
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 05-Aug-2021**

Subject: Planning Application 2021/91136 Siting of mobile home for use as holiday accommodation, construction of raised platforms, erection of 'Tiki bar' and pergola and formation of vehicular access from Manchester Road with electronic gates and associated hard surfaces Mulberry Brook, Manchester Road, Slaithwaite, Huddersfield, HD7 6LP

APPLICANT

S Murphy

DATE VALID

18-Mar-2021

TARGET DATE

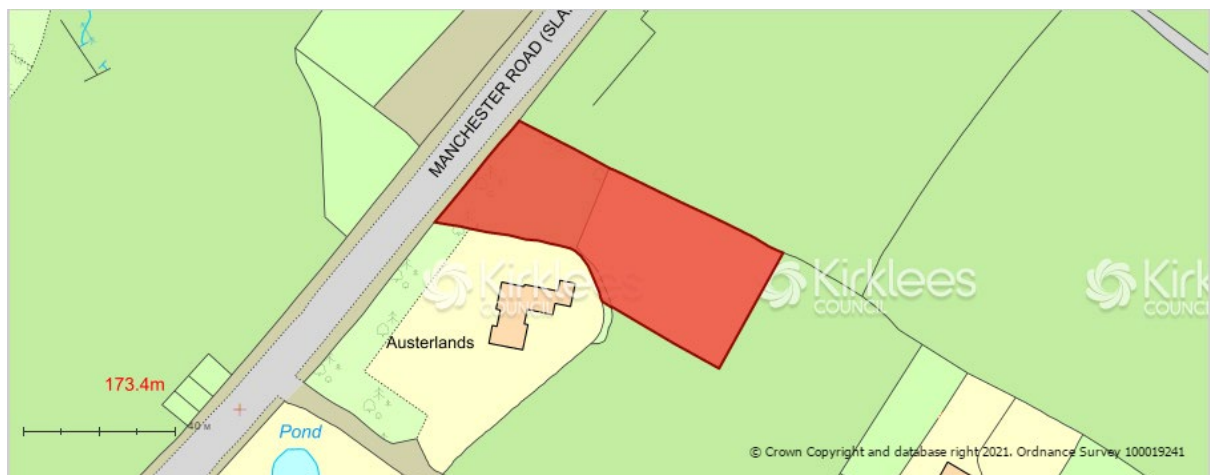
13-May-2021

EXTENSION EXPIRY DATE

10-Jun-2021

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: Colne Valley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: Refuse planning permission and delegate authority to the Head of Planning and Development to proceed with enforcement action requiring cessation of the use and the removal of the associated operational development.

1. The development, consisting of a mobile home, decking, pergola, fencing, access and concrete driveway, has urbanised what was previously an open and green garden, thereby causing significant harm to the openness of the Green Belt as well as the visual amenities of the Green Belt and the character and appearance of the wider area. As such, the development constitutes inappropriate development in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused by inappropriateness and other harm. The development is therefore contrary to Policy LP24 (a) of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought before the Huddersfield Planning Sub-Committee for determination at the request of Ward Councillor Donna Bellamy for the following reason:

For committee to assess whether the application will have an adverse impact on the Green Belt, to establish if there the impact upon Manchester Road (A62), and to look at the potential economic benefits to the Colne Valley

- 1.2 The Chair of the Sub-Committee has accepted the reason is in line with the Council's Protocol for Planning Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is within Mulberry Brook, which comprises a relatively large detached dwelling constructed from natural stone under a stone slate roof. Mulberry Brook benefits from a driveway, with access at the south west corner from Manchester Road (shared with a public right of way). The property also benefits from a relatively spacious garden to the North, North East and West of the dwelling. Pedestrian and vehicular access can be taken from the shared driveway onto Manchester Road (A62).
- 2.2 The application site itself comprises the north section of Mulberry Brook, beyond the north wall of the dwelling, which previously comprised of garden area until relatively recently, but development has taken place on the site which is subject of this application.

- 2.3 The site is within a rural location, and surrounding the site is open countryside to the North East and East. The nearest residential properties are Carters Farm and Carters Barn to the East and Westwyns to the South West. The site and surrounding land rise from the North West to the South East. The site is located within the Green Belt.

3.0 PROPOSAL:

- 3.1 Retrospective Planning permission is sought for the siting of mobile home for use as holiday accommodation, construction of raised platforms, erection of bar and pergola and formation of vehicular access from Manchester Road with electronic gates and associated hard surfacing.
- 3.2 The mobile home is located centrally on the site. The mobile home is constructed from horizontal timber boarding under a pitched tile roof. The mobile home has an eaves height of 2.8 metres and ridge height of 3.2 metres and has a footprint of 12.5 metres by 4 metres. The mobile home is displayed as having 3 bedrooms, a lounge/kitchen and a bathroom.
- 3.3 A timber decked area has been constructed to the rear and South West side of the mobile home, and on the side decked element is a pergola with wooden frames under a tiled roof. The pergola has a footprint of 7.6 metres by 3.4 metres, and a ridge height of 3.4 metres. To the north side of the decking is a timber constructed bar area.
- 3.4 An opening in the wall to the front of the site has been created so as to provide access from Manchester Road, but the kerb has not been dropped. An electric gate is proposed at the access, set back 5 metres from the highway but limited details have been provided of this. From the access point, a concrete driveway has been constructed leading up to the mobile home. Further development to widen the access drive and provide a vehicular turning head is also proposed.
- 3.5 Close boarded fencing has been installed to the front of the mobile home and fencing separates the mobile home from the existing dwelling at Mulberry Brook.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

Application site:

- 4.1 2002/94326: Erection of ground and first floor extensions – Granted.
- 4.2 2006/94890: Erection of garage extension – Granted.
- 4.3 2006/93730: Erection of garage extension – Refused.
- 4.4 2019/93032: Erection of cattery buildings – Granted. In relation to this planning application, planning permission was approved on 21st January 2020 for the erection of cattery buildings in the form of 6 pens, each being 2 metres in width, 2.5 metres in height and 3.6 metres in length.

- 4.5 COMP/20/0277: Enforcement investigation into a complaint regarding the alleged unauthorised siting of a static holiday house caravan and formation of new access track. This has resulted in the submission of the current application seeking to regularise a breach of planning control.

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

- 5.1 The retrospective application follows an enforcement investigation, but Officers consider that the development is unacceptable in principle therefore revisions have not been sought. The applicant has been informed that the application is recommended for refusal. A technical note by Paragon Highways displaying a revised (widened) arrangement of the drive, bin presentation point, location of the electric gate and vehicular turning head has been submitted and is assessed in the report.

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 allocated as Green Belt on the Kirklees Local Plan

6.3 Kirklees Local Plan (2019):

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 10 – Supporting the Rural Economy
- LP 21 – Highway Safety
- LP 22 – Parking Provision
- LP 24 – Design
- LP 30 – Biodiversity and Geodiversity
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 57 – The Extension, Alteration or Replacement of Existing Buildings

6.4 Supplementary Planning Guidance / Documents:

- Biodiversity Net Gain Technical Advice (2021)
- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- National Government's Written Ministerial Statement (WMS) 2015
 - Green Belt protection and intentional unauthorised development:

“The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission.

In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time-consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015. The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.”

6.5 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.0 Neighbour letters expired on 2nd June 2021.

7.1 Two representations have been received objecting to the application. The full comments received are available to view on the Council's Planning Website, but the concerns raised are summarised below:

- Noise and disturbance as a result of the holiday use of the site in a quiet location;
- Outdoor swimming pool at the main dwelling is being installed;
- Highways safety with the creation of the new access;
- Currently already a commercial offering (Jasmine Lodge);
- Concerns any conditions attached on planning permission would not be adhered to;
- Flooding improved on highway since highway works which took place in Winter 2020-2021.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of consultee advice received, with full comments being available to view on the Council's Planning website:

Statutory:

- 8.2 **KC Highways Development Management:** Object to the application due to insufficient information being provided.

Non-Statutory:

- 8.3 **KC Trees:** No objections.
- 8.4 **KC Environmental Health:** No objections.

9.0 MAIN ISSUES

- Principle of the development
- Impact on residential amenity
- Highway issues
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the assessment.
- 10.3 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This will be explored.

Land Allocation (Green Belt)

- 10.4 The site is allocated as Green Belt on the Kirklees Local Plan.
- 10.5 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. Paragraph 147 of the NPPF states that

inappropriate development should not be approved except in 'very special circumstances'.

10.6 Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the following exceptions:

- C) The extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building.
- G) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact upon the openness of the Green Belt than the existing development.

10.7 Policy LP57 of the Kirklees Local Plan, which relates to the extension, alteration and replacement of existing buildings in the Green Belt, is consistent with advice within exception (c) within Paragraph 149 of the NPPF. In the case of extensions, LP57 (a) notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 (c) also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access. Further to this, Policy LP57 (d) states that with such development, 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.

Whether the development is inappropriate development in the Green Belt

10.8 In relation to the first exception listed, this being the one outlined within Paragraph 149(c) of the NPPF, whilst the site may be within the domestic curtilage of Mulberry Brook, Officers consider that the mobile home, pergola, bar and decking cannot be considered as extensions to the original dwelling. Firstly, this is because these structures are detached from the dwelling, being approximately 9 metres away from the dwelling and separated from the dwelling by means of enclosure.

10.9 Secondly, Officers are of the view that these buildings cannot be considered as incidental to the existing dwellinghouse given that the mobile home is able to function independently from the existing dwellinghouse as living accommodation, and the surrounding buildings support such a use. This is because the mobile home has a kitchen, living room, bathroom, 3 bedrooms and its own separate garden area and driveway.

10.10 Thus, the development is not considered to constitute an extension to the original building (dwelling) and therefore Paragraph 149(c) of the NPPF and Paragraph LP57 of the Local Plan are not considered relevant.

- 10.11 If it was considered that the development constituted an extension, the original dwelling has been extended, with the extensions to the dwelling approved under 2002/94326 and 2006/94890 (as outlined in the planning history section above). In combination with the existing extensions, Officers consider that this additional development subject to this application constitutes a disproportionate addition.
- 10.12 Further to this, Officers are of the opinion that the development has a greater impact on openness in terms of outdoor areas contrary to Policy LP57(c), especially given the scale of the concrete driveway which runs from Manchester Road to the front of the mobile home (a distance over 30 metres) and the addition of the stepped decking and fencing. These are considered to be urban features that significantly erode the previous open and rural appearance of the site.
- 10.13 Moving on to the second exception listed (Paragraph 149 (g)), the site is considered to constitute previously developed land being within the residential curtilage of a dwelling which is not within a built-up area. However, the development, this being the mobile home, pergola, bar, stepped decking, fencing, access and concrete driveway, has introduced urban features on what was previously open garden land and Officers hold the view that this unauthorised development has a noticeably greater impact upon the openness of the Green Belt than previously existed.
- 10.14 Given the above, Officers consider that the development constitutes inappropriate development in the Green Belt. The supporting statement submitted alongside the application acknowledges this. As outlined in Paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF also states that Local Planning Authorities should ensure that 'substantial weight' is given to any harm to the Green Belt.
- 10.15 An assessment is therefore required into whether the development causes any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

Whether there would be any other harm to the Green Belt, including visual amenity

- 10.16 In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. Bar the existing dwelling and sporadic development within the area, the application site is an area of land that is generally free from any built development and this contributes to the rural character of the wider surroundings and makes a positive contribution to the character and appearance of the area. The development, which consists of a utilitarian mobile home, decking, bar, pergola, stark fencing and new access and concrete driveway, urbanise what was previously an open and green site, therefore it is considered that there is harm to the openness of the Green Belt as a result of this as well as the visual amenities of the Green Belt. Discussion

has been given to planting in the supporting statement, and whilst this may help screen the development, the introduction of formal landscaping could appear engineered and it would not address the spatial harm to the openness.

10.17 Given that the site is contained within the domestic curtilage it is questionable as to whether there would be conflict with the five purposes of including land within Green Belts.

10.18 Overall, Officers hold the view that the harm to the openness of the Green Belt and the visual amenities of the Green Belt, adds to the substantial harm by reason of inappropriateness in relation to the proposed development.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

10.19 There are number of arguments made in support of the application and Officers will go on to discuss these individually below:

- 'Fallback' position.

10.20 The supporting statement notes that the applicant is within their rights to erect domestic outbuildings / decking of similar scale at this location, and that the permitted development rights for domestic outbuildings should constitute a material consideration.

10.21 When considering the weight of a 'fall-back position', the following tests should be applied:

- a) whether there is a fall-back use, that is to say whether there is a lawful ability to undertake such a use.
- b) whether there is a likelihood or real prospect of such a use occurring; and
- c) if the answer to (a) and (b) is "yes", then a comparison will be made between the impact between the proposed development and the fall-back use at application stage.

10.22 In relation to (a), Officers do not doubt that there are potential permitted development rights on the site for outbuildings of a similar scale to the buildings subject of this application, under Class E, Part 1, Schedule 2 of the General Permitted Development Order (GDPO). However, it would also need to be demonstrated that such development under Class E would be reasonably required for a purpose incidental to the enjoyment of the dwelling house. Without specific details what the 'fallback' development would be used for, it is not clear whether such development could be said to be reasonably required for a purpose incidental to the enjoyment of the dwelling house, and this reduces the weight of such an argument.

- 10.23 Moving on to b), no plans have been provided of alternatives and a lawful development certificate has not been submitted for such development. In addition to this, domestic additions would not be in a similar use to the development subject to this application, given that this relates to a holiday let, and the supporting statement even clearly notes that the applicant is 'not wanting to erect a domestic building'. Given these above factors, Officers consider that there is not a 'real prospect' of such a use occurring, thereby significantly reducing the weight of such an argument.
- 10.24 Regarding (c), even if (a) and (b) were satisfied, Officers consider that this holiday let would likely have a greater impact upon the openness of the Green Belt given that domestic outbuildings would not require their own access and driveway, as well as fencing.
- 10.25 For the reasons above, the fall back argument is given limited weight by Officers.
- The development replaces an extant permission for a cattery approved under application reference 2019/93032.
- 10.26 The mobile home is sited in a relatively similar location to where 6 cattery sheds, at a footprint of 2m by 3.6 each, were approved and this permission is still extant. However, the amount of built development in this current application is considered to be significantly greater, given the decking, pergola, bar and the creation of a new access and concrete driveway, and it is therefore considered that this development would result in greater harm to the openness of the Green Belt than the approved cattery. This argument is therefore given limited weight by Officers.
- The mobile home shielded a vulnerable individual for a temporary period of time and can be utilised by the applicant's family in the future.
- 10.27 Whilst it may be the case that the mobile home provided shielding for a vulnerable family member, the mobile home is no longer required for this function therefore the weight that can be afforded to this argument is extremely limited. Further to this, Officers are aware that part of the existing dwelling has been subdivided to provide another holiday let (called 'Jasmine Cottage') and it is noted on websites that this holiday let sleeps up to 6 people so it is unclear to Officers why this existing space could not have been utilised, and why this space cannot be utilised in the future, thereby further reducing the weight afforded to this argument. In addition, Officers are of the opinion that there appears to be no essential need to house family in the mobile home in the future as no such argument has been provided.
- Would support the rural economy.
- 10.28 The above argument has been made as has reference to Policy LP10 of the Kirklees Local Plan which relates to supporting the rural economy. Of note, the Kirklees Local Plan states that the economic performance of the rural economy will be improved by supporting and increasing tourism related

development, including encouraging new facilities and accommodation for tourists. Reference has also been made to Paragraph 83 of the NPPF (now Paragraph 84 in the revised NPPF) which relates to supporting a prosperous rural economy too.

- 10.29 Whilst the development could be said to make a contribution towards supporting the rural economy, Officers consider the benefit of one mobile home to be modest especially when considering the inappropriateness of such development in the Green Belt. Of note, Policy LP10 also 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 policy."* This argument within the supporting statement also does not justify the creation of a separate access with a long urbanising driveway, and the addition of domestic features such as decking and a pergola and bar, which add to the harm to the openness of the Green Belt. Officers also hold the view that it is also unclear why the holiday home has to be disconnected and detached from the existing dwelling, rather than connected with it which would help reduce the harm to the openness (although it would unlikely eliminate such harm).

- The development would generate employment, and has provided a small income stream for the applicant following the loss of employment.

- 10.30 It is claimed within the supporting statement that the development would provide one individual with full time employment, as well as 3 individuals with part time employment (cleaner, maintenance ground person and administrator).

- 10.31 In relation to the argument this would provide full time employment, it is unclear to Officers why a self-contained holiday of a relatively modest scale would generate a full-time job, but it is acknowledged that this may provide the applicant's family with some income stream. In addition, the part time roles mentioned are considered to be on an extremely limited basis only given the use. Of note, the site previously constituted domestic curtilage and this was maintained by the applicant before the unauthorised holiday let, so it is not understood why there is now a need for a grounds person for such a garden area. The above argument is therefore given limited weight by Officers.

- New access and driveway was created due to flooding along Manchester Road at the existing access, as well as for accessibility reasons

- 10.32 Whilst photos from 2020 have been provided of flooding at this access, the site and existing access are within Flood Zone 1 (lowest probability of flooding). A neighbouring resident in their representation has also noted that works took place to the highway during the Winter of 2020-2021 which has improved this issue significantly. In addition to this, if this flooding is of such a concern it is unclear as to why the existing access needs to be retained as well as creating another access, thereby causing greater harm to the openness of the Green Belt. Further to this, having visited the site, Officers are highly unconvinced that this new access is required to cater for those with

disabilities, and that there are no other less harmful alternatives. This argument is therefore given extremely limited weight.

- 10.33 Given the above, Officers consider that, cumulatively, the arguments put forward by the applicant can be given modest weight, but fall significantly short of amounting to very special circumstances which clearly outweigh the identified harm to the Green Belt.
- 10.34 A written ministerial statement in 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. The Government stated that it was particularly concerned about harm that is caused by *"intentional unauthorised development in the Green Belt"*. In this case it would appear that certain development, such as the creation of an access from a classified road, engineering operations and the letting of the mobile home for holiday use since late June 2020, which are clearly not incidental to the enjoyment of the dwellinghouse, were intentional. This has been taken as a material consideration weighing in the assessment of the application by Officers.

Conclusion

- 10.35 Officers hold the view that the development constitutes inappropriate development in the Green Belt. The development is also considered to cause harm to the openness of the Green Belt and the visual amenities of the Green Belt and the character and appearance of the wider area. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt have not been demonstrated. The development is therefore considered to conflict with Policy LP24 of Kirklees Local Plan and Chapter 13 of the NPPF.

Residential Amenity

- 10.36 Section B and C of policy LP24 of the Local Plan states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

- 10.37 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.38 Officers consider that the development is sufficiently sited so as to prevent undue harm to any neighbouring residential properties, including the host property of Mulberry Brook, in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.
- 10.39 The mobile home has a footprint of approximately 50m² and is therefore significantly under the minimum recommended floor area of 70m² for a 1 storey 3 bedroom dwelling as outlined within the Nationally Described Space Standards. Thus, it is considered that the standard of amenity would be

inadequate for occupiers of the mobile home if it were to be utilised as a dwelling. In light of this issue, should permission be granted a condition could be recommended outlining that the mobile home is only used as a holiday let, and not occupied as a principal place of residence.

- 10.40 Officers are aware of third party concerns regarding noise as a result of the holiday let, especially at later hours, and third parties have noted that a swimming pool being built at the site will only serve to increase the activity and noise from the site. Whilst these concerns are understood, the holiday let is considered to constitute a C3 (residential) use and is within an existing residential garden area (relating to Mulberry Brook). Given this and the distance of the site from the nearest neighbouring properties (over 50 metres from Carters Barn and Carters Farm and over 60 metres from Westwyns), it is considered by Officers that it would not be reasonable to refuse the application on grounds that the development results in a noise nuisance to neighbouring properties. Further to this, the Council's Environmental Health Officer has raised no objections to the application on the grounds of nuisance. Should permission be granted and there be excessive noise, this will be due to the behaviours of individuals at the site, and this is a matter for the Police or the Council's Anti-Social Behaviour Team.
- 10.41 It is considered by Officers that impact on the amenity of the current and future occupiers would be acceptable, subject to condition, and that the development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.42 Kirklees Highways Development Management (HDM) have noted that whilst the trip generation details within the supporting statement are not highly accurate, they are content the development will not generate sufficient trips so as to have a severe impact on the operation or the efficiency of the highway network.
- 10.43 In relation to the new access which has already been created without planning permission or the required legal agreements with the highways department, this requires a dropped kerb and would need a Section 184 agreement with the Council. HDM have noted that a plan is required that displays suitable visibility splays could be achieved at this location, but they do not expect this to be a concern given the road layout. Following this, a technical note by Paragon Highways has been submitted on behalf of the applicant and this displays suitable visibility splays.
- 10.44 HDM has noted that the electric gate should be set back 5 metres beyond the adopted highway edge to allow vehicles awaiting the gate to be opened to pull clear of the highway for road safety reasons. HDM has also requested details of 3 parking spaces clearly marked on a drawing, with sufficient manoeuvring space to allow cars to turn on site so they can enter and exit the site in a forward gear for road safety reasons. Officers consider that this may not be achievable on the current hard surfacing laid out on the site (as displayed in the originally submitted block plan), especially if the gate were to be moved 5

metres further back into the site. HDM have also requested clarity regarding the bin collection point and it is considered by Officers that this is also a matter which could be conditioned should permission be granted.

- 10.45 Following these concerns by HDM, the technical note by Paragon Highways displays a revised arrangement (which is inconsistent with the current arrangement as well as with the submitted block plan, and does not appear to display the site and surrounding land accurately). The technical note displays a gate five metres back from the highway boundary, with a bin collection point to the front. A widened driveway is also displayed, with a turning area further into the site and three parking pays. Whilst Officers consider there to be sufficient space on the site to enlarge the existing hard surfaced area to address the concerns of parking provision and leaving in a forward gear, Officers hold the view that this additional hardstanding only serves to cause further harm to the openness of the Green Belt.
- 10.46 Whilst HDM have objected to the application on the whole given the lack of information regarding the above matters, Officers consider that the issues could be addressed by suitably worded conditions as discussed. Thus, subject to conditions, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Other Matters:

Climate Change

- 10.47 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 predates 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.
- 10.48 Given the scale and nature of the development, it is Officers consider it reasonable to seek the provision of one electric vehicle charging point on the site. This can be conditioned should permission be granted.

Ecological Impact

- 10.49 The development has taken place on managed lawn and it is therefore considered by Officers that the development unlikely caused harm to protected species. However, in line with Policy LP30 of the Kirklees Local Plan, should permission be granted, net gains will be sought and can be conditioned.

Representations

- 10.50 Two representations have been received and the majority of comments raised have been addressed in the above assessment. Officers will now go on to address any remaining comments below:

Third Party Comment: Concerns any conditions attached on planning permission would not be adhered to.

Officer Response: Whilst such a concern is understood given that the development has taken place without the benefit of planning permission, this is not a material planning consideration. If the application were to be approved, and conditions not adhered to, the Council could serve a breach of condition notice, for which there is no right of appeal.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The development does not accord with the development plan and that the application of policies within the NPPF that protect Green Belt provides a clear reason for the refusing of the development proposed.
- 11.3 Members are requested to accept the Officer recommendation and authorise the Compliance Team to proceed with action to rectify the breach of planning control.

Background Papers:

Application and history files:

Website link to be inserted here: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91136>

Certificate of Ownership:

Certificate A signed.