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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 10-Jun-2021**

**Subject: Planning Application 2021/90212 Variation condition 2 (plans) on previous permission 2017/91597 for Listed Building Consent for alterations to barn to 2 dwellings, erection of side and rear extensions to existing cottage Egypt Farm, Cliffe Lane, Gomersal, BD19 4EU**

**APPLICANT**

Andrew Ratcliffe, Knight  
Key Ltd

**DATE VALID**

30-Jan-2021

**TARGET DATE**

27-Mar-2021

**EXTENSION EXPIRY DATE**

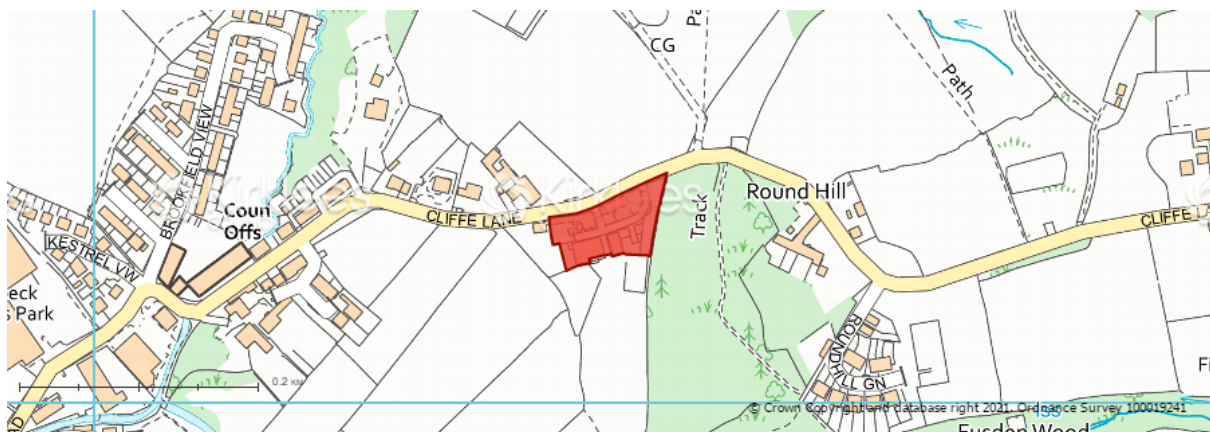
11-Jun-2021

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

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

**LOCATION PLAN**



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

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**Electoral wards affected: Cleckheaton Ward  
(Adjacent Liversedge and Gomersal Ward)**

**Ward Councillors consulted: YES (referred to in report)**

**Public or private: PUBLIC**

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**RECOMMENDATION:**

**APPROVE**

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 called to the Heavy Woollen Sub Committee by Ward Councillor Kath Pinnock. Cllr Kath Pinnock wishes for this application to be determined at committee based upon the previous refusals at the site, that the proposed development may represent over development, the intensification of the site and the impact on the visual amenity of the wider area.
- 1.2 The Chair agreed to this application being brought to Sub-Committee for determination confirming Cllr Pinnock's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub-Committees.

## **2.0 SITE AND SURROUNDING**

- 2.1 The application relates to a site at Egypt Farm, Cliffe Lane, Lane, Cleckheaton; the site covers an area of just over 0.4ha and comprises several dwellings and farm buildings. Most of the buildings are sited close to the north boundary which borders onto Cliffe Lane; to the west of the site is the current farmhouse and to the east is what appears to be the original farmhouse which is also a Grade II listed building. Attached to this building is a small single storey cottage of a later period.
- 2.2 The farm buildings include a two-storey brick built barn which is positioned centrally along the northern boundary of the site. The barn is the building to which this application relates. The rear of the barn is adjacent to the highway. The front of the barn faces south. The barn has been converted to form two dwellings which benefit from gardens to the south as well as the use of some of the farm courtyard. The Grade II listed building known as Ye Closes (no.64) is set 16m to the east from the barn with a dwelling set in between.

## **3.0 PROPOSAL**

- 3.1 The application is seeking permission for the variation condition 2 (plans) on previous permission 2017/91597 for Listed Building Consent for alterations to barn to 2 dwellings, erection of side and rear extensions to existing cottage.

- 3.2 The proposed variations to the barn from the 2017/91597 permission are as follows (note: this is a retrospective application):
- The provision of nine roof lights – four to the front and five to the rear with each dwelling benefit from two rooflights on each roof plane. These rooflights provide light to a study and bedroom within the roof space of each dwelling.
  - Reconfiguration of internal layout to mean each dwelling would have four bedrooms, instead of three bedrooms as previously approved.
  - The provision of two obscurely glazed windows in the western side elevation.
  - The provision of a larger window on the front elevation.
  - The reopening and re-use of a door on the east side elevation. A false door was included in this position on the parent application.
  - The provision of a window on the east side elevation at the top of the gable to serve an en-suite
  - Repositioning of the bat box.
  - The agricultural building will no longer be proposed.
  - The provision of a pressed metal gutter to the principal elevation.
- Full details on the variations can be seen on plans (20843)10\_Proposed dwellings Rev C received on 20/05/2021

3.4 The application is not seeking any changes to the rear extension to an existing cottage, or the demolition of a cattle shed (already demolished).

3.5 It should be noted that a wall outside the parameters of permitted development, however this is outside the red line boundary and is not to be considered under this application.

#### **4.0 HISTORY OF NEGOTIATIONS**

- 4.1 There have been various amendments made to this scheme:
- The amendment of the red line boundary to accord with the parent application.
  - Three rooflights have been removed from the proposed plans in order to create a more balanced finish. The remaining proposed roof lights will contain a conservation style 'bar' in the interests of visual amenity and the historic environment.
  - The obscurely glazing of the two windows in the west side elevation, in the interests of residential amenity.
  - A proposed garage, where the previously approved agricultural building was approved, has been removed on Officer's recommendation given it is inappropriate in the Green Belt setting.
  - A window on the east side elevation has been removed in the interests of residential amenity for neighbouring dwellings.
  - The showing of designated parking on plan.

#### **5.0 RELEVANT PLANNING HISTORY**

**2006/91976** change of use, alterations, and extension to farm buildings to form 7 dwellings – withdrawn.

**2006/95312** change of use, alterations, and extension to farm buildings to form 6 dwellings – Approved.

**2006/95313** change of use, alterations, and extension to farm buildings to form 6 dwellings - Approved.

**2008/91298** re-use and adaptation of barn to form 4 apartments – Refused due to effect on character of building- cramped accommodation.

**2007/95399.** change of use and alterations to convert barn to 3 dwellings - Approved.

**2016/20265.** Pre-application enquiry for residential development.

**2017/91597** Listed Building consent for the change of use of barn to 2 dwellings, erection of rear extension to cottage and alterations to layout – Approved.

**2017/91596** Change of use of barn to 2 dwellings, erection of rear extension to existing cottage, demolition of existing cattle shed, erection of tractor and hay store and alterations to layout – Approved (Permitted Development rights removed for classes A, B, C, D and E as well as additional windows).

## **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 The site is set within Green Belt land as allocated on the Kirklees Local Plan (2019).

6.3 The application site is set within the curtilage of a grade II Listed Building known as Ye Closes (no.64). Listing Date 11-Feb-1993. Its listing description is as follows:

6.4 'House, now divided. C.17 or early C.18. Hammer dressed stone with large quoins Rendered to rear and gables. Stone slate roof with chamfered gable copings on moulded kneelers. Two storeys with continuous string over ground floor openings. Near central door with arched lintel and chamfered reveals. All windows are double-chamfered and most mullions removed. One 5-light window to left with 4-light over. 3-light window over door. 4-light window to right both floors. To extreme left is a later doorway to No. 64. Outshoot to rear of similar date with one 2-light and one altered 5-light window.'

6.5 Kirklees Local Plan (KLP):  
**LP35** – Historic Environment

6.6 National Planning Policy Framework (NPPF):  
**Chapter 16** – Protecting and enhancing the historic environment.

## **7.0 PUBLIC/LOCAL RESPONSE**

- 7.1 15 representations were received on this listed building consent application whilst 6 representations were received on the association planning application. All the representations received across both applications were against the proposal. For the sake of clarity and transparency, all matters relating to the material considerations for a listed building consent application from all 15 representations from 11 individuals were received across both applications (excluding duplicates) will be summarised below. Please note that these comments were received before the latest set of plans were received. Please also note that all points raised that are not directly relevant to the material considerations of an application for listed building consent, have been summarised and addressed within the report for the associated planning application (2021/90090).
- 7.2 Representation regarding the impact on the Listed Building:
- The proposal would detriment the setting of a listed building and does not preserve or enhance it.
  - The roof lights detriment the visual amenity and heritage importance of the barn and wider landscape as they do not respect the character of the host building or listed building.
  - The UPVC gutters and dry verges installed to the barn are not in keeping with the age and character of a barn nearly 170 years old and the listed building setting.
  - The removal of the beams is a harmful to the heritage of the barn and wider site.

## **8.0 CONSULTATIONS**

- 8.1 Below are the summaries of the responses provided by statutory and non-statutory consultees. The consultation response will be discussed in more detail where relevant in assessment below.
- 8.2 **KC Conservation and Design** – No objections regarding the impact on the setting of the listed building.

## **9.0 MAIN ISSUES**

- Principle of Development
- Impact on Character and Significance of Listed Building Residential Amenity
- Representations

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1 As the application is for Listed Building Consent, the only issues that fall to be considered are the impact the development would have on the character and significance of the Listed Building. Under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering whether to grant listed building consent for any works have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is supported by policy LP35 of the Local Plan.

#### Impact on Character and Significance of Listed Building

- 10.2 The application relates to proposed works to a barn within the curtilage of a listed building. It is important to note that the barn itself does not benefit from any listing. Therefore, the test is to whether the impact the development would have on the character and significance of the Listed Building of Ye Closes (no.64) and not to the character of the barn itself.
- 10.3 KC Conservation and Design were consulted in regard to the impact the proposed variation would have on the character and significance of the listed building. Their findings relating to the listed building are as follows:
- 10.4 'The proposed alterations will further alter the former agricultural buildings which are ancillary buildings within the setting of the grade-II listed farmhouse which dates from the early C18th and is the principal grade-II listed building. The key heritage impact test should, therefore, be the potential impact on the character and appearance of the principal listed building, as well as the impact on the character of the subject buildings. The proposed works will have no physical impact on the principal listed building while the most significant affect will be the alterations to the roof form of the prominent, much-altered barn to accommodate additional floor-space. The roof of the barn will be altered by the insertion of several roof-lights. These will have an adverse physical and visual impact on the otherwise unaltered roofscape of the prominent barn but will not significantly impact the experience or appreciation of the principal listed building.'
- 10.5 The case officer agrees with the consultation response provided by KC Conservation and Design. The proposed roof lights cover a minimal amount of the roof planes and are only visible in conjunction with the listed building when viewing from a very significant distance away. The internal works to such as the removal of beams and provision of accommodation in the roof space does cannot in any way be interpreted to affect the principal listed building. The pressed metal guttering is considered acceptable in this setting. Therefore, it is not considered that the proposed development would materially impact on the setting of the listed building, and therefore the proposal complies with policy LP35 of the KLP and Chapter 16 of the NPPF.

#### Representations

- 10.6 Representation regarding the impact on the Listed Building:
- The proposal would detriment the setting of a listed building and does not preserve or enhance it.
  - The roof lights detriment the visual amenity and heritage importance of the barn and wider landscape as they do not respect the character of the host building or listed building.

- The UPVC gutters installed to the barn are not in keeping with the age and character of a barn nearly 170 years old and the listed building setting.
- The removal of the beams is a harmful to the heritage of the barn and wider site.

10.7 The representation summarised above have been addressed in points 10.1 to 10.5 of the assessment above. All matters not summarised are not applicable to the purposes of a listed building consent application and have been assessed in the report for the variation of condition planning application (2021/90090).

## **11.0 CONCLUSION**

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. In accordance with plans.
2. Provision of pressed metal guttering in accordance with plans within 6 months.
3. Pressed metal downpipes to be erected.

### **Background Papers:**

#### Application and history files

Certificate of Ownership – Certificate B signed and noticed served.

Link to 2017/91596 :- <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/91596>

Link to 2017/91597:- <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/91597>

Link to 2008/91298:- <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008/91298>

Link to 2008/91752:- <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008/91752>