
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 04-Nov-2020

Subject: Planning Application 2018/94162 Erection of dwelling and 3 outbuildings and works to access Upper Langley Farm, Langley Lane, Clayton West, Huddersfield, HD8 9HY

APPLICANT

E Tipler

DATE VALID

18-Dec-2018

TARGET DATE

12-Feb-2019

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: Denby Dale

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

REFUSE

1. The application site is located upon land designated as Green Belt on the Kirklees Local Plan, within which development is severely restricted. The applicant has failed to demonstrate that there is an essential and permanent requirement for a new dwelling on this site. As such the proposal constitutes inappropriate development in the Green Belt for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. As such, the application fails to comply with the aims of Policies LP24 and LP55 of the Kirklees Local Plan as well as the aims of the Chapters 12 and 13 of the National Planning Policy Framework and would result in significant harm to the openness of the Green Belt and its rural character.

1.0 INTRODUCTION:

1.1 Full planning permission is sought for the erection of a dwelling and 3 outbuildings together with works to the access on land to the north of the former Upper Langley Farm, Langley Lane in Clayton West. The application is brought to Heavy Woollen Planning Committee in accordance with the scheme of delegation as the size of the site is over 0.5ha.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to a rectangular-shaped parcel of land located to the north of the former Upper Langley Farm. To the south, the site is bounded by the railway embankment of the Kirklees Light Railway and beyond this, the Pilling Lane residential development scheme is currently under construction. To the north, east and west of the site is agricultural land. A water course, Park Gate Dike, runs to the north of the site.

2.2 The red line boundary illustrates the site access from the adopted highway; this extends through the field to the north of the site and then eastwards along the existing track known as Langley Lane. Public Rights of Ways run around the edges of the site and along the access. There is a bridge over the watercourse which provides access to the site.

2.3 The applicant previously occupied Upper Langley Farm, which was located on the site of the current residential development scheme to the south. It is understood that the applicant tenanted this land prior to development commencing, and surrendered his land and farmstead following the grant of planning permission for the residential development scheme. The applicant

has since moved onto the site which remains in his ownership and is currently living in a large caravan on the site. The applicant has also moved many belongings onto this land too, which include vehicles, farm machinery, scrap metal/building materials, containers and the stone acquired from the demolition of the farmhouse.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of a detached dwelling on this site, together with the erection of 3 detached outbuildings.

3.2 The dwelling would be single storey and have a maximum footprint of 19.9m x 12.7m. It would have a maximum height of 5.7m with approximately 2.6m to the eaves. Internally, the dwelling provides a large open-plan kitchen dining area with lounge, 3no. bedrooms, 1no. en-suite, a house bathroom, a home office, a utility room and a shower room. The dwelling would have the appearance of a typical domestic bungalow; it is designed with a number of gable roof forms and openings in all four elevations. It would be faced in stone salvaged from the demolition of the former farmhouse. The dwelling would be positioned in the north-eastern corner of the site.

3.3 In addition to this, 3no. outbuildings would be erected to the south of the dwelling. They would each have a footprint of 14m x 14m and a ridge height of 8.2m with 4m to the eaves. The outbuildings would be faced in reclaimed natural stone to the front elevation, with timber boarding and concrete block to the sides and rear. Each would contain a roller-shutter door on the front elevation and a pedestrian door to the side. 2no. of these buildings would be used as storage and third for vehicle maintenance.

3.4 A small area of the site is indicated as provided amenity space for the applicant and other areas are shown to be used by grazing animals. A site access would be formed through the field which would be surfaced in crushed gravel. This would lead to a parking area for 4no. cars.

3.5 In addition to this, works to the existing PROW that links the application site to Langley Lane are proposed. This land is currently grassed, with wheel tracks through. The proposal would also result in works to surface this PROW, together with the junction where the 3 PROWs converge. This will result in the provision of an approximately 3m wide track through this field. It is proposed that this would be surfaced in crushed gravel.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 2018/91387 – Erection of dwelling and 3 outbuildings – withdrawn
- Enforcement: COMP/18/0009: Alleged siting of residential caravan and storage use on the site

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

5.1 A meeting has been held with the agent on the application on the highways/PROW aspects of the scheme, as the agent wished for all highways issues to be addressed prior to addressing agricultural need and green belt issues. Discussions have also been held in relation to ecology matters and additional supporting information was provided.

- 5.2 A joint site visit has been held between, the case officer, applicant, agent and the agricultural consultant who has been involved in assessing this application.
- 5.3 Following this and the response from the Agricultural Consultant, there was further dialogue between the Agricultural Consultant and the agent in relation to agricultural need.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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). The application site lies within the Green Belt.

Kirklees Local Plan (2019):

- 6.2 Relevant Kirklees Local Plan Policies are set out below:

- LP 1 – Sustainable Development
- LP 21 – Highway Safety
- LP 23 – Core Walking and Cycling Routes
- LP 24 – Design
- LP 27 – Flood Risk
- LP 28 – Drainage
- LP 30 – Biodiversity and geodiversity
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality
- LP 53 – Contaminated and unstable land
- LP 55 – Agricultural and forestry workers dwellings

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Highways Design Guidance Supplementary Planning Document.

National Planning Guidance:

- 6.4 Relevant sections of the National Planning Policy Framework are set out below:
- Chapter 5 – Delivering a sufficient supply of homes (rural housing para 79)
 - Chapter 6 – Building a strong, competitive economy (Supporting a prosperous rural economy para. 83)
 - Chapter 12 – Achieving well-designed places
 - Chapter 13 – Protecting Green Belt land
 - Chapter 15 – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of this application, 14no. representations have been received from members of the public from two periods of publicity. Councillor Turner has also been in contact with the case officer to express concern about the proposed development due to Green Belt and highways issues.

7.2 The representations received are summarised below:

- The site is Green Belt and of high environmental value
- The applicant could live in another dwelling
- The access road is already busy
- Concerns about contamination due to the former use
- Proximity to the river and it is felt that the land acts as a natural flood plain which should not be disturbed
- Concerns about the bridge over the watercourse
- Concerns about the impact on the PROW
- Concerns about the impact on wildlife, particularly on fish in the river

7.3 Denby Dale Parish Council comments:

This is not a sustainable development. The proposed dwelling and associated buildings are in an inaccessible location to any public road. The applicant seeks to form a new single-track roadway, along a Public Right of Way, through a sizeable acreage of cultivated Green Belt agricultural land. Vehicular access to the site over Park Gate Dike either from the new proposed roadway or any existing point has not been fully detailed. There would be insufficient safe access for fire tenders and refuse collection vehicles especially during winter conditions. The nearest bus stop on Wakefield Road is over a kilometre away, therefore all movements to shops, doctors and amenities would be by motor vehicle and all agricultural and delivery vehicles would have to negotiate a narrow single-track roadway with no passing places. The application is for a new dwelling which under Part 9 of the NPPF constitutes inappropriate development, impacting upon the openness of the Green Belt. Therefore, no special circumstances have been shown.

8.0 CONSULTATION RESPONSES:

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

8.1 **Statutory:**

- KC Highways DM (including PROW): no objection subject to condition
- The Environment Agency: no objection. Should become apparent that works are reviewed to strengthen the bridge, they should be reconsulted
- KC Lead Local Flood Authority (LLFA): no objection

8.2 Non-statutory:

- Agricultural Consultant – raised concern about a genuine agricultural need for a dwelling on the site
- KC Environmental Health: no objection subject to conditions
- KC Trees: no objection
- KC Ecology: no objection subject to condition

9.0 MAIN ISSUES

- Principle of development
- Design, visual amenity and openness of the Green Belt
- Residential amenity
- Highway Safety and PROW
- Drainage issues
- Ecology issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 10.2 The site is located within the green belt on the Kirklees Local Plan, and the proposal is for a dwelling and 3no outbuildings. Paragraph 143 of the NPPF stipulates that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In paragraph 144, it goes on to state that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 145 stipulates a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposal does not fall under one of the exceptions in Paragraph 145 and is therefore inappropriate development.
- 10.3 Chapter 5 – rural housing - paragraph 79 of the NPPF states that 'planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply;
- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

As such the proposal could be considered under very special circumstances if it is demonstrated that there is both an essential and permanent need for a worker to be housed at their place of work.

- 10.4 In this instance, supporting information has been submitted alongside this application which sets out the context of the application and attempts to justify the need for the proposed development. By way of context, within the supporting information, it is set out that this proposal follows the approval of the residential redevelopment of the land to the south of the planning application site, which is currently been developed for 200 houses by Redrow Homes. This site previously contained Upper Langley Farm which was occupied by the applicant. Following the grant of planning permission, it is stated that the applicant tenanted this land and surrendered the land and farmstead to allow for this development to be carried out. As such, it is stated that the current proposal would seek replacement facilities in connection with the applicant's farming business. Within the supporting information, it is set out that the applicant and his family have had a beef cattle enterprise at Langley Farm and Upper Langley Farm since the 19th century, with the applicant taking over the farm business in 1982. It is asserted that the current application for the erection of a dwelling and 3no. outbuildings would enable the continuation of the farming enterprise at this location.
- 10.7 This supporting information has been reviewed by an Agricultural Consultant. The consultant has requested and reviewed supporting information, alongside the proposed development. In addition to this, the Agricultural Consultant has visited the site and entered into discussions with the farmer (applicant) and the agent in order to gain a detailed understanding of the farming operations that are taking place on the site in order to identify whether or not a genuine agricultural need exists on the site that would justify the proposed development. The Agricultural Consultant raises a number of concerns about the proposed development and the agricultural need that exists. These comments are replicated in Appendix 1.
- 10.4 Policy LP55 of the Kirklees Local Plan relates to agricultural and forestry workers dwellings and as such is relevant in the determination of the application. This sets out that in such cases, this type of development will normally be acceptable where there is both 'an essential and permanent need for the dwelling based on the functional requirements of the enterprise it is intended to serve'. This policy sets out key considerations on the matter in relation to agricultural need, siting, availability of existing accommodation, temporary permissions, and security of the long-term control, scale of the proposal and history of the holding. An assessment of the proposed development, using the comments of the Agricultural Consultant is set out below, in the context of this policy.
- 10.5 Policy LP55 criteria a) requires there to be both an essential and permanent need for a new dwelling based on the functional requirements of the enterprise it is intended to serve. To demonstrate that the need is essential attendance must be required at short notice at all times of the day or night, where failure to attend could result in serious loss of crops or livestock. An essential need may be demonstrated when animals are vulnerable, for example if animals are housed indoors for over-wintering from November to Spring. At section 4.9 to 4.18 of the supporting statement the applicant has given the number of livestock normally on the holding, but it is understood that

there are no animal sheds at Upper Langley farm nor are any proposed with this application. The livestock are land based/grass fed and kept permanently outdoors. There is a clear distinction to be made between general livestock and those that are vulnerable. As noted by the agricultural consultant, mature livestock grazing outdoors can be unattended for significant periods and consequently there is only a very modest requirement on this holding with respect to vulnerable livestock. An essential need has not therefore been adequately demonstrated.

- 10.6 To demonstrate that the need is permanent the requirement for someone to reside on site must be on a full-time basis and the enterprise should be sound, meaning that it is financially able to sustain the farming enterprise both now and as far as can reasonably be seen ahead. The need for a full-time worker is normally assessed using the 'standard man day' (SMD) calculation and a permanent need will not arise unless the unit can support at least 1 full time worker. The applicant has provided information that demonstrates that there is the need for the equivalent of 1.37 full time workers on this enterprise. The applicant's calculation includes a stated number of head of cattle, a contribution from the acreage of pasture as well as an allowance for management and routine maintenance. The Agricultural Consultant has questioned the stated number of cattle based on evidence that there may not be as many animals on the holding as the supporting information would suggest. Neither the acreage of pasture nor the routine managerial and maintenance activities, while a normal part of the function of the farming enterprise, require someone to be living on site. At paragraph 4.11 of the supporting information the applicant states not only that they are employed on a full time basis but also that there is one other full time worker as well as additional labour brought in at peak times, but there is nothing in the remaining information, in the SMD calculation or evidence on site to justify this statement. Given the above, together with the comments from the Agricultural Consultant, who states that the holding is 'barely more than a one man unit' it is considered that the need for a full-time worker would be marginal at best.
- 10.7 Permanence is also judged on whether the enterprise is operated on a sound financial basis and there is the prospect of it remaining so as far as can reasonably be seen ahead. In support of the proposal the applicant states that his family has operated a beef cattle enterprise at Langley farm since the 19th century and that the enterprise supports the applicant. However it cannot be overlooked that a significant amount of land was lost to this farm when the neighbouring residential development was approved, amounting to at least one third of the total land holding. Both the Design and Access statement and the supporting planning statement indicate that the applicant owns 10ha of land, but from plans submitted and from discussion on site it would appear that the applicant only owns approximately 4ha of land, with a further 15ha on an agricultural tenancy. This is therefore now a modest holding. While agricultural tenancies may be common the very small amount of land directly controlled by the applicant is a concern as it would render the enterprise wholly unviable should the remaining tenanted land become unavailable. As it is the enterprise only returns an income below the national living wage. It is a material consideration whether the house, once built, would impact on the viability of the enterprise for future occupants. In support of the scheme the applicant has stated that the presence of the house would generate more income but it is unclear how this would be the case, especially given that the applicant already lives on site (compliance ref: COMP/18/0009)

- 10.8 The applicant's intend to use material salvaged from the former farmhouse to construct the new house and have stated that they will not need to borrow capital to finance the build. While that may be the case, future buyers may need to service a mortgage or other loan from the income generated by the farm. If the holding with the house is unaffordable for an agricultural worker pressure would quickly arise for the agricultural occupancy condition to be removed. The Agricultural Consultant has stated that the floorspace of the proposed house would be excessive for the function it is intended to serve. Notwithstanding the number of bedrooms proposed, the overall floorspace is around 200sqm which significantly exceeds those set out within the Nationally Described Space Standards produced by the government as guidance in terms of floor areas for residential developments. For a 3 bedroom bungalow the Space Standards indicate a minimum GIA of 74 – 95sqm. Any new house must be commensurate with the size and functional requirement of the holding and not the personal preference or circumstances of the applicant. The applicant has stated that the new dwelling is a replacement for the one lost and in which he used to reside. It is not the case however that a farmhouse of the size commensurate with the original holding should automatically be replaced on the smaller holding as it is the needs of the holding that must be considered, not the needs of the applicant. Unless the authority can be satisfied that the house would not render the enterprise unviable for any future occupant, it cannot conclude that the need is permanent as far as can reasonably be seen ahead.
- 10.9 Policy LP55 criteria b) states that the new dwelling should be suitably located for the purpose for which it is intended. This means that it should be within or close to an existing farmstead and within sight and sound of vulnerable livestock. As there is no existing farmstead and no animal buildings it could be argued that the dwelling could be located anywhere on the farm. Furthermore, the plan shows the house positioned furthest from the access necessitating a long drive through land which is indicated to be grazed by young animals. It is also located where there must be doubt as to whether any animals on the remainder of the holding would be within sight and sound of it.
- 10.10 LP55 criteria c) requires the consideration of whether there is any other suitable accommodation nearby, whether there is another dwelling available on the holding or whether a dwelling could be provided through the conversion of a building. It is accepted that there is no other dwelling available on the holding and no buildings suitable for conversion. However, the application site is not isolated. It is located on the edge of Scissett, which is a sizable settlement, and in very close proximity to the large housing development that resulted in the loss of the farmstead and land. Scissett is a large enough settlement to have provide a range of available house types and sizes in the years since the applicant was required to vacate the farmhouse. Given that the LPA have concluded that there is a lack of an essential need for a full-time on-site presence on the site, residing in Scissett is considered to be a viable option in order to sustain the farming activities that currently take place.

- 10.11 Policy LP55 paragraph 4 states that any proposal for a new dwelling deemed disproportionate in scale or inappropriately sited or designed in terms of impact, including the treatment of land around it, will not be acceptable. The size of the house has already been considered in the assessment above. As well as the house, the application includes the construction of 3no. large outbuildings. These are proposed to constitute 2no. storage buildings and a vehicle maintenance building. The Agricultural Consultant has commented that from the plans provided, the door height is somewhat lower than would be expected for a conventional agricultural building and the roof pitch appears steep at 30 degrees. The span:depth ratio is also unusual. In support of the proposal it has been stated that the buildings meet the needs of the applicant, but it is the needs of the holding that must be considered. As they are proposed to be stone fronted their construction is unusually expensive for agricultural buildings and the fact that there are three of them, detached but in close proximity gives the appearance of a range of large garages. In fact when considered as a whole the design and location of the house, the long driveway and stone fronted outbuildings gives the proposal a domestic rather than an agricultural character, resulting in a scheme that looks like a house and outbuildings set in a large garden/paddock.
- 10.12 Policy LP55 paragraph 5 states that in all cases the history of the enterprise will be scrutinised and where fragmentation has occurred new dwellings will not normally be permitted. It is acknowledged that this enterprise has not been fragmented but it has been substantially reduced in size and as has been considered above the ability of the holding to support the development proposed is a material consideration.
- 10.13 In conclusion neither an essential nor a permanent requirement for a new dwelling on this site has been demonstrated to the satisfaction of officers. As such the proposal constitutes inappropriate development in the green belt for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. The application fails to comply with the aims of Policy LP55 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

Design, visual amenity and openness of the Green Belt

- 10.14 Policy LP24 of the Kirklees Local Plan requires good design to be at the core of planning decisions. This echoes the guidance contained within Chapter 12 of the National Planning Policy Framework which also asserts the importance of achieving high quality design through the planning process. As set out above, the site and its access lie within Green Belt land and at Chapter 13 of the NPPF, the Government place great weight on protecting the openness of the Green Belt.
- 10.15 Whilst located adjacent the railway embankment, this site is nonetheless highly visible from public vantage points. PROWs bound the site on three sides and the southern boundary of the site is formed by the embankment itself. This makes the site highly visible to users of the Kirklees Light Railway from an elevated position. Whilst the current state of the site is noted, as set out above, this, together with the applicant's caravan, are subject to planning enforcement.

- 10.16 In terms of the design of the dwelling and outbuildings, when considered in isolation, and notwithstanding the concerns raised above about how these structures would serve an agricultural need, their design and scale could be considered acceptable. However, when considered as a part of the countrified setting in which they are proposed, introducing the proposed built form on the site, together with the works proposed to the access, would result in substantial harm to the openness of the Green Belt. The works to form the access would result in the introduction of a gravel-surfaced access track through the adjacent field along the route of the PROW, which would significantly alter the rural character of the field. The harm identified above is not outweighed by any very special circumstances. Officers consider that significant weight would be afforded to this harm.
- 10.17 As such, it is considered that the proposed development would represent an unacceptable level of harm to the openness of the Green Belt and the countrified character of the area. There are no very special circumstances to outweigh this harm and the application is considered to conflict with the aims of Policy LP24 of the KLP as well as Chapters 12 and 13 of the NPPF.

Residential amenity issues

- 10.18 Policy LP24 of the Kirklees Local Plan together with the aims of the National Planning Policy Framework require a good standard of amenity to be achieved through planning decisions for the existing and future occupiers of neighbouring land.
- 10.19 In this instance, the proposed development and associated works are located a significant distance away from residential properties. As such, there would be no significant adverse impact on the residential amenity of occupants of existing dwellings as a result of this application.
- 10.20 In terms of the amenity of the future occupants, the dwelling would have ample internal floorspace, as well as a garden area with terrace externally. There would be sufficient parking arrangements. As such, the occupants would have a good standard of amenity. Given the proposed use of the dwelling which is to be associated with farm activities, KC Environmental Health recommend that the agricultural occupancy condition is also applied in this instance.
- 10.21 In summary, the proposed development is considered to be acceptable in relation to residential amenity and complies with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the NPPF.

Highway Safety and PROW issues

- 10.22 Langley Lane is a long unmade track that serves a number of dwellings around Emley Lodge. Barring some field entrances, there is little room for more than one vehicle to use the route at any one time.
- 10.23 Highways and PROW officers met with the applicant and agent following a previous application in 2018 to try and resolve a number of highway issues. There were many concerns, but some advice was given in terms of what information would be required to provide an informed assessment. These included surfacing details of the proposed new access, structural details of the

bridge over the Park Gate Dike and details of any improvements, and information in terms of sustainability (refuse collection, emergency vehicle access).

- 10.24 For the most part, this information has been supplied by the applicant to the satisfaction on Highways DM, given the proposed use of the dwelling for agricultural purposes that the applicant alleged was required in this location. In terms of bin collection and emergency access, KC Highways DM state that a lot of weight has been given to the existing use of the track by the Emley Lodge Cottages, although swept path analysis of a fire appliance accessing the site has been provided by the applicant.
- 10.25 The council's PROW team have also been consulted regarding the improvements to the section of public footpath not presently served by any dwellings, and have come to a compromise in terms of surfacing and width. Some concern remains regarding the suitability of the beck crossing to sustain a fire appliance and delivery vehicles, but analysis and any structural work required would be conditioned should the application be approved.
- 10.26 On balance, KC Highways DM state the proposed development is acceptable for the agricultural development proposed on the site. This is subject to conditions relating to surfacing being permeable, details of surfacing to be agreed, a structural survey in relation to works to the bridge, waste arrangements, together with a note about obstruction to the PROW. The proposed development is considered, on balance, to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

Flood Risk and Drainage issues

- 10.27 The main section of the site is situated south of Park Gate Dike. This is classed as a statutory main river. This river has been modelled by the Environment Agency to show the risk zones associated with this watercourse. The buildings proposed on this site are all within flood zone 1, this is the lowest risk zone from fluvial flooding sources.
- 10.28 The LLFA has been consulted on the application, who confirm that the site lies within Flood Zone 1. The comment that the main access to the site crosses Park Gate Dike and may become impassable in extreme weather events. In this event there are sufficient alternative routes for leaving the site to the south via the PROWs that bound the site to the side. As such, no objection is raised by the LLFA subject to a condition in relation to surface water drainage.
- 10.29 Discussion has been held with the Environment Agency who has reviewed the application. As set out in the highways section above, it is currently unknown as to whether any structural works to be bridge would be required to support the proposed use. The Environment Agency raise no objections at this stage, however, should the application be approved, they would want to be consulted at the discharge of condition stage should it be found that works to be bridge would be required. It is understood that this is to ensure that any proposed works would have an acceptable impact on flows through the river. No objections are raised in principle. This work would be subject to the EA's Environmental Permitting too and informative details have been passed on for the attention of the applicant should this application be approved. Comments are also made in relation to emergency evacuation routes, which are addressed in the LLFA's comments as set out above.

10.30 As such, the proposed development is considered acceptable in relation to flood risk and drainage subject to the conditions set out above. The application is considered to comply with the aims of Policies LP27 and LP28 of the KLP and the aims of Chapter 14 of the NPPF.

Ecology issues

10.31 The application site lies within the Kirklees Wildlife Habitat Network, bat alert layer and an area where Great Crested Newts have been previously recorded within 500m of the site. During the course of the application, a Preliminary Ecological Appraisal (PEA) was provided to support the proposed development. KC Ecology officers have reviewed this and considered that the PEA provides adequate assessment to conclude that negative ecological impacts will be limited provided certain mitigative measures are applied.

10.32 Should work be required on the bridge to provide access to the site across Park Gate Dike, updated surveys are recommended prior to the commencement of works in relation to Otter, water vole and white clawed crayfish. Given the nature of the type of work recommended by the survey, following further discussion, KC Ecology conclude that it would be acceptable to condition these elements should works be granted. They comment that white clawed crayfish may only be an issue should works to the channel be required and even so, are unlikely to be a constraint to any bridge works.

10.33 Should the application be approved, in order to prevent significant ecological harm and secure a biodiversity net gain on the site, KC Ecology Officers would recommend conditions relating to the production of a CEMP, a lighting design strategy for biodiversity and an Ecological Design Strategy. This would allow the proposed development to comply with the aims of Policy LP30 of the KLP and the aims of Chapter 15 of the NPPF.

Tree Issues

10.34 KC Trees officers have reviewed the proposed development and comment that there are no trees which would meet the criteria for a new TPO to be served that would be affected by this proposal. Therefore, KC Trees Officers raise no objection. The proposed development is considered to comply with the aims of Policy LP33 of the KLP and the aims of Chapter 15 of the NPPF.

Land Contamination and Stability

10.35 KC Environmental Health Officers have reviewed the application and raise no objection in principle. However, due to the former use of the site, the land is registered as being potentially contaminated and a suite of conditions is recommended should the application be approved. These relate to the submission of Contaminated Land reports, and a remediation strategy and validation report where required.

10.36 The land where building operations are proposed to take place is registered as a low-risk area with respect to coal mining legacy. As such, no consultation with the Coal Authority has taken place. With a stretch of the access track that would be surfaced and widened under this application does lie within a high-risk coal mining area, given the nature of the works, which are non-invasive into the ground, the proposal is considered acceptable from this perspective.

10.37 In summary, the proposed development is considered to comply with the aims of Policy LP53 of the KLP and the aims of Chapter 15 of the NPPF.

Climate emergency

10.38 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.

10.39 Considering the small-scale of the proposed development, it is not considered that the proposed development would have a significant impact on climate change that needs mitigation. The imposition of a condition for an electric vehicle charging point has been recommended by KC Environmental Health Officers. 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.

Representations

10.40 A summary of the representations, together with a response from the Officer, is set out below.

- The site is Green Belt and of high environmental value
Response: this matter is addressed within the report.
- The applicant could live in another dwelling
Response: this matter is addressed within the report.
- The access road is already busy
Response: highways matters are addressed within the report.
- Concerns about contamination due to the former use
Response: both KC Environmental Health and The Environment Agency have been consulted and raise no objection subject to conditions.
- Proximity to the river and it is felt that the land acts as a natural flood plain which should not be disturbed
Response: flood risk matters are addressed within the report.
- Concerns about the bridge over the watercourse
Response: this detail is addressed within the report
- Concerns about the impact on the PROW
Response: this is addressed within the report.

- Concerns about the impact on wildlife, particularly on fish in the river
Response: Ecology matters have been investigated and this is set out within the report.

11.0 CONCLUSION

11.1 In conclusion neither an essential nor a permanent requirement for a new dwelling on this site has been demonstrated to the satisfaction of officers. As such, the proposal constitutes inappropriate development in the green belt, for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. The application fails to comply with the aims of Policy LP55 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

12.0 REASON FOR REFUSAL

1. The application site is located upon land designated as Green Belt on the Kirklees Local Plan, within which development is severely restricted. The applicant has failed to demonstrate that there is an essential and permanent requirement for a new dwelling on this site. As such, the proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. As such, the application fails to comply with the aims of Policies LP24 and LP55 of the Kirklees Local Plan as well as the aims of the Chapters 12 and 13 of the National Planning Policy Framework and would result in significant harm to the openness of the Green Belt and its rural character.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/94162>

Certificate of Ownership –Certificate B signed.

Appendix 1: Comments from the Agricultural Consultant

In the light of the information provided in support of the application, I do not propose to dwell on the background details.

In essence, I have a number of concerns:-

1. *There appears to be a little confusion regarding the area of land owned. The Design and Access Statement and Planning Report both refer to the Applicant owning 10 Ha (24.7 acres). However, the Plans provided and conversation with the Applicant indicate only approximately 3.99 Ha (9.88 acres) is owned.*

On the above basis, I understand that the Holding includes approximately 3.99 Ha (9.88 acres) of land owned by the Applicant and 15.1 Ha (38.3 acres) tenanted under an Agricultural Holdings Act Tenancy. This is therefore a very modest Holding with a high proportion of tenanted land and, as approximately $\frac{1}{3}$ of the Holding has recently been taken for residential development, I must question the security/permanence of the remainder?. (There is also the possibility of the Applicant surrendering the tenancy and simply retaining the dwelling on his own modest land holding as a retirement home.)

- 2. I note the comments about the long established business, although the business is now significantly smaller than previously due to the land taken for development, and it has lost its farmhouse and farmstead. I would suggest it is therefore more akin to a new enterprise.*
- 3. I note the labour requirement calculations but the livestock numbers expressed in the supporting information are somewhat higher than advised on site. On this basis, and bearing in mind the modest land area, I feel this is barely more than a 1 man unit, with a very modest requirement in respect of vulnerable livestock. Also, as the livestock are "land based/grass fed", I would question the assertion that this is an intensive unit?.*
- 4. The application includes 2 storage buildings, a vehicle maintenance building and the proposed dwelling. From the plans provided, the buildings door height is somewhat lower than I would expect for a conventional agricultural building and the roof pitch appears steep at 30 degrees. The span:depth ratio is also unusual. I must therefore question whether the buildings are of agricultural design and construction?, and are being constructed to meet the agricultural needs of the holding?.*
- 5. From the plans provided, the dwelling extends to approximately 200sq m. The design and scale of the proposed dwelling are important aspects as they will have a direct relationship to the cost of construction, future running and maintenance, and the ability of the business to fund them. There is also the question of future sale and the likelihood that an inappropriate design/layout or over-extensive dwelling may be problematic or too large to be of interest to a future agricultural owner, manager or worker, leading to its obsolescence as an agricultural dwelling and giving rise to an early application for the removal of the occupancy condition.*

In considering the appropriate size of the dwelling, I would refer to the Department for Communities and Local Government Space Standard which indicates a minimum floor area of 74 – 95 sq m for a 3 bedroom bungalow and 90 – 117 sq m for a 4 bedroom bungalow. I also feel it is reasonable to have regard to provision by commercial house-builders. Clearly, they need to balance value for money with meeting the reasonable needs of families/buyers.

Allowing for a 3 to 4 bedroom design together with an office, I would suggest a reasonable floor area would be approximately 120 - 125 sq m, with a reduced ground floor "footprint" if a two storey dwelling were to be considered. Clearly, a dwelling more akin in scale to minimum requirements or commercial house builders need not be aesthetically unpleasing if reasonably designed. But I shall leave this to you to consider.

Finally, it is common practice in Leeds to exclude/restrict Permitted Development Rights in consents for agricultural dwellings and ensure the need for approval to alterations, additions/extensions etc in these sensitive green belt situations.

6. *Reference is made to there being no alternative existing residential property and I would question what consideration has been given to the use of one of the properties being built on the former farmstead ? Clearly this site/location performed an adequate function in the past ?.*
7. *The financial information provided, indicates that the net profit is significantly below the National Living Wage, which would indicate that the Holding would not be capable of providing a reasonable income for the proprietor, a return on borrowed capital to meet interest charges etc, a return on capital invested by the proprietor, and an amount for maintenance and future investment.*

Whilst the specific “Financial Test” for agricultural dwellings has been removed, sustainability is at the heart of the NPPF and I would contend that financial sustainability/profitability is essential to give confidence to a business to grow; support strong, vibrant and healthy communities; and ensure investment in protecting and enhancing the environment.

8. *I note the proposed access. Whilst this is clearly a Highways issue, the length, route and obstacles appear considerable to make provision for delivery and livestock vehicles which are commonly articulated and can be upto 44 tonnes gross.*

On the above basis, I do not feel that a convincing case has been made in support of the application.