
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 09-Jun-2022

Subject: Planning Application 2022/90078 Erection of agricultural building and demolition of existing building Upper Blacup Farm, Upper Blacup, Halifax Road, Hightown, Liversedge, WF15 8HL

APPLICANT

BI Clarke

DATE VALID

11-Feb-2022

TARGET DATE

08-Apr-2022

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report

1.1 The application has been brought before the Strategic Planning Committee given that the application would represent a departure from the Kirklees Local Plan.

2.0 SITE AND SURROUNDING

2.1 The site relates to an existing farm holding. The site currently has a large number of older farm structures. Due to alleged safety issues two of the existing barns have already had to be taken down. The farm is accessed via a steep, private track from Halifax Road which also serves the historical farmhouse.

2.2 The application site is allocated as Urban Green Space (UGS) on the Local Plan Policies Map (adopted 2019) forming a small part of a much larger strategically important UGS site (ref UG315) that extends from Cleckheaton in the west to Hightown, Liversedge in the east.

3.0 PROPOSAL

3.1 The application is seeking permission for the erection of a agricultural building and demolition of the existing building.

3.2 The applicant states that the existing farm structures have reached the end of their life and are no longer fit for purpose for the applicant's modern farming machinery. This proposal is made to replace some of the old building stock with atypical modern steel framed agricultural shed with eaves heights and widths to accommodate the applicant's plant and everything associated with the existing farming business on site.

3.3 Due to safety issues two of the existing barns have already had to be taken down. The proposed shed is 30.48m (l) x 12.19m (w) x 4.57m (h to the eaves). It would contain roller shutter doors to allow plant access.

3.4 The existing building stock represents 570m² of floorspace and the proposal is for a reduced footprint of 371m².

3.5 The proposed building would be faced in castle boarding and concrete panels for the walls and fibre cement sheets for the roof.

4.0 RELEVANT PLANNING HISTORY

2020/91193 – Works to overhead lines – granted.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposed scheme has undergone several procedural changes, with the red line being extended up to the adopted highway, notice being served on those who have access down the private road, and the signing of certificate B.
- 5.2 Officers have also entered into discussions about moving the location of the proposed barn to the eastern side of the field closer to where the existing barns to be demolished are located. It has been stated by the agent that it is not possible to site one larger building on this section of the field due to the topography of the land. Upon closer inspection, officers agree with the agent on this matter, thus, the barn is still proposed to the western side of the field.

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 20th July 2021).
- 6.2 The application site is allocated as urban green space (UGS) on the Local Plan Policies Map (adopted 2019) forming a small part of a much larger strategically important UGS site (ref UG315) that extends from Cleckheaton in the west to Hightown, Liversedge in the east.

Kirklees Local Plan (2019):

- 6.3 LP1 - Presumption in favour of sustainable development
LP10 - Supporting the rural economy
LP21 - Highway safety and access
LP22 - Parking
LP24 - Design
LP28 - Drainage
LP30 - Biodiversity and Geodiversity
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
LP61 - Urban green space

National Planning Guidance:

- 6.4 Chapter 6 - Building a strong, competitive economy.
Chapter 12 - Achieving well designed places.
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.
Chapter 15 - Conserving and enhancing the natural environment.

Supplementary Planning Guidance / Documents:

- 6.5
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
 - Highway Design Guide SPD (2019)
 - Planning Applications Climate Change Guidance (2021)
 - Biodiversity Net Gain Technical Advice Note (2021)

7.0 PUBLIC / LOCAL RESPONSE

- 7.1 The application was advertised by neighbour notification letters, in the press and by a site notice. Final publicity expired on 10th March 2022. No representations were received.

8.0 CONSULTATION RESPONSES

- 8.1 Below is a brief summary of the consultation responses received. These comments will be discussed in further detail where relevant later on in the assessment.

KC Highways Development Management – no objections

KC Environmental Health – no objections subject to suggested conditions relating to the reporting of unexpected contaminated land and construction working hours.

The Coal Authority – no objections subject to pre-commencement conditions for intrusive site investigation to establish the risks posed by the coal mining legacy on the site.

KC Policy – no objections given the proposed development affects only a small part of the area allocated as UGS and relates to an existing agricultural business on site.

9.0 MAIN ISSUES

- Principle of Development in the Urban Green Space
- Design
- Residential Amenity
- Highway Safety
- Ecology
- Contaminated Land / Coal Mining Legacy
- Carbon Budget
- Artificial Lighting
- Representations

10.0 APPRAISAL

Principle of Development in the Urban Green Space

- 10.1 This proposed development is with Urban Green Space (UGS) as shown on the Local Plan Policies Map (adopted 2019) and as such is subject to Local Plan Policy LP61 (Urban Green Space).

- 10.2 Allocation of the whole of UG315, to which this site makes up a small part of is based on the Open Space Assessment undertaken as part of the Kirklees Open Space Study (2016) and its classification as a natural/semi-natural greenspace (agricultural land).
- 10.3 Assessed against physical, social and environmental qualities to determine its public value, UG315 has been assessed as a high value as open space having:
- high structural and landscape benefits as an important strategic greenspace acting as a green lung within a highly urbanised area which defines the identity and character of the area and separates the settlements of Cleckheaton and Hightown;
 - significant visual qualities and high amenity and sense of place benefits providing a high quality attractive open space which has the appearance of countryside and can be viewed from many locations, including public footpaths, and provides visual relief in the urban area; and
 - some informal recreation use along various public footpaths that cross the site.
- 10.4 The proposed development would see a new agricultural building erected in support of the existing and historically established farming use on the site. Whilst the scheme would see a net loss in the area of land built upon via the demolition of existing buildings, unfortunately LP61 does not take replacement buildings into consideration.
- 10.5 However, the farm use on the site long pre-dates the allocation of the site as urban green space. There are also existing agricultural buildings on this site (within the urban green space) which predate the allocation. In relation to the need for the agricultural building to enable the continued management and maintenance of the existing farm unit which is allocated as Urban Green Space, policy LP61 does not specifically address development matters relating to the operation or continued use of established uses either. Consideration will therefore need to be given to whether the circumstances of the proposed development in this instance constitute material considerations and what weight can be attached to those given the UGS allocation in the development plan. In this case, the positives are:
- the proposal is required in connection with the existing agricultural use on which the UGS allocation is based;
 - there are existing agricultural buildings within UGS315 which is consistent with the UGS allocation; and
 - the proposed development affects only a small part of the area allocated as UGS, will have minimal impact on the wider UGS site (subject to impact on visual amenity) and as such the function of the wider UGS and its quality as an important landscape will be maintained.
- Therefore, the scheme needs to be judged based on all material considerations as stated by paragraph 47 of the NPPF.
- 10.6 As previously stated, the proposed scheme is required in connection with the existing agricultural use. In addition to plant storage, the applicant wishes to increase his farm revenue by selling more haylage which needs to be stored inside when cropped. The applicant states that the current sheds are not water-tight and the new shed will allow proper storage and ventilation of the crop. Therefore, the demolishing of several, piecemeal buildings and erection of one, purpose-built structure would enable the development and diversification of agricultural and other land-based rural businesses, directly

supported by paragraph 84 of the NPPF. Local Plan Policy LP10 also stresses the importance of supporting the rural economy by stating: The economic performance of the rural economy will be improved by:... b. supporting the needs of small and medium sized enterprises.’ This carries significant weight in this case.

- 10.7 In summary, the proposed development would clearly support the existing rural business and its role within the local economy, which pre-dates the urban green space allocation. Whilst the urban green space policy does not directly support a scheme of this nature, the proposed development affects only a small part of the area allocated and will have minimal impact on the wider urban green space site functionally and visually. The scheme would also result in a lesser footprint being built upon when completed given the proposed demolition. Furthermore, the agricultural use as a whole is supported in the urban green space. Therefore, considering the planning balance and in agreement with KC Policy, officers conclude that the principle of development within the urban green space is considered to be acceptable and in accordance with the aims and objectives of the Kirklees Local Plan and the National Planning Policy Framework.

Design

- 10.8 Local Plan policy LP24 states that ‘Proposals should promote good design by ensuring: a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.’ Chapter 12 of the NPPF echoes this on a broader level.
- 10.9 The proposed building is atypical agricultural in design. The proposed building would be faced in castle boarding and concrete panels for the walls and fibre cement sheets for the roof. The roller shutters would provide appropriate access for agricultural machinery. Whilst the proposed building is larger, in terms of footprint, it would cover a smaller area than the existing buildings when considered cumulatively. Given the atypical agricultural design, on an existing and established agricultural holding the proposed development respects the character of the rural landscape and townscape in accordance with Local Plan policy LP24 and Chapter 12 of the NPPF.

Impact on Residential Amenity

- 10.10 The proposed building would be set over 100m away from the closest dwelling. Given this, the residential amenity of occupants of nearby dwellings shall not be adversely impacted upon. Local Plan policy LP24 states that ‘Proposals should promote good design by ensuring:... b. they provide a high standard of amenity for future and neighbouring occupiers.’ Given the separation distances, the proposal can be considered to accord with Local Plan policy LP24 with regard to residential amenity.

Impact on Highway Safety

- 10.11 Access will be gained from the existing field access and no amendments or new access are proposed. Highways Development Management (HDM) state that ‘Given that the proposed building replaces existing dilapidated buildings associated with the existing farm operations and access arrangements are unchanged HDM have no objection to these proposals.’

- 10.12 For the reason given above, the scheme is considered to accord with Local Plan policy LP21 and the Highways Design Guide SPD with regard to Highway Safety and Access.

Ecology

- 10.13 The field is currently grassed. It does not have a watercourse running through it or have any obvious habitat. It is also bound by existing boundary treatment on all sides and is not part of a habitat network or corridor. Given this, there are not considered to be any ecological impacts.

Contaminated Land / Coal Mining Legacy

- 10.14 This site has been identified on our mapping system as potentially contaminated land due to its proximity to a landfill site (Site 21/4). Contaminated land conditions are therefore necessary as per Local Plan policy LP53 and Chapter 15 of the NPPF.
- 10.15 The submitted Coal Mining Risk Assessment also makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. Therefore, intrusive site investigation will be conditioned as requested by The Coal Authority. Subject to these conditions, the scheme is considered acceptable with regard to contaminated and unstable land.

Carbon Budget / Climate Emergency

- 10.16 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. The proposal does not seek to form any additional parking, therefore it would be unreasonable, as per the six tests for conditions, to seek a carbon budget related condition.

Representations

- 10.17 As a result of the publicity period, no representations were received.

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 The proposed development accords with the purposes of national and local policy in regard to development in the urban green space and supporting the rural economy through meeting the needs of existing small and medium agricultural enterprises. The proposal will cause no visual harm to the rural character of the area, or harm the amenity of neighbouring or future occupiers, including the forthcoming housing development.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.
- 12.0 CONDITIONS - Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**
1. Development to commence within 3 years.
 2. In accordance with the approved plans.
 3. The existing buildings to be demolished within 6 months of the completion of the proposed building.
 4. Reporting of unexpected contaminated land.
 5. Intrusive site investigation to be undertaken.
 6. Submission of confirmation the site is safe prior to occupation.

BACKGROUND PAPERS

Certificate of Ownership – Certificate B signed: 11/02/2021

[Link to application details](#)