
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2021

**Subject: Planning Application 2017/93980 Erection of detached shed/store
Woodside Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4DS**

APPLICANT

Mr & Mrs T McGrath, c/o
agent

DATE VALID

08-Dec-2017

TARGET DATE

09-Mar-2018

EXTENSION EXPIRY DATE

29-Jan-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: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Refuse planning permission for the following reasons:

1. The proposed development is, by definition, inappropriate development in the green belt, and very special circumstances (which clearly outweigh this inappropriateness and other harm) have not been demonstrated. Furthermore, due to its scale, design, appearance and location, the proposed development would harm the openness and visual amenities of the site, its context and the green belt. The proposed development is therefore contrary to policies LP24, LP32 and LP54 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. In the absence of adequate supporting information relating to flood risk and drainage, it has not been demonstrated that those material considerations have appropriately informed the proposed development, nor that the proposed development does not pose unacceptable flood risk and risks to public safety. The proposed development is therefore contrary to policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The proposed development, due to its proximity to the root protection areas and crowns of trees protected under Tree Protection Orders 18/16/t1 and 18/16/g1, would result in unacceptable harm to trees of significant amenity value. The proposed development is therefore contrary to policies LP24 and LP33 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. In the absence of supporting information relating to biodiversity, it has not been demonstrated that the proposed development would achieve a biodiversity net gain. The proposed development is therefore contrary to policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission, for the erection of a detached shed/store.

1.2 The application is presented to the Strategic Planning Committee as it relates to a non-residential development at a site larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is 0.53 hectares in size (officer's measurement, based on submitted location plan), and accommodates a detached 2-storey farmhouse (with extensions), a detached shed, and a yard. The site is approximately 125-130m AOD and is relatively flat, with a slight downhill slope from west to east. Surrounding uses are agricultural and residential, and there are commercial uses further to the east, closer to the Grange Moor roundabout.

- 2.2 Four vehicular access points exist on Wakefield Road. A bus stop exists outside the application site. Public footpath KIR/102/20 runs along the site's west boundary.
- 2.3 Tree Preservation Orders (TPOs) 18/16/t1 and 18/16/g1 protect trees at the front of the site, adjacent to Wakefield Road. A Biodiversity Opportunity Zone (Pennine Foothills) and an SSSI Impact Risk Zone cover the site. Bats are present in the area. Woodland opposite the site is TPO-protected and forms part of the Wildlife Habitat Network.
- 2.4 The site is within the green belt and is not allocated for development in the Local Plan. An indicative section of the Core Walking and Cycling Network is illustrated in the Local Plan running past the site along Wakefield Road.
- 2.5 There are no listed buildings within or adjacent to the application site, and the site is not within a conservation area.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of a detached shed/store annotated as "unit 3". This would have an L-shaped footprint, with a shorter wing running parallel to Wakefield Road, and a longer wing running along the site's eastern boundary. The building would have a floorspace of 1,106sqm.
- 3.2 Proposed materials include concrete panels, natural stone and Yorkshire boarding for the elevations, concrete or corrugated sheets for the roof, and UPVC windows and doors.
- 3.3 Internally, the building would be divided into a cow shed, a hay store, a further store, a Combined Heat and Power (CHP) room, a wood store and a tractor store.
- 3.4 A dry stone wall is referred to on the submitted application form, and this is illustrated at the front of the site (to a height of 1.2m) on the submitted drawings.
- 3.5 "Unit 2" (a separate cow shed previously intended as an extension to the site's existing barn ("unit 1"), and considered under application 2017/93981) is shown on the submitted drawings, but is not referred to on the submitted application form. An area of concrete hardstanding is also shown on the submitted drawings, but is not referred to on the submitted application form. For the avoidance of doubt, these proposals are not considered under this application.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/93981 – Prior notification for erection of agricultural building ("unit 2") – on 29/12/2017 the council withheld approval of details of the works, stating:

"...under Part 6, the proposed development must be reasonably necessary for the purposes of agriculture for that unit. Following an assessment of the submitted information it is considered that there is insufficient evidence to demonstrate that the building is reasonably necessary for agriculture on that unit.

Furthermore the proposed building would exceed the permitted area for buildings and any other works carried out over the previous 2 years as described in paragraph D.1 (2) of Part 6 of the GPDO.

Under these circumstances development is not permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)".

- 4.2 2007/93834 – Planning permission refused 07/03/2008 for change of use from disused agricultural barn to B8 use (small storage of general items). A subsequent appeal (ref: APP/Z4718/A/08/2083782) was dismissed.
- 4.3 2007/92971 – Planning permission refused 03/09/2007 for change of use from disused agricultural barn to B8 use (small storage of general items).
- 4.4 2006/90894 – Planning permission refused 16/09/2010 for re-use and adaptation of existing barn to form one dwelling with detached double garage.
- 4.5 2006/93599 – Planning permission granted 27/10/2006 for re-use, adaptation and extension of existing barn to form one dwelling with detached double garage.
- 4.6 2005/94240 – Planning permission granted 08/12/2005 for change of use and alterations to part of barn to extend existing dwelling.
- 4.7 2005/92949 – Full planning permission granted 25/08/2005 for the erection of a detached double garage.
- 4.8 COMP/16/0094 – Alleged material change of use to a business. An Enforcement Notice (taking effect 12/01/2018) was issued, referring to “The material change of use from agriculture to a mixed use of agriculture and drainage engineer’s depot and an engineering operation to create a hard surface in the area hatched blue on the plan”. Subsequent appeals were dismissed on 11/07/2018, and the Enforcement Notice was upheld with variations.
- 4.9 COMP/13/0016 – Alleged material change of use to use for the repair of motor vehicles investigated and closed (no evidence of breach).

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

- 5.1 During the life of the current application, five iterations of the proposals have been submitted, as follows:
 - 21/11/2017 – Drawings including site layout plan 16/C27/05 rev B, showing an L-shaped building, 1,106sqm in size (officer’s measurement).
 - 12/10/2018 – Drawings including site layout plan 16/C27/12 rev B, showing a C-shaped building.
 - 18/06/2020 – Drawing 16/C27/14 rev B (floor plan and elevations), showing a C-shaped building, annotated as being 1,662sqm in size.
 - 14/06/2021 – Scan of drawing 16/C27/09, hand amended with a red line around part of an L-shaped building, and annotated “amended red line for application”.

- 29/07/2021 – Photograph of a hand-amended floor plan with “THIS AREA” and “LOOSE AREA” annotations.
 - 12/08/2021 – Drawing 16/C27/114 rev C (floor plan and elevations), showing a building similar to that proposed on 18/06/2020 but without the northernmost wing, and annotated as being 1,326sqm in size. “Scheme 2 – Street Scene” drawing (16/C27/15 rev B), tree survey and Flood Risk Appraisal & Drainage Strategy Document also submitted.
- 5.2 No adequate location plan was submitted with the application. The only location plan submitted to date did not show a red line around all of the land upon which new buildings were proposed. This matter was raised with the applicant on 28/02/2018 and again on 30/07/2021, however no corrected location plan was submitted.
- 5.3 Of the above iterations, only the original submission received on 21/11/2017 was put to public consultation. The subsequent submissions were not put to public consultation as they were incomplete, unclear, and/or not accompanied by supporting information.
- 5.4 As only the original submission of 21/11/2017 was put to public consultation, and as the subsequent submissions illustrated materially different proposals (which the public could reasonably expect to be consulted on) and/or were unclear (which, it is reasonable to assume, the public may have had difficulty interpreting), it is considered that the council’s decision must be based on the applicant’s original submission. Any determination based on subsequent submissions that have not been put to public consultation may result in a third party’s interests being prejudiced.
- 5.5 The case officer met the applicant team on 15/03/2018 to discuss matters of concern.
- 5.6 In light of the personal circumstances of the applicant and the death of the applicant’s agent, officers allowed additional time for the resolution of matters during the life of the current application. However, progress has been slow, submissions have been incomplete and/or unacceptable, some of the submitted drawings are unusable, and aspects of the applicant’s proposals remain unclear. Almost four years on from the date of submission, it is considered appropriate to now determine the application.

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 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
 LP2 – Place shaping
 LP3 – Location of new development
 LP7 – Efficient and effective use of land and buildings

LP10 – Supporting the rural economy
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP54 – Buildings for agriculture and forestry

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

6.4 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.5 On 12/11/2019 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. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

6.6 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials.

6.7 Since March 2014 Planning Practice Guidance for England has been published online.

6.8 Relevant national guidance and documents:

- National Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development.

7.2 The application has been advertised via a site notice posted on 08/01/2018, an advertisement in the local press dated 29/12/2017, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 29/01/2018.

7.3 Two representations were received from occupants of neighbouring properties. The following is a summary of the points raised:

- Proposed development is out of proportion to the size of the farm. Existing barn and outbuildings are more than adequate for this smallholding.
- Proposed development would be used for applicant's drainage engineering business, and not for agriculture. Works have already been carried out in relation to drainage engineering business. Business has been transferred from Cleckheaton. Such industrial business should be run from an industrial estate. Site is also used for weddings. Applicants have carried out practically no farming.
- Query the need for so many work stations.
- Query whether so many vehicles need to be on site for emergency call-outs.
- Risk of the site becoming a larger industrial concern.

- Applicant should have acquired a more suitable industrial property.
- Harm to openness and character of green belt.
- Application for two dwellings in adjacent field was refused and dismissed at appeal due to impact on openness and character of green belt.
- No special circumstances would justify this green belt development.
- Site is very prominent.
- Proposed development would change rural character of the village. Nothing overtly industrial exists nearby.
- Noise and fumes from HGVs would harm neighbouring amenity. Noise already caused by revving HGV engines and weddings.
- HGVs have to pull out across both lanes of Wakefield Road.
- Permission should have been sought from the Office of Traffic Commissioner for the operation of HGVs from this site.
- No site notices posted or neighbour consultation letters posted.

7.4 Kirkburton Parish Council made no comment on the proposals.

7.5 Cllr Armer commented that he was not satisfied that the proposed building is for agricultural purposes.

7.6 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 KC Highways Development Management – No objection, subject to conditions. It is not considered that the existing parking demand would increase as a result of the proposal, with staff numbers to remain as existing. There are no refuse storage and collection arrangements indicated on the submission. Conditions recommended regarding surfacing and drainage of parking areas, and waste storage and access.

8.3 KC Lead Local Flood Authority – Objection. No consideration has been given for flood risk to or from the site. No drainage strategy or proposals have been submitted.

8.4 Non-statutory:

8.5 KC Ecology – No objection.

8.6 KC Environmental Health – There is a potential for noise disturbance resulting from the applicant's drainage engineering business and fuel deliveries to the proposed Combined Heat and Power (CHP) plant. Condition recommended regarding noise. CHP plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016, and would need to comply with the Clean Air Act 1993 and be capable of operating without producing smoke (as Kirklees is a Smoke Control Area).

8.7 KC Trees – Objection. Three protected trees on Wakefield Road are close enough to be protected by the proposals. No tree information has been submitted with the application. Proposed building appears to be within the root protection area and the crown of the protected trees, which is unacceptable. In addition, walls are shown extending from the existing gateway into the yard, within the root protection area of the protected trees – this is unacceptable due to the damage that would be caused to the rooting structures of the trees.

8.8 West Yorkshire Police Designing Out Crime Officer – No comment in relation to crime and disorder.

9.0 MAIN ISSUES

- Land use and principle of development in the green belt
- Sustainability and climate change
- Design
- Residential amenity and environmental health issues
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and landscaping
- Ecological considerations
- Ground conditions
- Representations
- Other matters

10.0 APPRAISAL

Land use and principle of development in the green belt

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the green belt. Exceptions to this include buildings for agriculture.
- 10.3 For the proposed development to be accepted as an exception under paragraph 149 of the NPPF, the applicant must demonstrate that the building is indeed “for agriculture”. If the development (or any part of it) is not intended for agricultural use, it would fail to qualify under paragraph 149, and must be deemed to be inappropriate in the green belt.
- 10.4 Of note, in the appeal decision of 19/11/2008 (ref: APP/Z4718/A/08/2083782) the appeal Inspector noted that “the appeal site is no longer part of a working farm”, however the applicant’s more recent submissions indicate that agricultural uses have resumed at the site.
- 10.5 The applicant’s proposed floor plan (drawing 16/C27/09) showed an L-shaped building (“unit 3”). Of note, the submitted application form described this as a “detached shed/store” with no reference to agricultural use. However, the submitted floor plan indicated that the largest element within unit 3 would be a cow shed, and that a hay store and a tractor store would also occupy significant floorspace. These are indeed agricultural uses.
- 10.6 Other parts of the floor plan, however, are annotated “CHP Unit Room”, “Store” and “Wood Store”. While it could be argued that these spaces were intended to accommodate uses ancillary to the main agricultural use of the building, the applicant’s Planning Support Statement advised: “The CHP plant has three purposes: firstly and primarily to provide power for the applicants house, farm

and business; secondly, to the existing businesses in the locality; and thirdly, any surplus into the national grid system". As the CHP Unit Room (which has internal dimensions of 17.05m by 9.4m, and would therefore comprise a significant part of the building) would accommodate plant serving other, external users and uses, it cannot be considered to be solely "for agriculture". Furthermore, due to the lack of information regarding the "Store" and "Wood Store", it cannot be ascertained that those parts of the proposed development are "for agriculture".

- 10.7 The applicant's application form states that 56.2sqm of office floorspace (B1(a) use, under the since-superseded use classes) would be created as part of the proposed development, however no such use is annotated on the submitted floor plan of unit 3.
- 10.8 To further inform an assessment of whether the proposed development is genuinely "for agriculture", the council commissioned the Agricultural Surveyor at Leeds City Council to provide advice. Officers requested advice on whether the proposed development was justified in relation to the size of the farm, given that – if the scale of development was excessive in relation to the operation – it could reasonably be concluded that part or all of the proposed development may not in fact be "for agriculture".
- 10.9 This assessment has proven difficult, due to the limited information initially submitted by the applicant, the applicant's changing business plan, and the lack of clarity as to what is in fact proposed at the application site.
- 10.10 The applicant's application form stated that – in relation to the proposed development – employee numbers would not increase from the current 13. At a meeting held on 15/03/2018 the applicant confirmed that, at the time, Woodside Farm comprised 14.5 acres and no livestock. The applicant intended to acquire a further 27 acres to the west of the farm.
- 10.11 On 02/11/2018 the applicant stated that additional land and livestock had been taken on. By 20/02/2020 the applicant had livestock, and on 12/06/2020 the applicant described the farming operation as comprising 13 acres of grazing land at Woodside Farm (with a further 16 acres rented at Northorpe, and potential access to another c.200 acres) and a small beef herd of 15 suckler cows with an intention to increase these through breeding each year. In terms of farm machinery, the applicant listed a tractor, slurry tanker and a mower with a forage harvester, chain harrows and a roller.
- 10.12 There then followed further submissions of information in late 2020 / early 2021. The applicant was also asked to consider phasing of the proposed development, to reflect the expansion plans for the farming operation. On 05/02/2021 the applicant submitted a Financial Viability Study and Business Plan which referred to a suckled beef operation involving the "intensive finishing of male cattle in straw yards on mainly cereals and bulk matter", with up to 180 cattle on site at any one time. The accompanying letter stated that this study and plan demonstrated that the building is required to accommodate the growth of the business and ensure it is viable, and that "the size of the building is suitable and is within the average of what is required for this scale of business".

10.13 While the submission of 05/02/2021 was of some use, it lacked detail, and did not clarify what was to happen to the existing unit 1 at the site. In response to these queries and others raised by the Agricultural Surveyor, the applicant submitted drawings on 14/06/2021 and 29/07/2021 which only served to generate confusion as to what was actually proposed by the applicant.

10.14 In light of those recent submissions being unclear, on 30/07/2021 the case officer asked the Agricultural Surveyor to provide comments on what were the most recent legible drawings (the submission of 18/06/2020, which showed a C-shaped building of 1,662sqm), notwithstanding the fact that the application is to be determined with reference to the applicant's original submission. The Agricultural Surveyor advised:

"As I understand it, the applicant is not submitting any information on the 216 acres of additional land and seeks to focus only on the 13 (or 9 currently quoted) acres they own at Woodside Farm, and is proposing a new beef fattening enterprise based on purchasing batches of approximately 12 young stock on a monthly basis and rearing them entirely indoors for sale over a rolling 15 month period.

As presented, the enterprise is based on a prospective "text book" model and I regret that the opportunity has not been taken to "test" the model with actual livestock, and provide actual figures; and possibly agree a phased building development. Instead, it appears that the intention is to develop all the buildings and one must hope the enterprise is successful and the buildings do not become redundant.

I am pleased to note the proposed inclusion/use of the existing agricultural building in the enterprise for machinery storage etc and presume that the "office" proposal has been abandoned.

Overall, there are three concerns, namely:-

- *this is a significant "leap" in investment in buildings in a prospective enterprise;*
- *that with only 13 (or 9 currently quoted) acres, there is not a reasonable underlying land holding to support the livestock in terms of producing feed, disposing of manures or turning livestock out – the applicant may put forward the 216 acres of other land they farmed, but in their submission they have specifically stated that the proposal must be viable on only 9 acres at Woodside Farm;*
- *that whilst this beef fattening regime is not uncommon, there is a significant risk that the availability of calves, price of calves, feed costs, market changes in demand or reduced prices for the finished livestock could undermine the viability/profitability of the enterprise and future agricultural use of the proposed buildings.*

These being said, I would accept that the buildings are of contemporary agricultural design and construction, the scale of buildings is appropriate for the proposed livestock numbers, and the intensive beef fattening enterprise is agricultural".

- 10.15 The first iteration of the proposed development was clearly not commensurate with the scale of the agricultural operation initially described by the applicant (namely, 13 secure acres and a herd of 15 cows).
- 10.16 It is accepted that the applicant's more recent, ambitious plan to grow the current farming operation (into one involving up to 180 cattle on site at any one time) is likely to require more indoor space than can be provided within an adapted and re-used unit 1, however there are outstanding concerns regarding that proposal. Firstly, the applicant's intention to expand existing activity into a much larger operation is not guaranteed to occur, and it would be premature to conclude that an agricultural building of 1,106sqm, 1,326sqm or 1,662sqm would be commensurate with the agricultural operation that would exist at this site in the future. The applicant doesn't appear to have given consideration to a phased development that would be implemented as and when the operation grows. Furthermore, although recent submissions suggest the applicant is willing to adapt and re-use unit 1 (this reducing the need for new buildings), it has not been explained to what extent this reduces the need for new floorspace.
- 10.17 The applicant's latest submission of 12/08/2021 included drawing 16/C27/114 rev C which showed a large building annotated as being 1,326sqm in size with internal areas annotated as "Open Hay Store", "Cattle Feeding Building" and "Store". This drawing was not accompanied by explanatory information that addressed the above concerns, and in any case it is not recommended that the council's decision be based on this late submission, as it has not been put to public consultation.
- 10.18 It remains the case that the applicant has not demonstrated that the proposed development is entirely "for agriculture". The proposed development cannot, therefore, be considered as an exception under paragraph 149 of the NPPF, and it must instead be regarded as inappropriate in the green belt. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Very special circumstances have not been demonstrated by the applicant (indeed, no attempt was made by the applicant to identify any), therefore paragraph 147 directs the council to refuse planning permission. The proposed development also fails to comply with part a of policy LP54 of the Local Plan.
- 10.19 The proposed development is significant in terms of its massing and visibility, and it would fail to preserve the openness of the green belt.
- 10.20 It is noted that policy LP10 of the Local Plan supports the development of the borough's rural economy, and the applicant's plans to expand the current farming operation at the site would be compliant with parts of this policy. However, the positive weight associated with policy LP10 does not override the requirements of the relevant green belt policies.

Sustainability and climate change

- 10.21 The current application was submitted prior to the council's adoption of the Planning Applications Climate Change Guidance document, and the applicant's submission documents do not explain how the proposed development would help to address or combat climate change effects. It is noted, however, that relevant Local Plan policies are nonetheless applicable.

- 10.22 The proposed development includes the provision of Combined Heat and Power (CHP) plant. Government guidance recognises CHP as a form of low carbon energy generation, noting that it is “a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process” and that:

“By generating heat and power simultaneously, CHP can reduce carbon emissions by up to 30% compared to the separate means of conventional generation via a boiler and power station.

The heat generated during this process is supplied to an appropriately matched heat demand that would otherwise be met by a conventional boiler. CHP systems are highly efficient, making use of the heat which would otherwise be wasted when generating electrical or mechanical power. This allows heat requirements to be met that would otherwise require additional fuel to be burnt”.

- 10.23 Notwithstanding the concerns detailed above regarding land use, the applicant’s CHP proposals could have attracted positive weight at least in relation to climate change policies and guidance. However, with little detail of the proposed facility provided by the applicant (including in relation to energy efficiency compared with alternative solutions, details of how energy would be distributed locally, details of fuel sources, and emissions and air quality), no further assessment of this aspect of the proposals can be made.

Design

- 10.24 Chapters 11, 12 and 13 of the NPPF, and Local Plan policies LP2, LP7, LP24 and LP54 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.25 Woodside Farm occupies a prominent main road site, and is bordered by open countryside to the south. It therefore has a relatively high degree of sensitivity.
- 10.26 As noted above, the proposed development is significant in terms of its massing and visibility. The development would be visually prominent, particular given its 73m long east elevation. The development would involve a significant intrusion into previously-undeveloped land, it would fail to preserve the openness of the green belt, and it would additionally detract from its green belt setting.
- 10.27 Had the applicant demonstrated that a development of this size was appropriate development in the green belt, officers would have requested amendments to the proposals, to help the development minimise its visual impact. Amendments to materials (of note, the applicant initially proposed stone cladding to parts of the east and west elevations, but not to the elevation facing Wakefield Road) and to the site layout (to reduce the spread of massing, and to help screen activities and the existing unit 1) would have been discussed with the applicant, as would details of boundary treatments, landscaping and crime prevention measures.

Residential amenity and environmental health issues

- 10.28 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.29 The proposed development, although significant in size, would be located far enough away from neighbouring residential properties to not significantly affect the outlook or natural light currently enjoyed by residents of those properties.
- 10.30 Regarding potential noise from the proposed development, KC Environmental Health identified a potential for noise disturbance resulting from the applicant's drainage engineering business and fuel deliveries to the proposed CHP plant. Had the application been recommended for approval, a condition relating to noise would have been recommended. This condition, however, would have been applied in relation to the agricultural and CHP uses, and not to the potential use of the site in relation to the applicant's drainage engineering business, as such a use is not proposed under this application.
- 10.31 KC Environmental Health did not raise concerns regarding odour, and the distance between the proposed development and the nearest residential properties is noted. Had the application been recommended for approval, a condition related to odour control would have been recommended.
- 10.32 Regarding air quality, KC Environmental Health noted that the proposed CHP plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016, and that it would need to comply with the Clean Air Act 1993 and be capable of operating without producing smoke, as Kirklees is a Smoke Control Area.

Highway and transportation issues

- 10.33 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.34 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.35 Immediately outside the application site, Wakefield Road (the A642) is subject to a 50mph speed restriction, has a central strip of white diagonal markings separating the eastbound and westbound lanes, and has a footway on the north side of the carriageway (a grass verge exists on the south side). There are no yellow line markings outside the application site. The application site has four vehicular access points onto Wakefield Road. A bus stop exists outside the application site. Public footpath KIR/102/20 runs along the site's west boundary – this meets Wakefield Road via a stile at one of the site's vehicular access points.
- 10.36 The proposed development would be accessed via the existing vehicular access point (serving unit 1 and the farmyard), where a wide section of dropped kerb already exists. The applicant's drawing 16/C27/05 rev B indicates that visibility splays of 2.4m by 160m would be provided at this entrance. The same plan includes an annotation stating "Existing wall to be removed and reinstated with new 1.2m high stone wall", and illustrates a sliding gate set back from the site frontage.
- 10.37 The proposed development's access arrangements have not attracted an objection on highway safety grounds from Highway Development Management officers.
- 10.38 The applicant's application form stated that on-site parking provision would not change in relation to the proposed development. The applicant stated that there are five car parking spaces and three spaces for light goods vehicles / public carrier vehicles. Highway Development Management officers have raised no objection to the proposed (unchanged) parking arrangements, noting that the applicant has stated that employee numbers would not increase.
- 10.39 Had the proposed development been recommended for approval, conditions relating to surfacing and drainage of parking areas, and waste storage and access, would have been recommended.

Flood risk and drainage issues

- 10.40 The site is within Flood Zone 1, and an area susceptible to flooding exists to the west of the site. The site is approximately 125-130m AOD and is relatively flat, with a slight downhill slope from west to east. A culverted watercourse exists beneath the site, running eastwards away from the farmhouse.
- 10.41 No flood risk information or drainage proposals were initially submitted with the current application. This was raised as a concern with the applicant on 23/02/2018 (through the forwarding of the Lead Local Flood Authority's comments) and again at the meeting held on 15/03/2018. On 11/08/2021 the case officer advised the applicant that the application could not be supported while drainage matters remained unresolved.
- 10.42 On 12/08/2021 the applicant submitted a Flood Risk Appraisal & Drainage Strategy Document. This states "We could find no records of watercourses within the site" (contrary to council-held records), but adds "the client has confirmed they discovered the culvert and had a camera survey which confirmed it had been recently renewed". The document states that this culvert has been illustrated on the submitted drawings, however no clear drawing

(illustrating the culvert and how it would be accommodated and/or connected to) has been submitted. Regarding drainage proposals, the document states “We propose connecting the surface water drainage into the culvert, if this is not acceptable then we propose that a soakaway test is undertaken on the field to the South and the results reported back to the LLFA”. This proposal does not follow the Government’s drainage hierarchy, which prioritises infiltration where possible, and does not allow for disposal of surface water to a watercourse until infiltration has been explored and ruled out as an option. Furthermore, the applicant has not established whether the culverted watercourse is capable of taking on the surface water from the roof of a significant new building of 1,106sqm, nor have any details of attenuation been provided. The submitted document recognises its limitations, stating “A full Drainage Design should be carried out by a suitably qualified Drainage Engineer including attenuation tanks and hydrobreak” (sic).

- 10.43 As inadequate information relating to drainage has been provided, and as inadequate consideration has been given to flood risk to or from the site, it is considered that the proposed development fails to comply with policies LP27 and LP28 of the Local Plan.

Trees and landscaping

- 10.44 Tree Preservation Orders (TPOs) 18/16/t1 and 18/16/g1 protect trees at the front of the site, adjacent to Wakefield Road. The requirements of Local Plan policies LP24i and LP33 are relevant. The site’s existing trees certainly make a positive contribution towards public amenity, and to the distinctiveness of this specific location.
- 10.45 Initially, no tree-related information was submitted in support of the application. The application attracted an objection from KC Trees. In the applicant’s initial iteration of the proposals the new building appears to be within the root protection area and the crown of the protected trees, which is considered unacceptable. In addition, walls are shown extending from the existing gateway into the yard, within the root protection area of the protected trees – this is unacceptable due to the damage that would be caused to the rooting structures of the trees.
- 10.46 Concerns relating to trees were raised with applicant (including at the meeting held on 15/03/2018), however no further information was submitted until a tree survey was submitted on 12/08/2021. This relates only to three trees (whereas more trees exist at the front of the application site). The same submission included an amended plan (16/C27/15 rev B) which deleted the previously-proposed northernmost wing of the new building (and, therefore, would have less or no impact upon the root protection area and crown of the protected trees), but still illustrated proposals for a replacement stone wall, for which no supporting information (such as a method statement or tree protection proposals) was submitted.
- 10.47 As concerns relating to trees remain unresolved, and as the application is to be determined in relation to the applicant’s initial submission in any case, a reason for refusal relating to tree impacts is recommended.
- 10.48 The applicant has proposed no new landscaping as part of the proposed development. While landscaping details have, in the past, often been deferred for consideration at conditions stage, given the requirements for biodiversity

net gain that now apply, at least some detail should be provided in support of a major development as part of the applicant's explanation as to how net gain can be achieved on site, or partly achieved on-site along with off-site measures.

Ecological considerations

- 10.49 A Biodiversity Opportunity Zone (Pennine Foothills) and an SSSI Impact Risk Zone cover the site. Bats are present in the area. Woodland opposite the site is TPO-protected and forms part of the Wildlife Habitat Network.
- 10.50 The application was submitted prior to the approval of the council's Biodiversity Net Gain Technical Advice Note, however this is nonetheless a major development that is required to demonstrate a biodiversity net gain in compliance with Local Plan policy LP30. No information related to biodiversity has been submitted by the applicant, and in the absence of such information, compliance with LP30 has not been demonstrated and a reason for refusal on these grounds is recommended.

Ground conditions

- 10.51 According to council-held records, the site is not known to be contaminated, and the council's Environmental Health officers made no comment (and recommended no conditions) regarding contaminated land.
- 10.52 The part of the application site where development is proposed is within the Development Low Risk Area as defined by the Coal Authority, therefore no coal mining risk assessment needed to be submitted by the applicant, and consultation with the Coal Authority was not necessary. Had approval of planning permission been recommended, the applicant would have been referred to the Coal Authority's standing advice regarding coal mining legacies and risk.

Representations

- 10.53 Two representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Other planning matters

- 10.54 Although the submitted Planning Support Statement mentions the applicant's drainage engineering business, it does not state that the proposed unit 3 would be used to accommodate activity associated with that business, nor does it state that weddings or related activity would be accommodated within unit 3. Planning permission can be refused on the grounds that the proposed development is not "for agriculture", but not on the basis of speculation regarding a specific alternative activity that may take place therein. It is noted that Oranmore Environmental Services Ltd was put into liquidation in 2019.
- 10.54 Similarly, while the council's previous enforcement action at this site is noted, it cannot form the basis of a reason for refusal of planning permission for the proposed development.

11.0 CONCLUSION

- 11.1 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposed development has been assessed against relevant policies in the development plan and other material considerations. The proposed development does not accord with the development plan, and there are clear reasons for the refusal of planning permission in relation to green belt impacts, drainage, trees and biodiversity impacts.

Background Papers:

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93980>

Certificate of Ownership – Certificate A signed