
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Dec-2022

Subject: Planning Application 2022/92651 Use of land as ‘glamping site’ with 6no. glamping pods with decking, alterations to access to Moor Lane with formation of access road and parking areas, change of use of stables to form gym and Class E shop and café, installation of package treatment system

Moorgate Farm, Moor Lane, Netherthong, Holmfirth, HD9 3UP

APPLICANT

Kirsty Green

DATE VALID

11-Aug-2022

TARGET DATE

06-Oct-2022

EXTENSION EXPIRY DATE

09-Nov-2022

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: Holme Valley South

Ward Councillors consulted: No

Public or private: Public

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| <p>RECOMMENDATION: REFUSAL</p> |
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1.0 INTRODUCTION:

1.1 This application is brought before Strategic Committee for determination, under the terms of the Delegation Agreement, since the area of the site is in excess of 0.5 hectare.

2.0 SITE AND SURROUNDINGS:

2.1 Moorgate Farm is located on the northern side of Moor Lane roughly 800m west of the edge of Netherthong village. It is a Grade II listed cottage, dating from the early to mid-18th Century, built in stone and stone slate, which is located 6m in from the highway boundary and surrounded by other buildings which are classed as historic curtilage buildings. The land that is the subject of this application consists of a roughly L-shaped block with its own gated entrance 115m west of the farm house, extending 75m back from the highway and about 36m in width, with further land to the east which comprises a maintained lawn towards the northern boundary and a large building constructed in blockwork, stone and timber placed near the southern boundary, with a concrete forecourt. The has vehicular access both to the curtilage of Moorgate Farm to the south and the field to the west.

2.2 There is a general downward slope from the highway into the field. There are a number of mature trees near the site boundaries, especially on the road frontage.

2.3 The surroundings of the site are rural and undeveloped.

3.0 PROPOSAL:

3.1 The proposal is for the formation of a glamping site comprising the installation of 6 no. pods for guests within the western part of the site, the change of use of the existing building to provide guest facilities, and associated access works.

3.2 A vehicular access track would be formed from the existing gated access leading in a clockwise direction around the western and northern margins of the site to an existing area of hardstanding within which 4 no. parking spaces are shown. A further three spaces would be available in the open bays forming the eastern part of the building; the middle part of the building would become a coffee shop and gift shop, the western part a gym, all for use by guests.

3.3 The four larger pods, with two bed spaces each, would measure 10m by 3.6m, the smaller two, placed at the northern end of the site near the car park, would be 5m by 3m.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 96/92642 – Deemed application via enforcement appeal for erection of 4 no. timber huts. Deemed approval. The 2002 aerial photograph shows three huts in the north-eastern part of the site. There was no trace of the huts remaining at the time of the case officer's site visit.

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

5.1 20-Sep-2022: Visibility splay drawing and other supporting information. These were not re-publicised since they were not considered to raise substantial new planning issues.

6.0 PLANNING POLICY:

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

- The site is within land designated as Green Belt on the Local Plan proposals map.
- Moorgate Farm is a Grade II Listed Building
- A Public Right of Way (Hol/57/30) runs through the eastern part of the site
- There is an Area Tree Preservation Order (TPO) across part of the frontage of the site.

Kirklees Local Plan (2019):

6.2 The site is within the Green Belt within the Local Plan Proposals Map.

Kirklees Local Plan:

- **LP 10:** Supporting the rural economy
- **LP 13:** Town centre uses
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 35:** Historic environment
- **LP 52:** Protection and improvement of environmental quality
- **LP 53:** Contaminated and unstable land
- **LP 60:** The reuse and conversion of buildings

Holme Valley Neighbourhood Development Plan

The site falls within Landscape Character Area 5 – Netherthong Rural Fringe:

1.1 Key Characteristics

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

1.2 Character Management Principles

- Respect long distance views towards Castle Hill, Huddersfield and the surrounding landscape, and framed and glimpsed views from the valley sides and within and from Netherthong and Oldfield towards the settlements in the valley below.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes.

Relevant Policies to this application within the Plan are:

- Policy 1 - Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 - Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 7 – Supporting Economic Activity
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Guidance / Documents:

6.3

- KC Highways Design Guide 2019

Other Documents

- Biodiversity Net Gain Technical Advice Note 2021
- Climate Change Guidance for Planning Applications 2021

National Planning Guidance:

6.4

- **Paragraph 11** – Presumption in favour of sustainable development
- **Chapter 2** – Achieving sustainable development
- **Chapter 7** – Ensuring the vitality of town centres

- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Green Belts
- **Chapter 14** – Planning for flood risk, climate change and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 19-Sep-2022 (publicity by site notice and press publicity in addition to neighbour letter on the grounds that the proposal is a departure from the development plan, would affect a public right of way or its setting, and would affect the setting of a Listed Building).

7.2 7 representations made, objecting to the proposal.

7.3 Summary of concerns raised:

- Highway safety and traffic. It is a 40mph country road and vehicles often exceed the speed limit. Limited sight lines because of bends, no footway. Accidents have already occurred, one fatal. Insufficient parking for guests and visitors to shop and café, and for traders. The village already struggles with congestion.
- Noise pollution especially at night. No mention of how the ban on party bookings will be enforced.
- Air pollution from log burners in a smoke control area, also barbecues and firepits.
- Light pollution in an area that at present enjoys near perfect darkness.
- Impact on local wildlife and livestock. Hares, owls and voles live in the area and their natural habitat will be affected. Also great crested newt.
- The pods will stand out, being made of bright new wood with shiny metal chimneys. They will be clearly visible from Knoll Lane and public footpath even if they are partly screened from Moor Lane. Also the visual impact of vehicles.
- Tree removal and impacts
- Inappropriate in Green Belt
- Rubbish (which would be a threat to livestock) and odours.

Holme Valley Parish Council – The Parish Council is keen to promote tourism in the Holme Valley but opposes this application on the basis of 1) concern over highway access and 2) development in the Green Belt.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- KC Conservation & Design – Do not support the proposal in its present form.
- KC Public Rights of Way – No objections.
- KC Highways Development Management – Objection on highway safety grounds. Proposal would not have sufficient visibility

8.2 Non-statutory:

- KC Environmental Health – No objection subject to conditions.
- KC Planning Policy (informal response) – Recommend refusal.
- KC Arboricultural Officer (informal response) – Do not support the proposal in its present form.
- KC Waste Strategy – No objections in principle.
- KC Ecology – Should not be determined until the applicant has demonstrated biodiversity net gain.

9.0 MAIN ISSUES

- Principle of development
- Appropriateness within the Green Belt
- Impact on local commercial centres
- Design and landscape issues (including heritage considerations)
- Residential amenity
- Highway issues
- Impact on trees
- Impact on biodiversity
- Representations
- Other matters
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such the proposal will be assessed having regard to NPPF chapter 13 paragraph 148 which advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated. Since the scheme also involves change of use of an existing building, Policy LP60 (reuse and conversion of buildings) is also applicable.

- 10.2 When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Chapter 16 of the NPPF and Policy LP35 of the Local Plan also support this aim.
- 10.3 In addition, the following NPPF policies are relevant here:
- Ensuring the vitality of town centres – aims to support town centres as being the primary location of retail and service provision and prevent the proliferation of out-of-centre commercial activity.
 - Achieving well-designed places – planning decisions should aim to ensure that developments will function well, be visually attractive, be sympathetic to local character, establish and maintain a strong sense of place, optimise the potential of the site to accommodate development and create safe and accessible environments.
 - Meeting the challenges of climate change flood risk and coastal change – opportunities should be taken to reduce the causes and impacts of flooding, and prevent new and existing development from being put at unacceptable risk from, or contributing to unacceptable levels of, pollution or land instability;
 - Conserving and enhancing the natural environment – to minimise the impact on biodiversity and where possible enhance this.
- 10.4 The aims of the following Local Plan policies will be relevant to the assessment: LP10 (to support and increase tourism development where compatible with Green Belt policy); LP13 (main town centre uses to be located in defined centres); LP21-22 (development to provide safe access and sufficient parking); LP24 (design to respect its surroundings and conserve amenity); LP30 (biodiversity to be protected and enhanced); LP33 (trees of significant value to be retained and protected); LP52 (impacts of pollution to be assessed and mitigated); LP53 (development should not be put at risk from contamination). The aims of the relevant Holme Valley NDP policies as listed above (1, 2, 7, 11-13) also fall to be considered.
- 10.5 The applicant does not explicitly address climate change but contains a few short paragraphs on the theme of sustainability, making the following points:
- Water run-off will discharge naturally into permeable areas;
 - Efficient construction methods will be used;
 - Efficient waste collection;
 - Each pod will have its own cycle racks.
- 10.6 The proposal would have the potential to give rise to increased carbon emissions since it is assumed that most guests would be car-borne. This would be slightly mitigated by the provision of facilities on site that would help to minimise the need to make separate trips to local town or village centres, although it is also likely that many guests would make day trips by car to go on

walks or to visit other local attractions. An assessment of trip generation has not been undertaken. It is noted however that the pods are, in themselves, relatively light-weight structures that would contain little embodied energy, and that it involves repurposing of an existing permanent building. If officers were minded to approve, further information could be sought detailing how it would contribute to the above carbon reduction aims in line with the aims of LP24(d) and NPPF Chapter 14.

Appropriateness within the Green Belt

- 10.7 Under para. 149 of the NPPF, the erection of new buildings within the Green Belt is inappropriate in principle unless they are for a limited range of purposes, such as agriculture and forestry. New buildings intended to be used as holiday or visitor accommodation are inappropriate in principle since they are not considered to fall within the definition of “appropriate facilities for outdoor recreation” (149b).
- 10.8 The existing land and its wider surroundings consist mainly of open agricultural land. The site is prominent from the local highway network (Moor Lane and Knoll Lane), and whilst its visibility is somewhat reduced by the mature trees on the boundary of the site, any screening effect they provide will only apply when they are in leaf. The proposed development would introduce residential-style timber buildings which would be connected to services and would form permanent structures where no buildings currently exist. This in itself would result in very significant harm to the openness of the Green Belt. The openness of the Green Belt would be further harmed by the provision of vehicular access and parking spaces, screen fencing, bin stores, decking and cycle racks.
- 10.9 It is acknowledged that the pods are a type of development that it would be relatively easy to remove, and restore the site, if they were to become redundant, but the development is clearly intended to be long-term, and this does not negate the harm to the openness of the Green Belt that would occur as long as they are present. Overall, this scheme would cause very significant harm to the openness of the Green Belt. When assessing the proposal against the purposes of including land within the Green Belt, the relevant purpose is purpose c) - to assist in safeguarding the countryside from encroachment. The construction of timber glamping pods would have an urbanising effect and would be incongruous in the wider landscape. The provision of parking spaces, decking, and the other works already referred to would add to this urbanising effect. Overall, this proposal would conflict with the purposes of including land within the Green Belt as it would result in very significant encroachment into the countryside.
- 10.10 The change of use of the building to provide a café and gym would not necessarily be deemed inappropriate in Green Belt terms (under paragraph 150d) if viewed in isolation, nor would it introduce incongruous domestic or urban characteristics into the landscape since there is already hardstanding in place to serve it. But as its entire purpose is to provide facilities for future glamping pod users, it cannot be considered separately from the proposed glamping site and is therefore not deemed appropriate development in the context of this application.

- 10.11 Development that is inappropriate in nature should not be permitted unless “very special circumstances” can be shown to exist, such that the harm to the Green Belt (arising from inappropriateness and any other harm caused) is clearly outweighed by other considerations.
- 10.12 The applicant has submitted a supporting statement making, in brief, the following arguments in support of the proposal:
- Glamping is a relatively new type of accommodation that typically is best suited to countryside as guests want to enjoy an ‘escape’ to peaceful atmospheres and away from the hustle and bustle of everyday life.
 - This application also supports rural development and farm diversification with the aim to positively impact the local community through guests enjoying neighbouring tourist attractions whilst using the wealth of community shops, restaurants and bars.
 - The site is intended to not damage the character and appearance of the existing area and this has been carefully considered on design of this proposed site. The Glamping PODs consist of mainly timber on appearance to blend with the natural surrounds and are envisioned to capture the essence of countryside living without impacting the landscape views.
 - It is believed this site will meet demand for further tourist accommodation in the nearby area with the Holmfirth area. The surrounding areas currently have insufficient hotel and overnight accommodation which would further entice visitors to the area.
 - Glamping sites exist within the area however none will provide guests with the facilities that are associated with this proposal – on-site gym facilities, including an indoor sauna the aim is to promote health and well-being.
 - The site is close to the public footpath network including the Kirklees Way
 - The development would provide significant economic benefits to the nearby towns and villages of Netherthong, Meltham, Thongsbridge, Holmfirth, Holmbridge, Slaithwaite and Honley. The site operator aims to contact local businesses within these communities to offer a ‘partnership’ where each establishment is promoted within one another.
- 10.13 Policy LP10 of the Local Plan supports tourism-related development and farm diversification but also states that where development is located in the Green Belt, regard must be paid to the relevant national and local Green Belt policies. Similarly, HVNDP Policy 7 supports the creation or sustainable expansion of existing businesses solely in instances where, if the site is in the Green Belt, the proposal accords with national Green Belt Policy.
- 10.14 The applicant’s statement claims that there is insufficient overnight accommodation within the local area to meet demand. The submitted “Market Research” document does not back up this claim by means of statistics pertaining to Kirklees or the Holme Valley specifically. Moreover, under Local Plan and Holme Valley NDP policies, an unmet demand for visitor accommodation, or the desire of some visitors to stay in a novel form of

accommodation such as pods or huts in a strongly rural setting, do not provide a basis for going against Green Belt policies. It is acknowledged that there may be both direct and indirect economic benefits to local businesses as a result of the income generated by the glamping site and visitors making use of local restaurants, pubs, shops and visitor attractions, but again it is considered that this would not provide a clear policy-based justification for approving the application, especially in the light of LP10 and Holme Valley NDP Policy 7.

- 10.15 In conclusion, it is considered that the development would cause significant harm to the openness of the Green Belt and undermine at least one of the purposes of including land within it. Very special circumstances that clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness or other harm have not been demonstrated by the applicant. The development is therefore contrary to Chapter 13 of the NPPF, Policy 10 of the Local Plan and Policy 7 of the Holme Valley NDP.

Impact on local commercial centres

- 10.16 The proposal includes a small gift shop, a café and a gym, which would normally be classed as “main town centre uses”. Since the location does not lie within, or close to, a designated commercial centre, it would normally be subject to a sequential test.
- 10.17 The design and access statement states that the gift shop and café will be accessible to the wider community. This is contradicted by the agent’s later statement dated 20th September that this element of the scheme would be for guest use only.
- 10.18 It would certainly be unusual for a campsite or caravan park of this size to provide a café or gym, and even a hotel or guest house with such a small number of bed spaces would not usually provide this range of facilities. But it is likely that the pods would be marketed as high-class or luxury accommodation, at the upper end of the tourist market. It is therefore considered that the size of the facilities is not disproportionate to the amount of accommodation provided.
- 10.19 Making the gym accessible to overnight guests only should not present any problems (for example, by means of a key or code available only to staying guests). It might be more difficult to prevent non-residents from calling at the gift shop or café (for take-away hot drinks or snacks, for example) since these are located less than 20m off the course of the Public Right of Way and there is no fence or barrier separating them. One possible solution, if officers were generally minded to approve the application, could be the erection of a fence along the line of the PROW (with a gate to enable access and egress by guests’ and service vehicles) with appropriate signage advising walkers that it is private land.

10.20 In the event of an approval, conditions could be also imposed to the effect that the facilities would be ancillary to the main use as visitor accommodation, and that signage be installed at the main entrance stating that on-site facilities were to be for overnight guests only. Subject to these measures, it is considered that the development would be able to function without undermining the vitality or viability of town and village centres within the Holme Valley, and would thereby accord with the aims of Chapter 7 of the NPPF and Policy LP13 of the Local Plan.

Design and landscape issues

10.21 It is acknowledged that the pods are, visually, a relatively low-impact form of development. Whilst they would represent, as previously stated, an intrusion of built development into open countryside, it is noted that they are single-storey timber structures, that a significant part of the site would remain undeveloped, that many (though not all) trees would be retained, and that indigenous shrubs would be planted to help further soften the impact of the pods and improve biodiversity. It is considered therefore that direct impact on the visual character of the area and local landscape arising from the pods and associated infrastructure would not necessarily be negative, and that in the absence of the Green Belt designation, their visual impact would not provide a reason to refuse the application.

10.22 It is also noted that the applicant intends to use low-impact lighting – further details could be sought if officers were minded to approve. Whilst a landscaping and planting scheme would at least minimise visual impact as required by Policy 1(1) of the Holme Valley NDP, the scheme would however fail to ensure the retention of all valuable or important trees (see section 6 below) and in the absence of a formal tree survey or impact assessment it must be concluded that the resultant tree loss would be likely to have a negative visual and landscape impact.

10.23 As such it is considered it would not respect or enhance the character of the landscape as required by Policy LP24(a) of the Local Plan.

10.24 *Impact on setting of Listed Building:*

Conservation and Design have expressed some concerns that the proposed glamping development will have a detrimental impact on the setting of the Farm complex on the grounds of the rigid layout, and the prominence of the pods owing to their high sides. The Conservation Officer has recommended that the layout could be improved, that the pods could be better integrated into the landscape, and that the access road should be in grasscrete or similar, not tarmac.

10.25 Planning officers' observations are that the Listed Building, Moor Gate Farm, is a considerable distance (well over 50m) from the pods and access track, and would not be seen in the same context. It is therefore considered that whilst there are possible improvements that could be made to the landscaping, which could be the subject of further negotiation if the scheme were acceptable in principle, the development in its present form would not adversely affect the setting of the Listed Building and would thereby comply with the aims of LP35, NPPF Chapter 16, and the Council's duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

- 10.26 The proposed development is of a type that is likely to give rise to noise emissions, arising firstly from the comings and goings of vehicles (mainly guests' but also service vehicles) and secondly from the behaviour of guests on site, who may in the summer months spend much of their time relaxing or socialising outside their pods.
- 10.27 The site is however relatively isolated. The nearest dwellings are Knoll Bridge Farm, Ox Lane Farm and Nos. 201-205 (Cartref), all of which are in the range of 150-200m from the site boundary. It is noted that Environmental Health has not raised any concerns on the grounds of noise, and if it were deemed a concern then in the event of an approval it would be possible to mitigate noise emissions by means of a noise management plan. It is therefore considered that for a development of this scale there would be no conflict with the aims of Policies LP24(b) and LP52.

Highway issues

- 10.28 The development would use an existing access. In response to Highways concerns about visibility, an amended layout plan was submitted showing a 2.4m by 90m visibility splay. The proposed splay to the west however crosses land that is outside the red line boundary and appears to be in third party ownership. On the basis of the plans now being considered, it is therefore not possible to guarantee that a sufficient visibility splay to the west can be provided or retained in perpetuity.
- 10.29 Even if the red line boundary included all relevant land and there were no land ownership issues, there are mature trees within the visibility splay which are covered by a Tree Preservation Order. The provision of a visibility splay in either direction would require the removal of a number of trees, which it is considered cannot be justified in terms of planning policies.
- 10.30 It is therefore considered that the development would endanger the safety of existing highway users and users of the proposed development and is therefore in conflict with the aims of LP21 and LP22 of the Local Plan and those of Policy 11(4&5) of the HVNPD.
- 10.31 *Impact on Public Right of Way:* The development would not interfere with the use of the public right of way (Holmfirth 57) or increase danger to users. It is therefore considered to accord with the user hierarchy principle as set out in LP20.

Impact on trees

- 10.32 Policy LP33 states that the Council will not grant permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Paragraph 13.35 of the policy justification recommends that a detailed tree survey is undertaken before a scheme is designed.

- 10.33 Paragraph 174(b) of the NPPF states that: "Planning policies and decisions should contribute to and enhance the natural and local environment by...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"
- 10.34 The line of trees along the road offers a significant visual amenity and as such are already protected by TPO 66/92/G1. The applicant has not submitted a formal tree survey, tree constraints plan or impact assessment. The Design Statement acknowledges the presence of mature trees on the site:
- "There are multiple existing trees located around the site, however, the layout and design of the proposal have been carefully considered to ensure that no development will create any adverse effect on the existing trees or would require any to be removed. As seen on the supporting layout plan, no units encroach towards the tree line. Due to only topsoil being required to be removed to create pod footing, no harm would come to any of the root protection areas around the tree either."
- 10.35 It goes on to claim that only one tree will need to be removed, in order to facilitate access. The site layout plan shows one (non-protected) tree removed from the northern part of the site. There are other mature trees in the north-western part of the site, mostly on or near the northern boundary. These are not covered by a TPO but make at least a modest positive contribution to the character of the area and its wildlife value. They would not appear to be directly affected by the setting out of the pods and formation of the access track, or present problems of compatibility with the use of the site. There is another belt of trees on a north-south line just within the eastern boundary of the site, but again these would appear not to be directly affected.
- 10.36 The access as shown on the original drawings would not have provided sufficient visibility. A subsequent drawing showed visibility splays in each direction meeting current standards. It can be seen from observations on site that a number of mature roadside trees each side of the access, which are covered by the TPO designation referred to above, fall within the proposed visibility splay and would therefore have to be removed.
- 10.37 The development does not accord with the aims of Policy LP33 or those of HVNPD 2(3) which states that any significant trees should be retained. It has not been supported by an Arboricultural Survey or Impact Assessment formally appraising the value of the trees on site, explaining how they would be affected and what mitigation or compensation could be undertaken. In the absence of information to the contrary, it would imply the removal of several trees that are covered by a TPO and are considered valuable to amenity. The purported benefits of the proposed development are not considered to provide justification for their loss.

Impact on biodiversity

- 10.38 The site within the twite (*Carduelis flavirostris*) buffer zone but not under any other designation for biological conservation purposes. The site however occupies what is deemed to be semi-natural habitat, including what appears to be unimproved or semi-improved grassland, trees and hedgerows. It is

deemed to fall within the Mid-Altitudinal Grasslands biodiversity opportunity zone. The proposals have not demonstrated a biodiversity net gain in accordance with Policy LP30(ii). The Biodiversity Net Gain Technical Advice Note requires that a 10% net gain should be achieved on sites over 0.5ha. Since the site exceeds 0.5ha it is considered that it would be unreasonable to determine it without an ecological survey, impact assessment and calculation of biodiversity net gain since this would be contrary to the aims of the above Technical Advice Note, Policy LP30 of the Local Plan and Policy 13 of the HVNDP.

Drainage issues

- 10.39 The site is not known to be at risk of flooding. The applicant proposes that disposal of surface water is to be by means of a sustainable drainage system, disposal of foul sewage by a package treatment plant. Further details could be sought, or be the subject of a condition, if officers were minded to approve. It is considered that the proposal does not raise significant concerns from the point of view of drainage.

Representations

- 10.40 Concerns relating to traffic, amenity, biodiversity, trees and appropriateness within the Green Belt have been examined in the main part of the Assessment above but are highlighted here together with other issues raised and officer responses.

- Highway safety and traffic. It is a 40mph country road and vehicles often exceed the speed limit. Limited sight lines because of bends, no footway. Accidents have already occurred, one fatal. Insufficient parking for guests and visitors to shop and café, and for traders. The village already struggles with congestion.
Response: Whilst it is noted that Netherthong village centre is already somewhat congested on account of the substandard highway network, guest trips are unlikely to significantly increase congestion or local traffic at peak times, and since Highways Development Management have raised no concerns about this aspect of the development it would not be reasonable to refuse on such grounds.
- Noise pollution especially at night. No mention of how the ban on party bookings will be enforced.
Response: The submission and approval of a management plan explaining how guest noise will be minimised, could be the subject of a condition in the event of an approval.
- Air pollution from log burners in a smoke control area, also barbecues and firepits.
Response: Environmental Health have advised Planners that to accord with smoke control legislation only exempted appliances must be installed, and only exempted fuels burned outdoors.
- Light pollution in an area that at present enjoys near perfect darkness.
Response: Lighting could be designed so as to avoid spill or trespass. This could be the subject of a condition.

- Impact on local wildlife and livestock. Hares, owls and voles live in the area and their natural habitat will be affected. Also great crested newt.
Response: This concern is considered to be justified, since in the absence of a preliminary ecological survey it is not possible to determine what the impacts on biodiversity would be nor assess whether a 10% net gain would be achievable.
- The pods will stand out, being made of bright new wood with shiny metal chimneys. They will be clearly visible from Knoll Lane and public footpath even if they are partly screened from Moor Lane. Also the visual impact of vehicles.
Response: Design details could be modified if deemed necessary, and improved landscaping sought, if officers were minded to approve.
- Tree removal and impacts
Response: This is deemed a serious concern (see Section 6 above).
- Inappropriate in Green Belt
Response: This is accepted as correct.
- Rubbish (which would be a threat to livestock) and odours
Response: In the event of an approval, further information such as a management plan could be submitted.

10.41 Holme Valley Parish Council's concerns over access and development in the Green Belt are noted, and are found to be substantiated in this instance for the reasons set out in the main part of the Assessment.

Other Matters

- 10.42 *Contaminated land:* The development is near to three infilled former quarries. Since only shallow foundations and minimal land disturbance will be involved, this is not a major concern and in the event of an approval it would be sufficient to add the standard precautionary note on unexpected contamination to fulfil the aims of Policy LP53.
- 10:43 *Water supply:* The applicant has confirmed, in response to Environmental Health concerns, that the intention is that the development would be connected to the mains water supply.

11.0 CONCLUSION

11.1 The proposed development would, for the reasons set out above, constitute inappropriate development. It would cause significant harm to the openness of the Green Belt and would undermine the purposes of including land within it. It is officers' assessment that very special circumstances clearly outweighing the harm to the Green Belt have not been demonstrated in this instance. Since there is no guarantee that acceptable visibility splays could be formed or retained in perpetuity, there are unresolved concerns over whether safe access to the public highway network would be achievable. Furthermore, it appears that the proposal would result in the loss of valuable protected trees and it has not been demonstrated that biodiversity net gain could be delivered following the loss of existing natural habitat on site. The proposal is therefore contrary to policies on landscape and biodiversity as set out in the Local Plan and Holme Valley Neighbourhood Development Plan.

12.0 Reasons for refusal

1. The proposed development is inappropriate in principle within the Green Belt since buildings for holiday or visitor accommodation do not fall within the definition of “appropriate facilities for outdoor recreation” nor any of the other categories listed in paragraphs 149-150 of the National Planning Policy Framework (NPPF). It is considered that the development would cause significant harm to the openness of the Green Belt and undermine the purpose of including land within it as set out in paragraph 138(c) of the NPPF in that it would represent an encroachment of built development into open countryside. Very special circumstances that clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness or other harm have not been demonstrated by the applicant. The development is therefore contrary to Chapter 13 of the NPPF, Policy 10 of the Kirklees Local Plan and Policy 7 of the Holme Valley Neighbourhood Development Plan.
2. The proposed visibility splay to the west crosses land that is outside the red line boundary and appears to be in third party ownership. It is therefore not possible to guarantee that a sufficient visibility splay to the west can be provided or retained in perpetuity. Consequently, the use of the access by the proposed development would give rise to a material increase in risks to highway users, and therefore due to impacts upon highway safety, the proposal is contrary to the aims of Policy LP21 of the Kirklees Local Plan and Policy 11(4&5) of the Holme Valley Neighbourhood Development Plan.
3. The application has not been supported by an Arboricultural Survey or Impact Assessment formally appraising the value of the trees on site, explaining how they would be affected and what mitigation or compensation could be undertaken. The provision of visibility splays as shown on drawing 220430-01-11 would appear to require the removal of a number of mature trees that are the subject an Area Tree Preservation Order, reference 66/92/g1. The development therefore does not accord with the aims of Policy LP33 the Kirklees Local Plan or those of Holme Valley Neighbourhood Development Plan Policy 2(3) which state that any significant trees should be retained.
4. The Kirklees Biodiversity Net Gain Technical Advice Note requires that a 10% net gain should be achieved on sites over 0.5ha. The proposal has not been supported by a baseline ecological survey or impact assessment. It is therefore not possible to assess the value of any existing semi-natural habitat that would be lost (including, but not restricted to, mature trees) nor establish how the appropriate biodiversity net gain would be achieved. The proposal therefore does not accord with the aims of Policy LP30(ii) of the Kirklees Local Plan and Policy 13 of the Holme Valley Neighbourhood Development Plan.

Background Papers:

Application and history files.

[link to planning application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92651>

Certificate of Ownership – Certificate A signed.