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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Oct-2022**

**Subject: Planning Application 2022/91154 Demolition of existing dwelling and erection of detached dwelling including new landscaping and tennis court Old Biggin Farm, Cold Hill Lane, New Mill, Holmfirth, HD9 7DN**

**APPLICANT**

G & A Paxman

**DATE VALID**

07-Apr-2022

**TARGET DATE**

02-Jun-2022

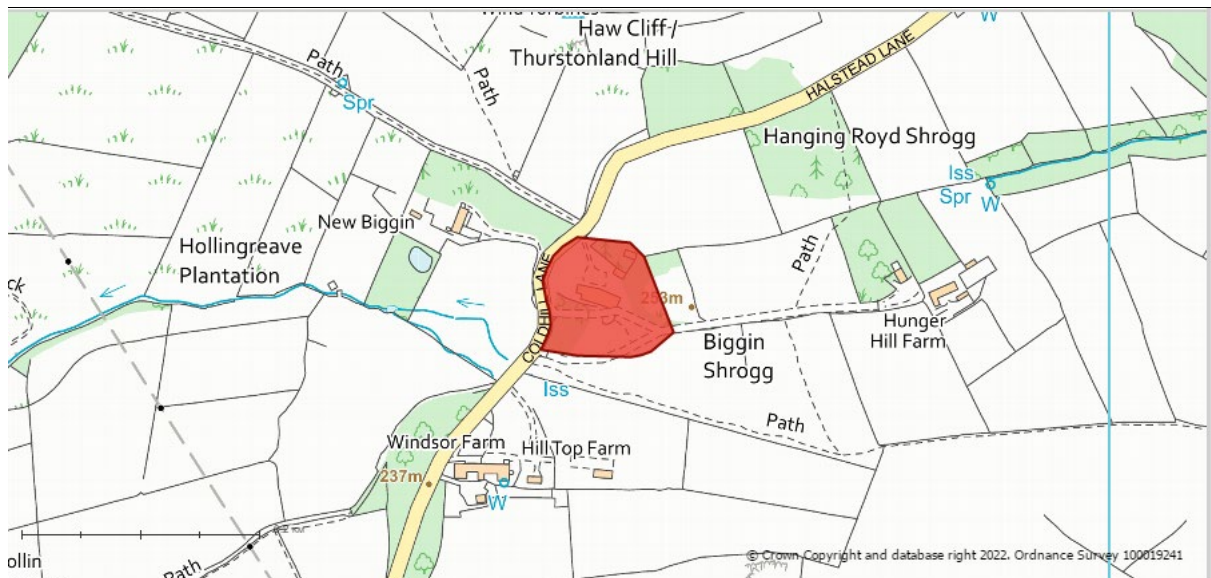
**EXTENSION EXPIRY DATE**

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

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION: Refuse**

1. The development, consisting of a large replacement dwelling, tennis court and associated engineering works, would result in a materially larger building than the dwelling it is to replace, whilst also having a significantly greater impact upon the openness of the Green Belt compared to the existing development, therefore the development constitutes inappropriate development in the Green Belt with regard to Paragraphs 149 (b), (d) and (g) and 150 (b) of the National Planning Policy Framework. In addition to this, the development, including the tennis court and associated engineering works would cause greater harm to the openness of the Green Belt whilst also encroaching further into the open countryside thereby conflicting with one of the purposes of including land within Green Belts. There are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. The development is therefore contrary to Policies LP56, LP57 and LP59 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework, as well as Policy 6 of the Holme Valley Neighbourhood Development Plan.

2. The proposed dwelling, by reason of its overall large scale and massing, and incongruous design, including the proposed untraditional and bulky glazed gable projections and green oak canopy, as well as the extensive engineering works including tennis court, excavation and hard surfacing, would result in an overly dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. Therefore, the proposal would be contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13 and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

1.1 The application is brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation as the planning application is for residential development whereby the site area to be developed exceeds 0.5 hectares.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site relates to Old Biggin Farm, Cold Hill Lane, New Mill. The application site measures approximately 0.87ha and is located at the top of Cold Hill Lane within New Mill. It is found on the north-east side of the Holmfirth Valley and can be accessed via 2 driveways located directly off Cold Hill Lane. The current dwelling comprises of a large detached two-storey 3 bed roomed property. The dwelling is not highly visible from the public highway, except when viewed from the main driveway entrance. The site includes a number of trees to the east and south-west.

2.2 To the north, west and east is open countryside, with the nearest residential properties being located to the south and north-east. There are a number of Public Rights of Way within the vicinity of the site, including HOL/36/20 adjacent to the north boundary of the site, HOL/43/30 to the south and HOL/45/40 to the east.

2.3 The site is within the Green Belt. The application site is not located within a Conservation Area nor located in close proximity to any listed buildings. The majority of the site is within a development low risk coal mining area, but the northern tip of the site is within a development high risk coal mining area.

### **3.0 PROPOSAL:**

3.1 The application seeks planning permission for the demolition of existing dwelling and erection of a detached dwelling including new landscaping and a tennis court.

3.2 The applicant seeks to demolish the existing detached two-storey, 3-bedroomed dwelling and replace it with 1 no. 5 bedroomed detached dwelling. The property is to be three storeys in height however, when viewed from the north, east and west the dwelling will appear as a two-storey property given the difference in land levels and levels of excavation proposed to the south.

3.3 Private amenity areas are to remain to the front, sides and rear, with off-street parking provided to the front of the property on the driveway, and within the integral garage within the basement element of the dwelling to the south.

3.4 The new dwelling is to be located largely in the same position as the existing dwelling, measuring approximately:

- 14.8m in width
- 30.7m in length
- 10.9m in height

3.5 It is also pertinent to note that significant excavation would be required to the rear to enable the basement level of the scheme to be created.

3.6 Materials proposed for the construction of the new dwelling include natural coursed stone, stone slate roof tiles, ppc aluminium windows in cream, with a green oak canopy.

3.7 The proposal also seeks to install a new tennis court to the north-east of the site. The tennis court is to measure approximately 29.7m x 14.9m, and will have a permeable surface, bounded by 2.4m PPC chain link fencing in black. Numerous trees are to be removed from the site to enable this element of the proposals.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2010/92658 – Alteration and extension of existing dwelling – Withdrawn 18<sup>th</sup> November 2010.

4.2 93/03092 – Erection of loose boxes – Withdrawn 14<sup>th</sup> July 1993.

## Pre-application

- 4.3 2021/20709 – Pre-application advice for erection of replacement dwelling. Comments made 6<sup>th</sup> October 2021 – Advice provided within the pre-application letter is summarised below.

*“In summary, it is concluded that the plans as submitted would not be in accordance with Local Planning Policies LP57 or LP59. This is due to the overall scale, size and volume of the dwelling that is proposed and its impact on the openness of the Green Belt through the proposed engineering works and treatment of outdoor areas, including hardstanding’s and means of access.*

*Should a subsequent application be submitted to the Council which reduces the overall visibility of the proposed lower ground floor by removing excess windows and doors, and making it look more subterranean in appearance, reducing the amount of hardstanding areas proposed around the perimeter of the dwelling and supporting the application with a landscaping plan (outlining that the existing mature planting is to be retained and would not be removed or damaged during construction works) and drawings showing views from Cold Hill Lane to confirm that the proposed dwelling would not be openly visible to the public from the public highway, a future scheme on this site may be acceptable.”*

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

- 5.1 No amendments have been sought as the proposals are deemed to be wholly unacceptable in this instance. Officer advice has been previously provided within the pre-application letter dated 6<sup>th</sup> October 2021.
- 5.2 It is noted that a formal response has been submitted by the applicant’s agent via email on 31<sup>st</sup> August 2022, and this was submitted upon receiving confirmation from Officers that the application was to be moved forward with a recommendation of refusal. This response is discussed and addressed within the below Officer’s report.

### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).
- 6.2 The application site is located within the Green Belt and Holme Valley Neighbourhood Development Plan Area. It is also important to note that there are a number of Public Rights of Way within the vicinity of the site, including HOL/36/20 adjacent to the north boundary of the site, HOL/43/30 to the south and HOL/45/50 to the east.

**Officer note:** Whilst it is acknowledged that part of the application site is located within a coal referral area, this portion of the site relates solely to the resurfacing of an existing driveway and therefore given the nature of the proposals, it is considered that a Coal Mining Risk Assessment is not required in this instance with reference to guidance on such a matter.

### Kirklees Local Plan (2019):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP20** – Sustainable Transport
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity & Geodiversity
- **LP33** – Trees
- **LP51** – Protection and Improvement of Local Air Quality
- **LP56** – Facilities for Outdoor Sport, Outdoor Recreation and Cemeteries
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings
- **LP59** – Brownfield Sites in the Green Belt

### **Holme Valley Neighbourhood Development Plan (2020-2031)**

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The following policies are considered relevant to the determination of this application:

#### Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

*“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”*

#### Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

*“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*

#### Policy 6: Building Homes for the Future

*“In addition to the housing sites allocated in the Kirklees Local Plan new housing development will be supported subject so long as... the proposed housing is located within existing settlements not overwashed by Green Belt or is for housing acceptable in terms of national Green Belt policy... proposals for residential development involving the redevelopment of previously developed (brownfield) sites or the conversion of mill buildings and other suitable building to create low-cost housing and apartments is particularly encouraged”*

#### Policy 11: Improving Transport, Accessibility and Local Infrastructure

*“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.*

#### Policy 12: Promoting Sustainability

*“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.*

#### Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

*“All development proposals should demonstrate how biodiversity will be protected and enhanced”.*

The application site is within Landscape Character Area 8 – Settled Slopes of the Holme Valley

Key landscape characteristic of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

Key built characteristic of the area are:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

#### Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

## National Planning Guidance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- 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

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 One representation has been received in objection to the proposal. These comments are summarised below.

- The submitted plans remove the right of way which a neighbouring property has had for over 100 years.

**Officer response:** Noted. The applicant's agent has confirmed via email on 10<sup>th</sup> May 2022 that the right of way from the old track is to be transferred to the new one. However, as this does not relate to a designated Public Right of Way this would be a civil matter that would need to be dealt with outside of this current planning application (i.e. it is not a material planning consideration).

**Officer note:** We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that there is a Public Right of Way running within close proximity to the site, the proposals are not considered to affect the existing PROWs given the separation distances and nature of the proposals which is to replace an existing dwelling which is set away from the PROWs. The proposal was therefore not advertised as affecting the setting of a PROW,

## 7.2 **Parish/Town Council**

Holme Valley Parish Council – Support, although draw attention to right of way concerns raised by neighbours.

**Officer note:** Noted. As discussed within the representations section of this report, the applicant's agent has confirmed via email on 10<sup>th</sup> May 2022 that the right of way from the old track is to be transferred to the new one. However, as this does not relate to a designated Public Right of Way this would be a civil matter that would need to be dealt with outside of this current planning application.

### 7.3 **Local Ward Members**

On 6<sup>th</sup> October 2022, Officer's notified local ward members Councillor Firth, Councillor Crook and Councillor Davies of this application which is due to be considered under the Huddersfield Sub-Committee on 20<sup>th</sup> October 2022. Officers also outlined the recommendation for refusal and the reasons for this. Councillors responded as outlined below:

#### Councillor Paul Davies:

*'I sit on this Committee so will keep my comments until I have heard all of the evidence there'.*

#### Councillor Moses Crook:

*'Having looked at the plans I agree with your recommendation here and with the reasons given (or at least the ones I understand). I also think that rights of access should be resolved ahead of any development. I also note that this proposal is listed as being in Holme Valley North on the planning site?'.*

**Officer note:** Officers acknowledged the error on the Council's planning website and has sought to rectify this to ensure the ward is identified as being within Holme Valley South.

## 8.0 **CONSULTATION RESPONSES:**

Below is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning webpage.

### 8.1 **Statutory:**

**KC Highways Development Management** – No objections subject to conditions and informatives relating to parking areas being surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13<sup>th</sup> May 2009 (ISBN 9781409804864) as amended or superseded, and that the granting of planning permission would not authorise the carrying out of works within the highway, and that written permission of the Council as Highway Authority would be required.

### 8.2 **Non-Statutory:**

**KC Trees** – No objections but concerns have been raised in respect to the amount of proposed tree loss (55 trees) at the site, whilst of limited amenity value they are well-established semi-mature trees which provide wildlife habitat and green infrastructure. Additional information is therefore requested in the form of more details within the submitted tree report regarding the replacement trees and their size, species, location and a suitable aftercare/maintenance programme. Conditions are also recommended should planning permission be granted which require the submission of a tree protection plan, and a landscaping scheme.



Officer note: Following receipt of the above the applicant's agent responded via email on the 11<sup>th</sup> of July 2022 stating that the trees to be removed are not high in value and all lost trees will be replaced with native species to provide greater species diversity within the site. Also, a large proportion of trees are being removed due to the need to replace the septic tank, which is necessary to meet the requirements set out in new legislation on septic tanks. With regard to planting additional trees within the specific location as suggested by the Tree Officer, the applicants advised that this part of the site is not available for tree planting as it is used by a farmer to grow hay for livestock. For clarity, there are no agricultural tenancies in place and the farmer is a friend of the Applicants, meaning this is an informal agreement. Lastly, they wished to reiterate that this is a replacement of an existing private dwelling rather than a large-scale commercial development and therefore, they believe that 1:1 tree replacement strategy is adequate.

Given the assessments made under the principle of development section of this report, Officers did not seek further advice from the Tree Officer with respect to the agent's additional comments. This was due to the proposals being wholly unacceptable as submitted. Should planning permission be granted in future, clarification would need to be sought and details agreed with respect to the additional and proposed planting.

**KC Ecology** – Comments received 17<sup>th</sup> May 2022. No objections subject to conditions relating to further ecological surveys being undertaken, and the installation of an integral bat box.

## **9.0 MAIN ISSUES**

- Principle of development (including principle of development in Green Belt)
- Impact on visual amenity
- Residential amenity
- Highway issues
- Other matters

## **10.0 APPRAISAL**

### **Principle of development**

#### *Sustainable Development*

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

10.3 Policy LP2 of the Kirklees Local Plan states that:

*“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

10.4 The site is within the Kirklees Rural Sub Area. The listed qualities will be considered where relevant later in this assessment.

10.5 The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

10.6 Policy 6 of the Holme Valley Neighbourhood Development Plan (HVNDP) states that housing development will be supported subject to the following considerations being met:

- The proposed development being within existing settlements (and if in the green belt, it must be acceptable with guidance contained within the NPPF).
- Adequate parking.
- Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes.
- The proposal demonstrates that densities make best and efficient use of land and reflect local settlement character

10.7 In respect of the acceptability of the development in the Green Belt, this will be discussed below. Whether there is adequate parking will also be discussed below in the highway safety section of the report. In terms of access to public transport, the site is located within the open countryside, some distance to the north of New Mill where the nearest public transport connections are (the nearest bus stop being ~1KM away). It is there questionable as to whether the site has good access to public transport and encourages walking and cycling.

10.8 In respect of the density of development, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. The text supporting Policy 6 of the HVNDP states that the housing density in the Holme Valley will be approximately thirty dwellings per hectare. However, Policy LP7 states this target should be ‘where appropriate’ and in the policy justification set out in paragraph 6.40 that the policy allows for lower ‘densities where a site would not be compatible with its surroundings’. Given that the proposal looks to replace one dwelling with another dwelling, the quantum of development could be said to be acceptable.

#### Land Allocation (Green Belt)

10.9 The site is allocated as Green Belt in the Kirklees Local Plan.

- 10.10 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.
- 10.11 Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. For instance
- Paragraph 149 (b) - the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
  - Paragraph 149 (d) - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
  - Paragraph 149 (g) - limited infilling or the partial/complete redevelopment of previously developed land, so long as the proposals would not have a greater impact on the openness of the Green Belt than the existing development.
  - Paragraph 150 (b) – engineering operations provided they preserve the openness of the green belt and do not conflict with the purposes of including land within Green Belts.
- 10.12 Policies LP56, LP57 and LP59 of the Kirklees Local Plan are consistent with advice within the NPPF.
- 10.13 In relation to replacement dwellings, Local Plan Policy LP57 criteria (b) echoes exception Paragraph 149 (d), but Policy LP57 also requires proposals to not result in a greater impact on openness in terms of the treatment of outdoor areas including hard standings, curtilages and enclosures and means of access. Policy LP57 also notes that design and materials should also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.14 Regarding brownfield development in the Green Belt, Local Plan Policy LP59 also states that proposals for the partial or complete redevelopment of an existing brownfield site will normally be acceptable provided that the extent of the existing footprint is not exceeded, and that redevelopment has regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.15 As noted above, Policy 6 of the Holme Valley Neighbourhood Development Plan makes reference to development within the Green Belt and highlights that housing (other than sites allocated for housing within the Kirklees Local Plan) would be supported subject to the proposed housing being located within an existing settlement which is not over washed by Green Belt or is acceptable in terms of national Green Belt policy.

10.16 Policy LP56 of the Kirklees Local Plan refers to facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt. Similar to Paragraph 149 (b) of the NPPF it sets out that proposals for appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. It also sets out that proposals should ensure that:

- the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated.
- the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;

#### Whether the proposal is inappropriate development within the Green Belt

10.17 In this instance the existing site comprises of a detached two-storey 3 bedroomed dwelling constructed from stone. This dwelling is to be demolished and replaced with a three-storey 4 bedroomed detached dwelling. The proposal will therefore be of the same use. The sizes of the existing and proposed dwellings are discussed and assessed below in more detail.

#### *Existing Dwelling*

- Footprint = approximately 393.78sqm
- Floorspace = approximately 512.29sqm
- Volume = approximately 1885.93 cubic metres

#### *Proposed Dwelling*

- Footprint = approximately 453.84sqm
- Floorspace = approximately 932.90sqm
- Volume = approximately 3012.8322 cubic metres = (basement 1497.672 + ground floor 727.9602 + first floor 545.792 + roof 241.408)

10.18 Whilst there is no accepted definition of what constitutes to 'materially larger', the proposals would see the proposed increases as outlined below:

- Increase of around 13.25% in footprint.
- Increase of around 82.1% in floorspace.
- Increase of around 59.75% in volume.

10.19 Officers note that within the submitted rebuttal letter from the applicant's agent dated 31<sup>st</sup> August 2022, the agent notes that Local Plan Policy LP59 (b) confirms that the complete redevelopment of brownfield sites in the Green Belt will normally be permitted if the extent of the existing footprint is not exceeded. Whilst Policy LP59 (b) does state this, the proposal would see an increase in the footprint of the dwelling by around 13%. Further to this, the National Planning Policy Framework also sets out that redevelopment of development on brownfield land will only be acceptable if the proposal does not have a greater impact on the openness of the Green Belt than the existing

development. Thus, the increase to the footprint, coupled with the significant increases in floor space and volume is considered to constitute as being considerably and materially larger than the existing dwelling.

- 10.20 Not only from an arithmetic perspective do Officers consider that the proposed replacement dwelling would be materially larger, but also from a visual perspective. Whilst the footprint of the proposed dwelling may not be substantially larger, a large amount of the existing dwelling is only single storey in height, whilst the majority of the proposed replacement dwelling would be two to three storeys and would include bulky gable projections. Thus, visually, Officers also consider that the proposed dwelling would also have a greater impact upon the openness of the Green Belt than the existing dwelling.
- 10.21 The applicant's agent did note within the submitted rebuttal letter that the architect did endeavour to match the overall height of the existing dwelling, however due to the low energy design and requirement for Mechanical Ventilation with Heat Recovery (MVHR) ductwork, the floor depths to accommodate services needed to be increased. Whilst the Council supports proposals which seek to contribute in helping with the Climate Change Agenda, the proposals as a whole, when taking into account the increase in footprint and floorspace would not result in a scheme that would be deemed to be acceptable in the Green Belt on this occasion. Should the overall floorspace and footprint be significantly reduced, it may be that a slight increase in overall height would be deemed to be acceptable in this location.
- 10.22 In addition to the above, the scheme includes the provision of a new full-sized tennis court (engineering operation and arguably an outdoor recreation facility), as well as engineering operations to create the new basement level and additional areas of hardstanding.
- 10.23 The proposal is to include the provision of a new basement level; this basement will require significant excavation to the rear of the property of approximately 30.49m in width and 3m in depth. Within the previous pre-application advice (ref: 2021/20709), Officers advised the applicant to remove the majority/all of the proposed garage doors and windows to ensure that the basement remained hidden, and the property would remain visually as a two-storey dwelling to the south. Unfortunately, the applicant has sought to keep the proposed garage doors and windows within the southern elevation of the basement, which does emphasise the scale and size of the works proposed at the site within this sensitive Green Belt location. Whilst Officers note that some engineering operations can be considered to be appropriate in the Green Belt, given the nature and level of excavation required in this instance, officers are of the opinion that the scheme would not preserve the openness of the Green Belt and would in fact be of detriment to it.
- 10.24 Furthermore, the proposal would provide numerous new areas of additional hardstanding around the site. These include providing access around the whole of the dwelling, with a large patio area to the rear, dining terrace to the west, and walkway/feature to the east. Concerns over the amount of new hardstanding were raised within the previous pre-application advice, whereby Officers requested that this be reduced throughout the site. Unfortunately, within this submitted application the amount of hardstanding has increased since the pre-application enquiry. Within the submitted rebuttal letter the applicant's agent notes that the proposed replacement scheme does include

additional hardstanding around the dwelling but states that as the overall footprint of the dwelling has been reduced by 102m<sup>2</sup> and therefore this should be taken into account. As outlined above, the footprint of the dwelling is to be increased and therefore this does not overcome Officers' concerns with regards to the expanse of hardstanding included within this sensitive open countryside Green Belt location. Not only is there considered to be greater harm to the openness of the Green Belt as a result of this hardstanding, but encroachment into the open countryside given that the site is in a sensitive open countryside location.

- 10.25 A new tennis court is also proposed to the north-east of the site. As specified above, Paragraph 149 (b) of the NPPF and Policy LP56 of the Kirklees Local Plan relate to outdoor recreation facilities. It is accepted that neither Paragraph 149 (b) of the NPPF or Policy LP56 state such facilities cannot be for private use. Nonetheless, the local and national policy state that such a facility should not have a greater impact upon the openness of the Green Belt and also not conflict with the purposes of including land within Green Belts. Policy LP56(b) also states that the facility should not introduce a prominent urban element into a countryside location. As the proposals would result in the loss of numerous existing large and mature trees and would subsequently be covered with a permeable full-size tennis court surface, Officers consider this element of the scheme to significantly alter the existing character and visual appearance, further urbanising this site in the open countryside, harming the openness of the Green Belt and encroaching into the open countryside.
- 10.26 Whilst the existing accesses to the site to the front and rear of the property are to remain unchanged, the middle access out on to Cold Hill Lane is to be blocked up due to it being 'unsafe'. Officers raise no concerns with regards to the removal of this access and welcome this amendment as it would help reduce the impact on the openness of the Green Belt if it could be reinstated as a landscaped area as shown on the submitted plans. However, Officers consider that the landscaping of this land would not sufficiently compensate the impact of the engineering operations including the tennis court upon the openness of the Green Belt.
- 10.27 Thus, Officers hold the view that these engineering operations and the tennis court would have a greater impact upon the openness of the Green Belt than existing, with certain elements encroaching into the open countryside, therefore these elements are also considered to constitute inappropriate development in the Green Belt.
- 10.28 The proposal also seeks to install a new septic tank to the south of the property to replace the existing old unit. The applicant's agent confirms that this replacement is required based on the introduction of new legislation on septic tanks. Officers have no comment to make on this replacement tank as it will be covered by a vertical reed bed and is considered to be visually acceptable in this location.
- 10.29 For the above reasons, Officers consider the development to constitute inappropriate development in the Green Belt with reference to NPPF Paragraph 149 criteria (b) (d) & (g) and Paragraph 150 criterion (b) as well as Policies LP56, LP57 and LP59 of the Kirklees Local Plan. Paragraph 147 of the NPPF outlines that 'inappropriate development is, by definition, harmful to the Green Belt', whilst Paragraph 148 states that local planning authorities should ensure

that 'substantial weight' is given to any harm to the Green Belt. Given this conclusion, it is necessary to now consider whether any other additional harm would accrue, and whether there are very special circumstances to outweigh such harm.

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

- 10.30 In respect of the openness of the Green Belt, case law (Turner v Secretary of State for Communities and Local Government [2016] EWCA) establishes that the concept of openness is open textured and that several factors are capable of being relevant when applying it to the particular facts of a specific case. National Planning Practice Guidance (NPPG) broadly identifies openness as being divisible into spatial and visual aspects.
- 10.31 As noted above, Officers consider that the proposed dwelling would be materially larger than the existing dwelling at the site and therefore spatially have a greater impact upon the openness of the Green Belt than the existing dwelling.
- 10.32 As highlighted previously, Local Plan Policy LP57 (b) makes reference to the need for proposals to not result in a greater impact on openness in terms of the treatment of outdoor areas including hard standings, curtilages and enclosures and means of access. In addition to the increase in the size of the replacement dwelling, the scheme also includes the provision of a new full-sized tennis court, engineering operations to create the new basement level and additional areas of hardstanding. As established above, Officers consider that the large tennis court and significant engineering works would further increase the built development at the site thereby urbanising the site to a greater extent and having a much greater impact upon the openness than existing. This therefore adds to the harm to the Green Belt, and, for this reason, the development is considered to conflict with Policy LP57 (b) of the Kirklees Local Plan.
- 10.33 Within the submitted rebuttal letter, the applicant's agent outlines on several occasions that the proposals would not be openly visible from public vantage points and that additional screening and landscaping has been provided to help ensure that the scheme remains hidden from view. Whilst Officers appreciate this, openness is not judged solely on visibility as outlined above.
- 10.34 Whilst it is acknowledged that there is significant and mature planting outlining the boundary of the site, the proposed introduction of this large basement level, tennis court and associated hardstanding is considered to clearly and significantly undermine both spatial and visual aspects of openness. It is noted that the site is stepped back from the public highway and is located down private drives to both the front and rear, and therefore would not be highly visible expect when walking down the driveways, or PROW to the south. However, it is considered that the overall size of the proposals would be detrimental to the spatial aspects of openness and the point that it would be somewhat obscured from public view does not overcome the harm to openness, nor harm by reason of inappropriateness.

- 10.35 In terms of the purposes of including land within Green Belts, one such reason is to safeguard encroachment into the openness countryside. Due to the rural nature of this site, it does form an integral part of the countryside landscape and the proposal would result in the encroachment of urban form and activity into the countryside, especially the tennis court and hard surfacing.
- 10.36 Local Plan Policies LP57 and LP59 also note that the proposed design and materials should also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting. The proposed design and materials are discussed in more detail within the visual amenity section of this report. However, as outlined further on, Officers consider there to be harm to the visual amenities of the Green Belt too.
- 10.37 Thus, Officers hold the view that the harm to the visual amenities of the Green Belt and the openness of the Green Belt, as well as the harm by reason of conflict with one of the purposes of including land within Green Belts, add to the substantial harm to the Green Belt by virtue of the inappropriateness of the proposed development.

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

- 10.38 In accordance with Paragraph 148 of the NPPF, consideration must be given as to whether the application has any very special circumstances which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and other harm.
- 10.39 The applicant's agent has provided a rebuttal to Officers comments given via email on 25<sup>th</sup> August 2022. Within this rebuttal the applicant's agent outlines that the loss of trees, are to be replaced with native species and will therefore provide a greater species diversity at the site. In addition, the architectural and environmental quality of the proposed dwelling should be taken into account when assessing the overall impact of the development proposals.
- 10.40 These points are noted, and are discussed throughout the Officer's report, but Officers consider that these arguments cumulatively fall substantially short of constituting 'very special circumstances' that would outweigh the harm caused to the Green Belt as identified by Officers above. Of note, Officers have significant concerns with the design of the proposed development in this sensitive open countryside location.
- 10.41 Officers therefore consider the principle of development in the Green Belt unacceptable in this case on the basis the proposal would constitute inappropriate development in the Green Belt, whilst also causing harm to the openness of the Green Belt and conflicting within one of the purposes of including land within Green Belts. Officers hold the view that very special circumstances have not been demonstrated to outweigh this identified harm to the Green Belt. The proposal is therefore contrary to Green Belt policy set out within Chapter 13 of the NPPF, Policies LP56, LP57 and LP59 of the Kirklees Local Plan and Policy 6 of the Holme Valley Neighbourhood Development Plan.



## Impact on Visual Amenity

10.42 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

*“The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

10.43 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

10.44 Policy LP24 of the Kirklees Local Plan 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...”*

10.45 Policy 1 of the Holme Valley Neighbourhood Development Plan HVNDP sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), Settled Slopes of the Holme Valley (LCA8).

10.46 Policy 2 of the HVNDP states that proposals should be designed to *“minimise harmful impacts on general amenity for present and future occupiers of land and buildings”* and [proposals] *“should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*.

10.47 Principle 2 of the Housebuilders Design Guide SPD states that new residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality;
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details;
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

10.48 It is pertinent to note that key landscape characteristics of the Settled Slopes of the Holme Valley (LCA8) (as outlined within Principle 1 of the Holme Valley Neighbourhood Development Plan) include that the area has a strong rural setting and agricultural character with pastoral farmland on the rising valley slopes. There is also a strong connection to the surrounding landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides, as well as glimpsed views of the rural backdrop through gaps between the built form.

- 10.49 The application site is located within a large residential curtilage stepped back from highway via private drives to both the front and rear. Other residential dwellings can be found dispersed throughout the vicinity however, the immediate area is typically undeveloped. Properties within this location comprise mainly of two-storey large, detached dwellings set within large grounds.
- 10.50 Principle 5 of the above SPD states that buildings should be aligned and set-back to form a coherent building line. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.
- 10.51 Principle 15 of the Housebuilders Design Guide SPD sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality. Principle 14 of the Housebuilders Design Guide SPD states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials
- 10.52 In terms of the layout of the proposed dwelling, plans submitted display the dwelling being of a similar orientation to the existing property, with the front elevation facing to the north towards the main entrance driveway. As discussed previously, due to the rural nature of the area, dwellings in this location typically comprise of relatively large, detached properties set in generous sized grounds. Therefore, there is no specific building line in which the applicant would need to follow. Overall, Officers hold the view that the siting and layout of the dwelling is generally acceptable, and the proposal is in accordance with Principle 5 of the SPD.
- 10.53 In relation to scale, massing and appearance of the proposed dwelling, it is to provide living accommodation across three storeys, albeit it will only be viewed as a two-storey dwelling to the north, east and west. The dwelling is to be linear in form with single storey protrusions to the front to provide a snug area and utility room. Balconies are also to be provided at first floor level to both the front and rear, alongside 4 gable ends which are discussed in more detail below.
- 10.54 A dwelling of three-storeys in height utilising a pitched roof design throughout. Is considered to be broadly reflective of other properties within the immediate area.
- 10.55 However, there are 4 gable protrusions above single storey height proposed to the dwelling which increase the scale and massing and complicate the form of the dwelling. These gables are to be between 1.5-2 storeys in height and comprise of floor to ceiling glazing. Though it is accepted that the dwelling is viewed on its own within the site and that there are gable elevations on the existing dwelling, these gables are more traditional in character and provide a significantly reduced amount of glazing within them, ensuring that they do not appear overly dominant within the context of the site.

- 10.56 The applicant's agent notes within the submitted rebuttal letter that similar glazed gable ends can be found within neighbouring properties located immediately adjacent to the site. Officers would state that each application is based on its own merits however, the glazed gable end in which the agent refers to is considered to have a significantly lesser impact on the host dwelling and Green Belt given its scale, size and as it sits flush with the elevation rather than protruding out, thus appearing substantially less dominating than the multiple 1.5-2 storey bulky glazed gables proposed within this application. These gables are considered to significantly add to the massing and scale of the overall dwelling and create a dwelling of a form and scale that is not sensitive within the open countryside location.
- 10.57 Furthermore, the large expanses of glazing on these gables are considered to exacerbate the harm these gables cause, as such glazing would result in insensitive alien features within the open countryside location and have the potential to constitute a visual intrusion, most specifically at night when these areas of the home are lit, creating an intensity of use and potential disturbance within this rural Green Belt setting. It is acknowledged that the applicant's agent does note within the submitted rebuttal letter that the window heights have needed to increase to maximise solar gains within the winter months. Whilst solar gain is important and supported by the Council, this is not deemed to be sufficient to overcome Officers' concerns as additional glazing could be provided within the dwelling without the need for this large gable end protrusions being erected.
- 10.58 In terms of materials on the dwelling, it is noted that the site is located within Landscape Character 8 within the Holme Valley Neighbourhood Development Plan, and key built characteristics of the area include vernacular building materials such as millstone grit walls and grey slate roofs. In this instance the proposed dwelling is to be constructed using natural stone, stone slate roof tiles with ashlar stone surrounds and a green oak canopy.
- 10.59 Whilst the majority of the proposed materials are considered to be sympathetic to the existing dwelling and other adjacent neighbouring properties, Officers do have significant concerns in respect of the large two-storey green oak canopy which is to be located on the southern elevation of the dwellinghouse. The use of this type of material at this scale is not considered to be traditional in appearance or reflective of the existing host dwelling or locality and therefore is deemed to be incongruous in this sensitive location.
- 10.60 In terms of detailing, in this instance the replacement dwelling is to include PPC aluminium windows in the colour cream throughout the property, these are mostly traditional in appearance given their size and that they are to be fitted with ashlar stone surrounds. Whilst the aluminium windows are somewhat of a contemporary design when compared to what currently exists at the site, this material is deemed to be sympathetic and therefore is not considered to be an incongruous addition. However, as discussed above, there are significant concerns with the large expanses of glazing on the gable projections.
- 10.61 Principle 8 of the above SPD highlights that for all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings. In this instance the proposed dwelling is to be set on a higher ground due to the sloped topography of Cold Hill Lane. However, the applicant

has demonstrated within the submitted rebuttal letter dated 31st August 2022 that the site is not highly visible from public vantage points, and Officers would support this claim as seen when undertaking a site visit. Nonetheless, the as outlined above, the proposed dwelling, by virtue of its overall scale and massing as well as appearance, is considered by Officers to be an incongruous and alien feature within the locality that fails to respect local character.

- 10.62 Further to above, the engineering works including the tennis court, excavation and new hard surfacing areas are considered to inappropriately urbanise this site which sits within a sensitive open countryside location, thereby causing further harm to the character of the area.
- 10.63 In conclusion, taking the above assessment into account, the proposed size, scale and design of the proposed glazed gable ends, and large green oak canopy are considered to be overly dominant and out of character with the area, creating alien features within the rural area. In addition, the extensive engineering works including tennis court, excavation and hard surfacing, would result in an urbanising form of development in this sensitive open countryside location. It is therefore considered that the proposal causes detrimental harm to the rural character of the area and that the proposal is contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13, and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

### **Residential Amenity**

- 10.64 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.65 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.66 Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.
- 10.67 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*
- 10.68 The application site is located approximately 100+ metres away from the nearest neighbouring residential properties. For this reason and considering that the application site is heavily screened by existing and mature landscaping, there are no significant concerns in respect to the proposals appearing overbearing in nature or causing issues with overlooking or overshadowing.

### Amenity of future occupiers of the proposed dwelling

- 10.69 Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*
- 10.70 Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least 1 window too. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.
- 10.71 In terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character / context of the site is provided. In this case it is considered that the amount of outdoor amenity space provided for the proposed dwelling would be adequate with three areas which could be utilised for various activities, including space to the front of the property, which is sufficiently screened from public views, thus creating an area of private amenity space.
- 10.72 In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24(b) of the Kirklees Local Plan and Policy 2(10) of the HVNDP in terms of the amenities of neighbouring properties, as well as Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

### **Highway issues**

- 10.73 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.74 Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (parking) and the Council's latest guidance on highways design.
- 10.75 Principle 12 of the Housebuilders Design Guide SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. Principle 19 of the Housebuilders Design Guide SPD also states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

- 10.76 In terms of parking provision, the Kirklees Highways Design Guide SPD outlines that Kirklees Council has not set local parking standards but notes that as an initial point of reference for residential development, 4+ bedroomed dwellings should provide at least 3 off-street parking spaces. In this case there is considered to be adequate space for at least 3 vehicles on the proposed driveway and integral garage within the basement. The proposed dwelling will utilise existing entrances to both the front and rear of the site, whilst also removing the existing access road in the middle of the site.
- 10.77 Bin storage is proposed to the front of the site adjacent to the entrance gate to the north.
- 10.78 Kirklees Highways Development Management raise no objections to the proposals subject to conditions and informatives relating to areas to be appropriately surfaced and drained for parking, and the carrying out of works within the highway. Officers concur with the advice provided from Kirklees Highways Development Management.
- 10.79 For the aforementioned reasons, subject to an appropriately worded condition, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD, Policy 11 of the HVNDP and Chapter 9 contained within the National Planning Policy Framework.

## **Other Matters**

### Trees

- 10.80 Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.
- 10.81 Policy 2 of the Holme Valley Neighbourhood Development Plan outlines that any significant trees on the site should be retained and incorporated in the new design.
- 10.82 Whilst no trees within the application site are subject to a Tree Preservation Order and the majority of the trees requiring removal are considered to be of limited visual amenity to the surrounding area, the Council's Tree Officer has raised concerns in relation to the number of trees to be removed. 55 trees are outlined within the submitted plans to be removed to facilitate the proposed development. Whilst of limited amenity, these trees do provide some wildlife habitat and green infrastructure, and therefore should be appropriately mitigated to maintain and increase future tree cover. The Council's Tree Officer highlights that if this scale of tree removal work were desired outside of this planning application, it would likely require an application for a felling license from the Forestry Commission who would likely specify a restocking notice, with the Council's view being no different.

- 10.83 The Tree Officer has stated that the tree loss mitigation detail within the tree report is very limited. The Tree Officer would therefore wish to see more information on replacement trees including their size, scale, location and a suitable aftercare/maintenance programme to ensure the best chance of successful tree establishment.
- 10.84 The tree report specifies a replanting ratio of 1:1 which would be a minimum requirement if the replacement trees were at least of standard size. Given the available space within the property's curtilage it is recommended that a significant area be replanted, possibly as a new woodland area to the south-east of the site on the other side of the track with mixed native species of whips and the addition of some individual standard specimens being planted around the property. Notwithstanding the submitted tree survey the Tree Officer would like to see a Tree Protection Plan displaying details of where the protective fencing will be installed, as well as a suitable landscaping scheme, which appropriately mitigates the tree loss giving specific detail of the tree size, species, location and programme of aftercare. This can be secured via condition should planning permission be granted.
- 10.85 The applicant's agent responded to the above comments outlining that these trees are not high in value and that all lost trees will be replaced with native species to provide greater species diversity within the site. In addition, the agent notes that a large portion of the trees to be removed is due to the need to replace the existing septic tank, which is necessary to meet the requirements set out in new legislation on septic tanks. The applicant's agent also highlights that the south-east of the site is not available for tree planting as it is used by a farmer to grow hay for livestock, although there are no agricultural tenancies in place as the farmer is a friend of the applicants, meaning that this is an informal agreement. Finally, the applicant's agent also reiterates that the application is for the replacement of an existing private dwelling rather than a large-scale commercial development and therefore believe that a 1:1 replacement tree strategy is adequate in this instance.
- 10.86 Given the assessments made under the principle of development section of this report, Officers did not seek further advice from the Tree Officer with respect to the agent's additional comments, as this was due to the proposal being wholly unacceptable as submitted. Should Officers support the principle of a similar scheme in the future, clarification would need to be sought and details agreed with respect to the additional and proposed planting. Officers would expect mitigation planting so that the proposal is in accordance with Policy LP33 of the Kirklees Local Plan and this can be conditioned if permission is to be granted.

### Biodiversity

- 10.87 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats. Policy 13 also seeks biodiversity net gains.
- 10.88 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

- 10.89 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.90 Principle 9 of the Kirklees Housebuilders Design Guide SPD states that: *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out.”*
- 10.91 Whilst it is acknowledged that the application site is not located within a Bat Alert Area, it is located adjacent to this area and comprises of a number of mature trees. The proposals seek to demolish the existing dwelling and replace it with a new property. The Council’s Ecology Officer was therefore consulted on the application.
- 10.92 A Preliminary Ecological Appraisal (PEA), including a bat scoping assessment have been submitted with the application. The Ecology Officer welcomed these documents and stated that within the PEA a number of mitigation measures and recommendations for enhancements are outlined, which should be adhered to throughout the development.
- 10.93 The bat scoping assessment confirmed that a roost was present in the south-eastern section of the building and therefore prior to any material works on the building a Natural England bat mitigation licence will be required. The survey also identified that other areas of the building that were not accessible at the time of survey held bat roosting suitability and should be subject to additional surveys. The Council’s Ecology Officer has raised no objections to these findings but has recommended a pre-commencement condition requesting further ecological surveys being undertaken and used to prepare an Ecological Impact Assessment focussing on bats, along with a condition requesting details of a suitable replacement bat roost should one be discovered.
- 10.94 In addition to the above, the Council’s Ecology Officer has noted that the proposals have not demonstrated a biodiversity net gain in accordance with local and national policy. Officers hold the view that the development proposal should aim to incorporate a number of enhancements into the proposed development in order to ensure development can be brought forward in line with local and national policy. The Council’s Ecology Officer therefore has also requested a condition regarding the installation of an integral bat box.

#### Climate Change

- 10.95 On 12<sup>th</sup> 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 pre-dates 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.



- 10.96 Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.
- 10.97 This is echoed by Policy 12 of the Holme Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions. Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.
- 10.98 In this case the application seeks to provide a ground source heat pump, super insulated walls, Low U values and air tightness of 3 air change per hour at 50pa, locally sourced materials, reed bed infiltration system, LED lighting throughout, photovoltaic panels and electric vehicle charging points, all to comply with AECB Low Energy Dwelling standards. Within the submitted Design & Access Statement the applicant's agent also highlights that natural light is a prominent part of the environmental strategy of this proposal and that the scheme seeks to incorporate large areas of glazing to the east, south and west sides of the building. Should permission be granted, conditions could be attached to secure the installation of the solar panels, electric vehicle charging points and ground source heat pump.
- 10.99 Taking the above into account, the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal as the proposal is considered to constitute inappropriate development in the Green Belt, whilst also causing harm to the openness of the Belt and conflicting with one of the purposes of including land in Green Belts. Officers consider that very special circumstances to outweigh the identified harm to the Green Belt have not been demonstrated. Furthermore, the proposal is considered to result in an overly-dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. It is therefore considered that the proposal would be contrary to Policies LP1, LP2, LP22, LP24, LP56, LP57 and LP59 of the Kirklees Local Plan, Policies 1, 2 and 6 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13 and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

## **Background Papers:**

Application and history files.

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91154>

Certificate of Ownership

Certificate A signed.