale Road in Wooldale to the west. The proposals seek no amendments to the existing access or provision of parking facilities.
- 9.18 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.19 Whilst the proposals would result in some intensification of cars visiting the site to purchase the eggs, it is noted that the site is accessible for local residents on foot and there is on street parking located further down Wooldale Road, it is unlikely that customers would be parked for a long duration when collecting the eggs and it is therefore the opinion officers that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

9.20 Whilst it is acknowledged that the site is located within an identified bat alert area, the building is already constructed and therefore it is considered very unlikely to have an impact on the bat population or any other matters of biodiversity.

Climate Change

9.21 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. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

9.22 The proposal is for a small-scale chicken shed within a paddock to the rear of No. 75 Wooldale Road. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

9.23 There are no other matters for consideration.

10.0 CONCLUSION:

10.1 In conclusion, whilst it is acknowledged that the proposal is deemed to be acceptable in regards to visual impact, residential amenity, trees and highways, it is considered that the development fails to comply with Policy LP54 (a) of the adopted Kirklees Local Plan in that the information submitted by the applicant does not demonstrate that the building is genuinely required for the purpose of agriculture. Therefore, the proposal is not considered to be acceptable in principle in this Green Belt location.

10.2 Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay, as the development proposed is contrary to the adopted development plan, it is therefore recommended for refusal.

Background Papers:

Application and history files.

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90691>

Certificate of Ownership

Certificate A signed.