
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Nov-2021

Subject: Planning Application 2021/92279 Siting of static caravan for agricultural worker and livestock building for temporary 3 year period Upper Langley Farm Former, Langley Lane, Clayton West, Huddersfield, HD8 9HY

APPLICANT

E Tipler

DATE VALID

11-Jun-2021

TARGET DATE

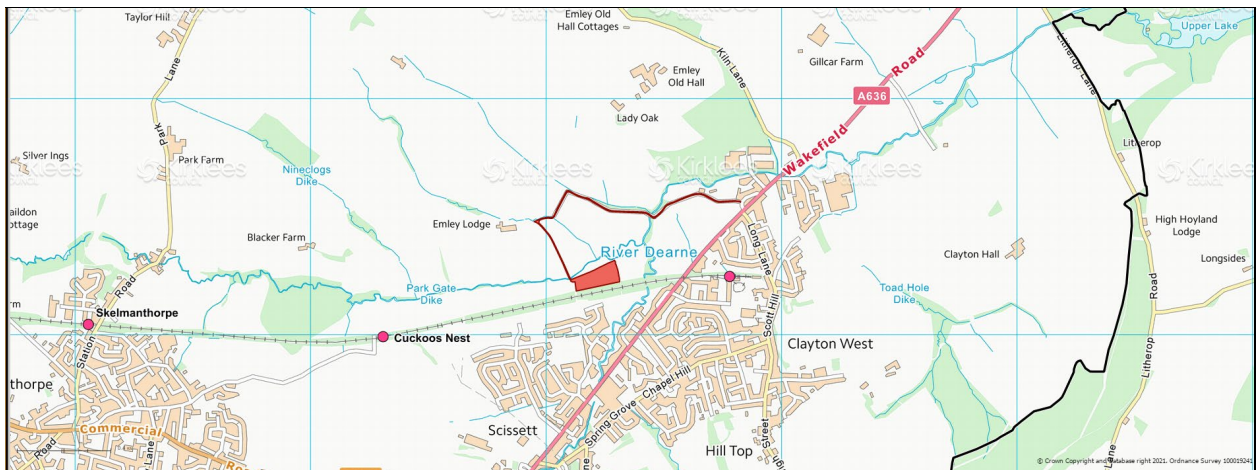
06-Aug-2021

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale for identification purposes only

Wards affected: Denby Dale Ward

Councillors consulted: No

Public or private: Public

RECOMMENDATION: REFUSE planning permission, for the reasons set out below:

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

2. The proposed agricultural building, by virtue of the design, fails to respect the rural character of the Green Belt setting and does not constitute good design. The building would therefore materially detract from the Green Belt setting and character of the area. To permit such development would be contrary to Local Plan Policies LP24 and LP54 as well as Chapter 12 of the National Planning Policy Framework.

3. The proposed intensification of the Public Right of Way, without any improvement, would not represent suitable access for vehicles nor ensure safe usage for pedestrians. Furthermore, due to insufficient information regarding the structure of the beck crossing, there is an unacceptable risk that an intensification of use could see the structure fail within the three-year period. For these reasons, to permit such development would be contrary to Local Plan Policies LP21 and LP22 as well as Chapter 9 of the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 Planning permission is being sought for the siting of a static caravan for an agricultural worker and for the erection of a livestock building for a temporary 3 year period on land to the north of the former Upper Langley Farm, Langley Lane in Clayton West. The application is brought to Heavy Woollen Planning Committee in accordance with the scheme of delegation as the size of the site is over 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS

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

- 2.2 The red line boundary illustrates the site access from the adopted highway; this extends through the field to the north of the site and then eastwards along the existing track known as Langley Lane. Public Rights of Ways run around the edges of the site and along the access. There is a bridge over the watercourse which provides access to the site.
- 2.3 The applicant previously occupied Upper Langley Farm, which was located on the site of the current residential development scheme to the south. It is understood that the applicant tenanted this land prior to development commencing, and surrendered his land and farmstead following the grant of planning permission for the residential development scheme. The applicant has since moved onto the site which remains in his ownership and is currently living in a large caravan on the site to which this application relates. The applicant has also moved many belongings onto this land too, which include vehicles, farm machinery, scrap metal/building materials, containers and the stone acquired from the demolition of the farmhouse.

3.0 PROPOSAL

- 3.1 Planning permission is sought for the siting of a static caravan for an agricultural worker and a livestock building both for a temporary 3 year period. This proposal is retrospective given both these elements of the proposal are already sited.
- 3.2 The static caravan has a length of 11.4m and a width of 5.4m creating a square footage of 61.56m². The static caravan has a pitched roof with the eaves set at a height of 2.4m and the ridge set at a height of approximately 3m. The design and appearance of the static caravan is atypical, with the walls being externally faced in a neutral colour render. The static caravan formally has two bedrooms. The static caravan is to be used as an agricultural worker's dwelling by the applicant.
- 3.3 The livestock building appears to be a 'homemade' structure. It has a length of 24.9m, a width of 7.35m and a maximum height of 2.75m as per the submitted plans. It has a purpose of providing shelter for new-born calves as per the submitted Design and Access Statement. The structure has been formed using timber logs as supports for one wall and beams for the roof. The roof has then been finished with metal sheeting, whilst the one side is finished with metal barriers. The other side is formed by using two shipping containers whereby the log beams rest on to the roof of the containers set end on to one another. Metal, agricultural style gates secure the structure at each end.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 2021/N/92459/E – Prior notification for erection of agricultural building – Approval of details withheld (refused).
- 2018/94162 – Erection of dwelling and 3 outbuildings and works to access – refused at Heavy Woollen Planning Sub-Committee in line with officer recommendation on 04/11/2020 – Appeal lodged but withdrawn.
- 2018/91387 – Erection of dwelling and 3 outbuildings – withdrawn.
- Enforcement: COMP/18/0009: Alleged siting of residential caravan and storage use on the site.

4.1 ENFORCEMENT

As a result of officer's previous investigations into the unauthorised siting of the residential caravan and storage uses an enforcement notice was issued on the 10 December 2018. This notice required the cessation of the storage and caravan uses and the removal of the caravan and other items from the site within 2 months of the notice coming into effect. The notice came into effect on the 8 May 2019 following an unsuccessful appeal and as such should have been complied with before 8 July 2019. The owner has since submitted several applications in an attempt to regularise the matter as set out in the planning history section of this report despite the owner being in breach of the notice. Upon determination of this application officers will be considering whether or not criminal sanctions against the owner/occupier of the caravan are in the public interest should the notice not be complied with forthwith.

5.0 HISTORY OF NEGOTIATIONS

5.1 Under application 2018/94162 extensive discussion took place between the Authority and the applicant/agent. This included a meeting, a joint site visit and consultation with an agricultural consultant.

5.2 The scheme now submitted still raised significant concerns in terms of the principle of development in the Green Belt. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As the issues go to the heart of the application and relates to the principle of development, and, considering the extensive negotiations/discussions on application 2018/94162, officers and the agent agreed that negotiations on this application would not be beneficial, and that the application should be progressed towards a decision.

5.3 Notwithstanding the above, the agent was contacted just to clarify whether they are seeking permanent or temporary permission for the siting of the livestock building as that matter was unclear in the submitted documents. The agent stated that they wished for the livestock building to be proposed for a temporary three year permission alongside the static caravan.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019):

6.2 Relevant Kirklees Local Plan Policies are set out below:

- LP 1 – Sustainable Development
- LP 21 – Highway Safety
- LP23 – Core Walking and Cycling Routes

- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP51 – Protection and improvement of local air quality
- LP53 – Contaminated and unstable land
- LP54 – Buildings for agriculture and forestry
- LP55 – Agricultural and forestry workers dwellings

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guidance Supplementary Planning Document.

National Planning Guidance:

6.4 Relevant sections of the National Planning Policy Framework are set out below:

- Chapter 5 – Delivering a sufficient supply of homes (rural housing and isolated homes – paragraph 80)
- Chapter 6 – Building a strong, competitive economy (Supporting a prosperous rural economy – paragraph 84)
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 As a result of this application 1no. representation was received. This representation was against the proposal. It is summarised as follows:

- The site is not of an adequate standard for people to live on.
- The access track cannot stand any further vehicle movement.
- The site is not adequate to support livestock due to its poor condition.
- The site harms the visual amenity of the area.

7.2 Denby Dale Parish Council comments: No objection.

8.0 Consultation Responses

8.1 The following is a brief summary of the consultee advice (more details are contained within the assessment section of the report, where appropriate). Consultation responses from application 2018/94162 are still applicable.

8.2 Statutory:

- KC Highways Development Management: Object due to concerns regarding the suitability of the access.
- The Environment Agency: No material change from 2018/94162 response of no objection. Should it become apparent that works are reviewed to strengthen the bridge, they should be reconsulted.

- KC Environmental Health: No objection subject to conditions regarding air quality and contaminated land.

8.3 Non statutory:

- KC Planning Policy: Object due to insufficient evidence to demonstrate the requirement for an agricultural dwelling even on a temporary provision. Object also due to the design not being appropriate in the Green Belt/rural setting.
- KC Public Rights of Way (PROW): No comments received.
- KC Ecology: No comments received but raised no objection on 2018/94162 response.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of Development

- 10.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 10.2 The site is located within the green belt on the Kirklees Local Plan, and the proposal is for the siting of a static caravan and erection of a livestock building. The caravan is to be used as an agricultural workers dwelling. Paragraph 147 of the NPPF stipulates that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In paragraph 148, it goes on to state that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 148 stipulates a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposal does not fall under one of the exceptions in Paragraph 148 and is therefore inappropriate development.
- 10.3 Chapter 5 – rural housing - paragraph 80 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the

countryside.’ As such the proposal could be considered under very special circumstances if it is demonstrated that there is both an essential and permanent need for a worker to be housed at their place of work. This ‘essential need’ was assessed under application 2018/94162 and was not found to meet the requirement of Paragraph 80, hence this application for a temporary permission for the siting of static caravan.

- 10.4 Policy LP55 of the Kirklees Local Plan relates to agricultural and forestry workers dwellings and as such is relevant in the determination of the application. This sets out that in such cases, this type of development will normally be acceptable where there is both ‘an essential and permanent need for the dwelling based on the functional requirements of the enterprise it is intended to serve’ in the same vein as paragraph 80 of the NPPF. This policy sets out key considerations on the matter in relation to agricultural need, siting, availability of existing accommodation, temporary permissions, and security of the long-term control, scale of the proposal and history of the holding. Previous planning applications have discounted the acceptable of a residential dwelling in this location, however, now the applicant proposes the siting of a static caravan on temporary notice, thus further policy must be considered. Local Plan policy LP55 covers temporary permissions for static caravans etc. ‘Where there would be no other justification for such accommodation, consideration will be given only to the grant of planning permission for the siting of a mobile home or other suitable form of temporary accommodation for a maximum of three years. If at the end of this period viability cannot be demonstrated the temporary accommodation would be expected to be removed and the site restored, unless there is clear evidence that a permanent need will be established within a period to be agreed with the local authority.’
- 10.5 Paragraph 19.17 within the policy justification for Local Plan policy LP55 explains the standpoint of temporary dwellings for agricultural workers in more depth. It reads ‘Where a new dwelling is being proposed to support a new agricultural or forestry enterprise, or where immediate viability cannot be established but there is a clear functional need, only a temporary planning permission will be granted initially so as to allow the enterprise to be developed or viability to be established. Temporary permission will normally be for a period of three years. Permission for a temporary dwelling should not be approved where a permanent dwelling would not be acceptable. If by the end of the initial three year period the viability of the enterprise cannot be demonstrated temporary permission will not normally be renewed nor will permission be granted for a permanent dwelling.’
- 10.6 Paragraph 19.17 clearly sets out that temporary permission should only be granted to allow the enterprise to be developed or viability to be established. The agent references paragraph 14 of The Use of Planning Conditions Guidance as justification to make a case that this temporary period is required to help the applicant ‘consolidating and expanding the agricultural enterprise’ which would meet the reasons for temporary permission set out in paragraph 19.17 of the KLP. However, officers wholly disagree with the agent’s case. As per information submitted on previous applications, the farm business has been operating for 174 years. Therefore, the applicant and the previous operators have had plenty of time to ‘consolidate and expand’ the farm to justify the functional need. Figure 1 below shows what appears to be the same static caravan in situ since 2018. This demonstrates the applicant specifically has already had at least 3 years to help the business be developed or viability to be

established. Furthermore Paragraph 19.17 states 'Permission for a temporary dwelling should not be approved where a permanent dwelling would not be acceptable.' Previous planning application 2018/94162 concluded that a dwelling on this site would result in significant harm to the openness of the Green Belt and its rural character, showing that a permanent dwelling is not acceptable in this location, thus, as per paragraph 19.17, a temporary dwelling should also not be approved on this site.



Figure 1 - Aerial imagery from 2018 showing the static caravan

- 10.7 Policy clearly states that, if by the end of the initial three year period the viability of the enterprise cannot be demonstrated, temporary permission will not normally be renewed nor will permission be granted for a permanent dwelling. Whilst the applicant has not formally benefitted from a temporary permission previously, the fact they have had three years in this static home on site to establish the need must carry weight. After the 3 years of living on site, the applicant has failed to provide any evidence to demonstrate the viability of the enterprise. Within the three years since the static home was sited, the business has in fact been substantially reduced in size.
- 10.8 The entire planning history clearly demonstrates that this is a business in decline where there is clearly no need for a dwelling on site, permanently or temporarily. This was clearly shown when the applicant vacated and gave up a large amount of the farmstead. Previous application 2018/94162 saw an application for a dwelling refused on the grounds that there was neither an essential nor permanent requirement for a new dwelling on this site, despite the business being operating for 174 years. Considering this, and that the applicant has already been living on site in a static home for at least three years, it can be clearly seen that the purpose of the temporary permission route is not meant for a site of this nature. The applicant has already had sufficient time to demonstrate the viability of the enterprise by living on site. The application for temporary planning permission on this site has not been made for the purposes of allowing the enterprise to be developed or viability to be established, but just to support the applicant's own wishes/situation.

- 10.9 The application also is seeking permission for the erection of an agricultural building, for the purposes of providing shelter for livestock. As fore mentioned, this element of the scheme is also retrospective, with the applicant seeking a temporary siting for three years also. Paragraph 149 of the NPPF sets out that buildings for agriculture in the Green Belt are not considered inappropriate development. Local Plan policy LP54 states: 'Proposals for new buildings for agriculture and forestry will normally be acceptable, provided that:
- a. the building is genuinely required for the purposes of agriculture or forestry;
 - b. the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;
 - c. there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and
 - d. 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.'
- 10.10 The livestock building as previously described, is supported by the roof being sat on two shipping containers. This represents poor quality design which materially detracts from the Green Belt setting. The use of shipping containers as an integral part of the building cannot be considered to respect the rural setting in the slightest. For this reason, the livestock building is contrary to policy LP54(a) of the KLP with regard to the principle of development too.
- 10.11 In conclusion requirement for the temporary siting of the static caravan on this site has not been demonstrated to the satisfaction of officers. All evidence clearly shows the business to be in decline. The business has been operating for 174 years according to the applicant, thus, has had generations to be established. A significant part of the holding was lost when the applicant gave up the land for the development of houses. Despite the applicant alleging there was a need for a permanent dwelling on application 2018/94162, the applicant is now stating they need a temporary permission for three years to 'consolidate and expand the business'. Furthermore, since the applicant sited the caravan in 2018, the business has declined. The applicant has also failed to submit any suitable agricultural information *under this application* to demonstrate the business is at a point where expansion and long term viability is a realistic expectation if the temporary permission were to be granted. Nevertheless, officers have been pragmatic considered all information submitted through previous applications, which all pointed to the agricultural activity on the site being minimal, in decline and clearly not demonstrating the need for a worker to live permanently on site. This shows that a temporary permission would not help to secure the viability of the business, but just harm the Green Belt setting. The proposed siting of the static home therefore clearly does not accord with the purposes of granting a temporary permission or the purposes of Local Plan Policy LP55. As such, the proposed static caravan constitutes inappropriate development in the Green Belt for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. Furthermore, the proposed agricultural building does not respect the

Green Belt setting as required by Local Plan policy LP54. The application therefore fails to comply with the aims of policies LP54 and LP55 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework, thus, the principle of development is not considered acceptable

Impact on Visual Amenity and Openness in the Green Belt

- 10.12 Policy LP24 of the Kirklees Local Plan requires good design to be at the core of planning decisions. This echoes the guidance contained within Chapter 12 of the National Planning Policy Framework which also asserts the importance of achieving high quality design through the planning process. As set out above, the site and its access lie within Green Belt land and at Chapter 13 of the NPPF, the Government place great weight on protecting the openness of the Green Belt also.
- 10.13 Located adjacent the railway embankment, this site is nonetheless highly visible from public vantage points. PROW's bound the site on three sides and the southern boundary of the site is formed by the embankment itself. This makes the site highly visible to users of the Kirklees Light Railway from an elevated position. The current state of the site is poor. There are mounds of rubble, what appears to be abandoned machinery, trailers amongst other items littered across the site, with the grass worn down. The state of the site is currently under enforcement action.
- 10.14 In terms of the design of the static caravan, it is atypical in design. However, when considered as a part of the rural setting in which it is proposed, introducing the proposed static caravan, would result in substantial harm to the openness of the Green Belt. Furthermore, as set out in paragraph 10.10, the design of the proposed livestock building does not respect the Green Belt setting. The use of shipping containers as an integral part of the structure does not reflect the rural setting as well as representing poor quality design. The details and form do not respect nor enhance the character of the townscape and landscape as required by Local Plan policy LP24.
- 10.15 The harm identified above is not outweighed by any very special circumstances. Officers consider that significant weight would be afforded to this harm. As such, it is considered that the proposed development would represent an unacceptable level of harm to the openness of the Green Belt and the rural character of the area. There are no very special circumstances to outweigh this harm and the application is considered to conflict with the aims of Policy LP24 of the KLP as well as Chapters 12 and 13 of the NPPF.

Impact on Residential Amenity

- 10.16 Policy LP24 of the Kirklees Local Plan together with the aims of the National Planning Policy Framework require a good standard of amenity to be achieved through planning decisions for the existing and future occupiers of neighbouring land.
- 10.17 In this instance, the proposed development and associated works are located a significant distance away from residential properties. As such, there would be no significant adverse impact on the residential amenity of occupants of existing dwellings as a result of this application.

- 10.18 In terms of the amenity of the future occupants, the dwelling would have ample internal floorspace which complies with the technical housing standards – nationally described space standards. Officers do note that there is however no formal amenity space in the form of gardens or parking provision. However as the proposal is for temporary permission, formal arrangements for these matters are not crucial. The caravan is set within a large site meaning there is sufficient amenity space in an informal arrangement. As such, the occupants would have, on balance, a good standard of amenity as required by Local Plan policy LP24. Given the proposed use of the static caravan which is to be associated with farm activities, an agricultural occupancy condition would be relevant if the proposal was to be approved.
- 10.19 In summary, the proposed development is considered to be acceptable in relation to residential amenity and complies with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the NPPF.

Impact on Highway Safety

- 10.20 The previous applications on the site included in-depth detail of how a number of highway issues would be addressed as the proposals would be substandard for a regular domestic dwelling; for example, the nearest suitable bin collection point is several hundred metres away from the proposed caravan location. This application does not offer the same level of detail, and ideally, Highways DM would wish to see further information supplied to allow for a full highways assessment.
- 10.21 Highways DM and PROW officers met with the applicant and agent following a previous application in 2018 to try and resolve a number of highway issues. Advice was given in terms of what information would be required to provide an informed assessment. These included surfacing details of the proposed new access, structural details of the bridge over the Park Gate Dike and details of any improvements, and information in terms of sustainability (refuse collection, emergency vehicle access).
- 10.22 Highways DM asked for details to be resubmitted to ensure the access issues have been addressed as per the 2018 application, however the agent confirmed that the applicant would not be able to propose the same works to the access given the temporary nature of the application. Officers recognise that the temporary nature of the application may also make it economically unviable to carry out all of the improvements required to make up the access to an acceptable standard. Given this, an assessment needs to be made on the existing vehicular arrangement.
- 10.23 Any intensification of the PROW of which some is presently just unmade ground, would be unacceptable for any period of time without some improvements. Furthermore, the structure of the beck crossing would need to be assessed and potentially improved; without this information there is always the risk that an intensification of use could see the structure fail within the three-year period. Therefore, the proposed development is also recommended for refusal on highways grounds.

Flood Risk and Drainage Issues

- 10.24 The main section of the site is situated south of Park Gate Dike. This is classed as a statutory main river. This river was modelled under application 2018/94162 by the Environment Agency to show the risk zones associated with this watercourse. The buildings proposed on this site are all within flood zone 1, this is the lowest risk zone from fluvial flooding sources.
- 10.25 Unlike the 2018/94162 application, no works are being proposed to the access or the bridge over the river or have even been referred to by the applicant. A separate planning application would be required if these works were required. For this reason, the LLFA were not reconsulted on this application. In align with their comments on application 2018/94162, there are no objections to the proposal with regard to flooding, subject to a condition in relation to surface water drainage. It is known that Park Gate Dike may become impassable in extreme weather events. In this event there are sufficient alternative routes for leaving the site to the south via the PROW's that bound the site to the side.
- 10.26 As the proposal is no longer seeking permission for the works to the access, discussion with the Environment Agency was not required per se, however their previous comments on the 2018/94162 application are still applicable. As set out the proposal is not seeking permission for any works to the bridge, nevertheless, it is currently unknown as to whether any structural works to be bridge would be required to support the proposed use. The Environment Agency should be contacted if any future application for works to the bridge is submitted. It is understood that this is to ensure that any proposed works would have an acceptable impact on flows through the river. No objections have been raised in principle. This work would be subject to the EA's Environmental Permitting and informative details have been passed on for the attention of the applicant should this application be approved.

Ecology issues

- 10.27 The application site lies within the Kirklees Wildlife Habitat Network, bat alert layer and an area where Great Crested Newts have been previously recorded within 500m of the site. During the course of the application, a Preliminary Ecological Appraisal (PEA) was provided to support the proposed development. The PEA provides adequate assessment to conclude that negative ecological impacts will be limited provided certain mitigating measures are applied.
- 10.28 There are some concerns should work be required on the bridge to provide access to the site across Park Gate Dike, updated surveys are recommended prior to the commencement of works in relation to Otter, Water Vole and White Clawed Crayfish, nevertheless, these would need to be addressed, if applicable, on a separate application for works to the bridge (should one be submitted). Whilst the PEA is adequate, no ecological enhancements have been proposed. Therefore, should the application be approved, in order to prevent significant ecological harm and secure a biodiversity net gain on the site, KC Ecology Officers would recommend conditions relating to the production of a CEMP, a lighting design strategy for biodiversity and an Ecological Design Strategy. This would allow the proposed development to

comply with the aims of Policy LP30 of the KLP and the aims of Chapter 15 of the NPPF.

Trees

- 10.29 The proposal would not impact any protected trees, nor are there are no trees which would meet the criteria for a new Tree Preservation Order to be served that would be affected by this proposal. The proposed development is considered to comply with the aims of Policy LP33 of the KLP and the aims of Chapter 15 of the NPPF.

Land Contamination and Stability

- 10.30 KC Environmental Health Officers have reviewed the application and raise no objection in principle. However, due to the former use of the site, the land is registered as being potentially contaminated and a suite of conditions are recommended should the application be approved. These relate to the submission of contaminated land reports, including a remediation strategy and validation report, where required.
- 10.31 The land where building operations are proposed to take place is registered as a low-risk area with respect to coal mining legacy. As such, no consultation with the Coal Authority has taken place. With a stretch of the access track that would be surfaced and widened under this application does lie within a high risk coal mining area, given the nature of the works, which are non-invasive into the ground, the proposal is considered acceptable from this perspective.
- 10.32 In summary, the proposed development is considered to comply with the aims of Policy LP53 of the KLP and the aims of Chapter 15 of the NPPF.

Climate Emergency

- 10.33 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.
- 10.34 Considering the small-scale nature of the proposed development, it is not considered that the proposed development would have a significant impact on climate change that requires mitigation. The imposition of a condition for an electric vehicle charging point is not applicable on this application given it is for temporary permission. To impose such a condition would be unreasonable, thus failing the six tests for conditions. The proposed development complies with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Representations

10.35 As a result of this application 1no. representation was received. This representation was against the proposal. It has been summarised as follows:

- The site is not of an adequate standard for people to live on.
- The access track cannot stand any further vehicle movement.
- The site is not adequate to support livestock due to its poor condition.
- The site harms the visual amenity of the area.

Response: All these points have been noted and considered in the main assessment.

11.0 CONCLUSION

11.1 In conclusion the applicant has failed to demonstrate the requirement for a temporary static caravan for residential purposes on this site. The site and business is in decline and has already been established for generations, thus, the proposal is entirely against the purposes of granting a temporary permission for a dwelling. As such, the proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. The proposed livestock building also fails to respect the rural setting in terms of details and design. The application fails to comply with the aims of Policies LP24, LP54 and LP55 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework. Furthermore, the proposal is not considered acceptable in regard to the impact on users of the public right of way either, contrary to Policies LP21 and LP22 as well as Chapter 9 of the National Planning Policy Framework.

11.2 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.

11.3 This development has been assessed against relevant policies in the NPPF, development plan and other material considerations. It is considered that the development would not constitute sustainable development and is, therefore, recommended for refusal.

12.0 REFUSE FOR THE REASONS SET OUT AT THE BEGINNING OF THIS REPORT.

Background Papers:

Application and history files:

- 2021/92279 - Siting of static caravan for agricultural worker for temporary 3 year period and livestock building - Application to which this report relates. Available to see here: - <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92279>
Certificate of Ownership –Certificate B signed.
- 2018/94162 – Erection of dwelling and 3 outbuildings and works to access – refused at Heavy Woollen Planning Sub-Committee in line with officer recommendation on 04/11/2020 – Appeal lodged but withdrawn. Available to see here: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f94162>