
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Nov-2020

Subject: Planning Application 2020/90652 Erection of extensions and alterations to existing disused building to form one dwelling Lands Farm, Cliffe Lane, Gomersal, Cleckheaton, BD19 4EU

APPLICANT

J Bean

DATE VALID

10-Mar-2020

TARGET DATE

05-May-2020

EXTENSION EXPIRY DATE

25-Sep-2020

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: Liversedge and Gomersal and Cleckheaton

Ward Councillors consulted: No

Public or private: Public

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 The application has been brought to Heavy Woollen Sub Committee due to a request from Ward Councillor Andrew Pinnock, who raised the following concerns:

- Overall scheme queries – how many dwellings
- Numbers of dwellings on the site has gradually increased
- Number of dwellings allowed off a long private drive, Cliffe Lane is not on a bus route
- Unsatisfactory parking
- Concern about the amount of amenity space required for the new dwelling and the relationship between the new dwelling and those existing on site

1.2 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 site at Lands Farm relates to a unit within a former farm complex which has been converted into residential dwellings. The specific application site is an addition to the main former farmhouse building.

2.2 Surrounding the site is open land to the north, east and south of the site, with a small cluster of other residential buildings to the west.

2.3 The site is allocated as Green Belt on the Kirklees Local Plan and is not located in a conservation area.

3.0 PROPOSAL:

3.1 Planning permission is sought for alterations and extensions to disused existing agricultural building to form one dwelling.

3.2 The changes can be seen on the submitted plans which have been amended during the course of the planning application.

3.3 The amenity space and parking areas can be seen on the submitted site plan.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2012/93048 – Alterations and extension to existing dis-used agricultural buildings to form 3 dwellings APPROVED (Lands Farm)

4.2 2018/91433 – Erection of first floor and conversion of existing barn to one dwelling WITHDRAWN

4.3 2019/90384 – Alterations and extension to existing disused agricultural building to one dwelling REFUSED (Lands Farm)

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

5.1 The case officer has been in negotiations with the agent with regards to the concerns raised as part of the previous planning application. This relates to the design and scale of the originally proposed building, the associated amenity space and parking. Ownership concerns were also considered and evidence provided to overcome objectors' concerns.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP35** – Historic environment
- **LP51** – Local air quality
- **LP57** – The extension, alteration or replacement of existing buildings
- **LP60** – The re use and conversion of buildings

6.3 Supplementary Planning Guidance / Documents:

None

6.4 National Planning Guidance:

- **Chapter 5** - Delivering a sufficient supply of homes
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of two periods of publicity, 16 comments have been made on the planning application. The comments have been considered and the main points raised are as follows:

- Parking and access difficulties
- Highway safety issues (emergency vehicles and farm vehicles)
- Site is active farm
- Impact on listed building, Lands Farm
- Overdevelopment
- Existing building not on plans
- Previous planning history
- Residential amenity
- Fire regulations
- Planning history
- Green Belt
- Drainage

7.2 Officer comments will be made in the representations section of this committee report.

7.3 No parish/town council comments are required.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

K.C Highways Development Management – no objection following receipt of amended site plan. Turning will not be affected and parking provision is acceptable

8.2 Non-statutory:

K.C Environmental Health (comments from previous application) – no objection.

K.C Trees (comments from previous application) – no objection

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 The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for extensions and alterations to facilitate the creation of a new dwelling.
- 10.2 Chapter 13 of the National Planning Policy Framework requires Local Planning Authorities to regard the construction of new buildings as inappropriate development. Exceptions to this include the re-use of buildings provided that the buildings are of a permanent and substantial construction and the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Both of these exceptions are applicable in this case provided that the proposed development preserves openness and does not conflict with the purposes of land within the Green Belt.
- 10.3 Policy LP60 of the Kirklees Local Plan reiterates the first exception as stated above, by stipulating that the conversion or the re-use of buildings in the Green Belt will normally be acceptable where:
- a) The building to be re-used or converted is of a permanent and substantial construction
 - b) The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape
 - c) The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting
- 10.4 In this case, from the site visit, it is clear that the building is of a permanent and substantial construction and therefore the principle of the change of use of existing dwellings (the main farmhouse) to form an additional dwelling (as proposed) could be acceptable.
- 10.5 To begin with, the principle of converting the building is acceptable for the reasons stated above, with LP57 of the Kirklees Local Plan also being considered due to the initial plans showing an extension to the main building. However, the case officer raised initial concerns relating to the scale and design of the building in relation to the host dwelling. Subsequent amendments have been submitted which are acceptable and LP57 is no longer relevant, given that the building will not be extended. The scale of the building will be reduced through demolition of part of the building to the southeast, and the height of the existing building will also not be increased, meaning that the conversion of the building is acceptable in principle.
- 10.6 The building conversion to residential use, along with the parking and amenity space required to facilitate the conversion could be considered to constitute appropriate development in the Green Belt subject to an assessment of relevant material planning considerations.

- 10.7 The relevant points of the Kirklees Local Plan policies will be discussed below to assess the impact on the character of the proposed dwelling in the Green Belt.

Impact on visual amenity

- 10.8 The impact on visual amenity is, on balance, considered by Officers to be acceptable. Policy LP24 of the Kirklees Local Plan states that good design should be at the core of all proposals by ensuring the form, scale and layout and details of the development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.9 Policy LP60 is also relevant and states that the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated within detriment to landscape quality, residential amenity or highway safety.
- 10.10 In this case, the original building, with a monopitch roof is agricultural in its appearance, in the context of its location within a former farmstead. Given that the amended plans result in demolition of part of the building and the retention of the main character and appearance of the building, Officers consider that the proposal is acceptable in this regard.
- 10.11 The functional appearance of the building is retained and converted into a dwelling by the insertion of openings. This is acceptable. The changes to the building including the replacement of the profile metal roof sheets with roof slates would not substantially change the character and appearance of the building, nor would it detract from the traditional building style. The agricultural nature of the building would remain evident following conversion, and the original form of the building would remain the dominant element of the site, which currently is read as an ancillary building within the site. It would remain as such. In the opinion of Officers, the building would not be overly prominent and uncharacteristic, and would not result in harm to the openness of the Green Belt. Considering the small scale of the amenity space to the side of the proposed dwelling, it is considered necessary to remove permitted development rights for Classes A, B, D and E of the GPDO 2015, for both openness of the Green Belt, to avoid overdevelopment of the site/ lack of amenity space and residential amenity for the occupiers of no. 1 Lands Fold.
- 10.12 On the previous refusal at the site, a reason for refusal was imposed in relation to the urban form of the area and the impact on the character of the area as a result of the development. In this case, given that the appearance of the building is very similar to that which currently exists on site, the building would not appear out of character, nor would it appear unconnected to the site in which it is located. It is important for Members to note that this development proposal is considered to overcome the previous reason for refusal and would comply with LP24 of the Kirklees Local Plan. Policy LP24 of the Kirklees Local Plan states that the layout of all developments should respect and enhance the layout of the landscape.

- 10.13 As well as this, the resultant domestic activity such as additional journeys to and from the site have been considered. Whilst it would result in an intensification of the residential use of the site over and above the existing situation, the layout of the amenity space and parking has been altered since the previous permission, and is not considered to, given the existing hardstanding and building, detract from the existing rural character of the site to result in a harmful impact on the openness of the Green Belt as a result of the domestic paraphernalia.
- 10.14 It is noted that the previous refusal stated that due to the poor relationship between the building and garden area, this would create an incongruous feature within the site that would be unusual in this context. In this case, the amendments that have been sought ensure that a private garden area would be created and the relationship between the dwelling and the garden is acceptable by virtue of its repositioning and design.

Impact on setting of Grade II listed building (Lands Farm)

- 10.15 The Grade II listed building is located on the eastern part of the site, screened from the proposed development by the existing residential conversion. Considering the distance and the built form between the two buildings, it is not considered that the conversion of the application building to a residential dwelling would result in harm to the setting of the Grade II listed building, complying with the objectives of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
- 10.16 For the reasons stated above, and the minimal alterations required to the appearance of the building, and the design of the garden area, the proposed development, on balance, complies with Policies LP24 and LP60 of the Kirklees Local Plan and Chapters 12 and 13 of the NPPF.

Impact on residential amenity

- 10.17 Officers have considered the impact on nearby residential properties as Members can see below.

Impact on occupiers of 1 Lands Fold

- 10.18 From research into application ref: 2012/93048, the window closest to this neighbouring building serves a kitchen, with their parking area directly outside. A close relationship between the application site and this window currently exists.
- 10.19 The proposed development would result in an unassociated occupiers' garden area in close proximity to this window. The reason for refusal of the previous application has been considered. It is noted that there is a larger distance between this window and the garden area, and there is a boundary treatment/ stone wall in between the sites. This boundary treatment, along with the distance, is considered to, on balance create an acceptable relationship between the properties and not harm cause a harmful overbearing or overlooking impact that would warrant a reason for refusal of the planning application. The occupiers of 1 Lands Fold can use their access and the occupiers of the new dwelling have a private amenity space that will not be significantly overlooked.

Impact on occupiers at no. 2 Lands Fold

- 10.20 This neighbouring dwelling has a kitchen window in close proximity to the proposed building at ground floor level, with a bedroom window at first floor level (2012 plans). The bedroom window is the only window serving bedroom 2 and therefore consideration has to be given to the impact on the occupiers of this dwelling.
- 10.21 In this case, there is an existing close relationship between no.2 Lands Fold and the existing building. However, in this case, the proposal will include the demolition of part of the building which is located closest to this neighbouring building, and the height of the building would not be increased. For this reason, the proposed development would improve the situation between these two dwellings and there would be no harmful overbearing impact on the occupiers of this dwelling.
- 10.22 There would be no impact of overlooking/loss of privacy due to the fact that there are no openings proposed in the rear elevation of the proposed dwelling.

Impact on occupiers of The Flat

- 10.23 This dwelling has what are considered to be habitable room windows in the elevation facing the application property at first floor level, with garages at ground floor level. However, in this case, there are no openings in the rear elevation of the proposed dwelling and therefore there would be no overlooking/loss of privacy.
- 10.24 As the proposed development will not bring development closer to The Flat (in fact the proposed development would demolish part of the existing building closest to The Flat), there would be no overbearing impact on the occupiers of this dwelling as a result of the proposals.

Impact on occupiers of Ash Tree Cottage

- 10.25 Ash Tree Cottage is located to the northwest of the site and does not have a direct relationship with the application building. Considering that the building, if approved, would not extend closer to this property, there would be no overbearing or overshadowing impact as a result of the increase in height of the proposed dwelling.
- 10.26 In terms of overlooking/loss of privacy, the habitable room openings proposed in the main elevation would face onto the area of hardstanding and garage to the northwest of the site which is not currently private. For this reason, it is not considered that this would result in a harmful level of residential amenity as a result of a loss of privacy.

Amenity of future occupiers

- 10.27 It is noted that Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework are consistent in their approach to the impact on the amenity of future occupiers of any proposed dwellings, requiring a good standard of living for future occupiers of new dwellings.

- 10.28 In this case, following the re-design of the associated garden space and the proposed boundary treatment and distance between the garden area and no.1 Lands Fold, the garden space is adequately private to ensure an acceptable level of amenity. The area is, on balance, acceptable.
- 10.29 The internal floor space of the proposed dwelling is acceptable and will comply with National Space Standards for a one-bedroom dwelling.
- 10.30 Overall, Officers consider that the impact on residential amenity is acceptable, on balance, and the proposed development complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.31 The impact on highway safety is acceptable. Following a consultation with Highways DM, the amended site plan has overcome the previous reason for refusal of the application for the conversion of the dwelling.
- 10.32 The site plan shows parking to the front of the building, to the southeast. Consideration has been given to the 2012 application and the possible displacement of vehicles from this approval.
- 10.33 Whilst it is noted that the proposed garden area is to the front of no.1 Lands Fold and would alter the parking arrangements shown on the site plan from the 2012 permission (which shows parking spaces to the front), the agent has provided a site plan that shows how two vehicles could be accommodated within the Lands Farm complex, whilst not affecting the turning area. Highways DM are satisfied that this would not result in a loss of parking spaces and the previous reason for refusal has been overcome.
- 10.34 The parking for the newly converted dwelling is to the southeast and this is acceptable provision due to the scale of the building. This location will allow vehicles to continue to use the access track and intensification of the use of the site would not result in highway safety issues.
- 10.35 As per the previous application, Highways DM have confirmed that the arrangements in relation to turning on the site are considered acceptable and no highway safety issues will result from the proposed development. It is important for Members to note that the previous application was refused on the grounds of failing to demonstrate that parking would not be affected, this application provides sufficient information in this regard.
- 10.36 Officers are satisfied that the proposed development complies with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Representations

- 10.37 As a result of two periods of publicity, 16 comments have been made on the planning application. The comments have been considered and the main points raised are as follows:

- Parking and access difficulties

Officer comment: see highway safety section of this report.

- Highway safety issues (emergency vehicles and farm vehicles)

Officer comment: see highway safety section of this report.

- Site is active farm

Officer comment: this is noted.

- Impact on listed building, Lands Farm

Officer comment: see other matters section of this report.

- Overdevelopment

Officer comment: the building itself will not change in scale, it will require a small area of amenity space and parking

- Existing building not on plans

Officer comment: the building which is subject of this application is on 2012 plans for the redevelopment of the site. It is labelled as a garage/ outbuilding for domestic purposes

- Previous planning history

Officer comment: the relevant planning history has been considered and the reasons for refusal on the previous permission have been overcome

- Residential amenity

Officer comment: see residential amenity section of this report.

- Fire regulations

Officer comment: this is not a material planning consideration in relation to the utilities required within the new unit.

- Green Belt

Officer comment: assessment against LP60 of the KLP and Chapter 13 of the NPPF in relation to Green Belt has been made. The impact on the openness of the Green Belt is acceptable.

- Drainage

Officer comment: see other matters section of this report.

10.38 Ward Councillor Andrew Pinnock has made the following comments:

- Overall scheme queries – how many dwellings

Officer comment: there are currently 9 dwellings on the site.

- Numbers of dwellings on the site has gradually increased

Officer comment: this is noted

- Number of dwellings allowed off a long private drive, Cliffe Lane is not on a bus route

Officer comment: see highway safety section of this report. The scale of development is small.

- Unsatisfactory parking
Officer comment: see highway safety section of this report. There is an acceptable level of parking provision and existing parking will not be displaced.
- Concern about the amount of amenity space required for the new dwelling and the relationship between the new dwelling and those existing on site
Officer comment: see residential amenity section of this report

Other Matters

Red line boundary

- 10.38 The red line boundary is considered to overlap into the ownership of the adjoining property particularly the area where the proposed alteration to reposition the south eastern flank wall. Certificate B provided by the applicant confirms the person who was owner of the adjoining building 21 days prior to the application being submitted was notified of the application in accordance with Article 13 of the TCP(DMPO) Order 2015. The owner specified on the notice was previously notified of the application under the publicity procedure under article 15 of the TCP(DMPO) and therefore the 21 period for representations have been given by virtue of article 33.

Climate Change

- 10.39 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.
- 10.40 Considering the small scale of the proposed development, it is not considered that the proposed development would have an impact on climate change that needs mitigation. The imposition of a condition for an electric vehicle charging point has been recommended. This is satisfactory to address the climate change emergency given the small scale of the proposed development. The proposed development complies with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Ecology

- 10.41 The site is in a bat alert layer and therefore consideration needs to be given to the impact of the proposed development on protected species. In this case, from the site visit, it appears that the building was relatively well sealed and there was no evidence of bats or bat roosts. For this reason, a footnote would be added to the decision notice to provide advice to the applicant should bats or bat roosts be found during construction. The proposed development complies LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Description of development

10.42 It is not clear whether the building within the application site has been converted into residential use, with the applicant confirming that the use of the building is agricultural, both during the course of the previous, subsequently withdrawn application, the meeting with the case officer and the current planning application. Whilst the 2012 permission has been implemented into residential use, and therefore the site may have a lawful C3 use, the description of development is not considered to prejudice members of the public, with a clear red line boundary and plans identifying the building. Additionally, during the course of the previous applications which were subsequently withdrawn and refused, the description of development was not queried.

Drainage

10.43 The application form states that foul water will be connected to the mains sewer which is acceptable. It also states that surface water runoff is also proposed to be disposed of through the mains sewer. Policy LP28 of the Kirklees Local Plan preamble states the following:

10.44 “When proposing new developments, surface water issues need to be addressed in terms of existing surface water and potential increases to run-off resulting from the development. Effective management of surface water can help to prevent increased flood risk”

10.45 In this case, a solution to surface water runoff is not proposed through the means of a sustainable system of urban drainage and therefore consideration has to be given to the extent that the proposed development meets Policy LP28 of the KLP.

10.46 In this case, the agent has confirmed that the building will be connected to an existing mains sewer. Given that this is an existing connection, this is acceptable for this small-scale development.

10.47 The proposal complies with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11.0 CONCLUSION

11.1 To conclude, the concerns summarised above have been carefully considered however, when assessing this planning application in relation to national and local planning policy, along with all other material planning considerations, Officers are of the opinion that the principle of residential development on this site is acceptable, subject to appropriate conditions.

11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and further consideration at Reserved Matters stage, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. 3 years time to implement plans
2. Development to be carried out in accordance with plans
3. Provision of one electric vehicle charging point
4. Removal of Permitted Development rights for extensions, openings and buildings
5. Prior to occupation, the stone boundary wall shown on plan ref 007B shall be erected

Background Papers:

Link to planning application details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90652>

Certificate of Ownership – Cert B signed.

Link to previously refused planning application:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90384+>