
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 11-May-2023

Subject: Planning Application 2021/93006 Conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area)

Yew Tree Farm, The Village, Farnley Tyas, Huddersfield, HD4 6UQ

APPLICANT

Radcliffe

Developments(Farnley)Ltd

DATE VALID

27-Jul-2021

TARGET DATE

26-Oct-2021

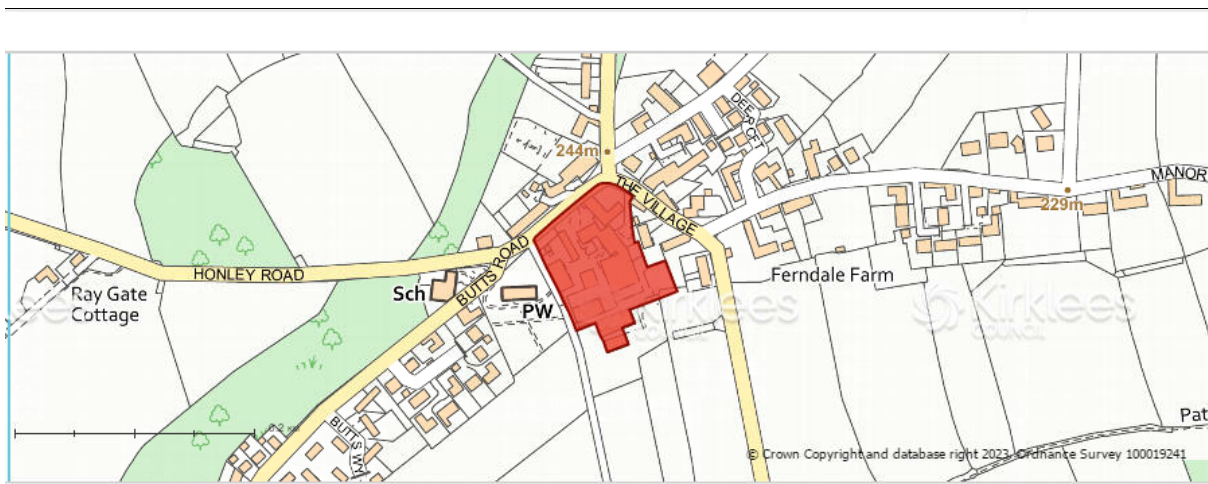
EXTENSION EXPIRY DATE

26-May-2023

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 Agreement to cover the following matters:

1. Affordable Housing – Two affordable housing units (both to be intermediate/first homes) to be provided in perpetuity.
2. Open Space – £31,289 off-site contribution, and 285sqm on site contribution to the front of the site adjacent to the existing substation.
3. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
4. Management agreement for the private road

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission (reference 2021/93006) for the conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works at Yew Tree Farm, 63, The Village, Farnley Tyas, Huddersfield, HD4 6UQ.
- 1.2 The application is brought to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation for the following reasons. The planning application would represent a departure from the Local Plan due to a small part of the site being within the Green Belt and requests from ward members Councillors Armer, Taylor and Smith for the application to be called into planning committee (including a site visit), should officers seek to move forward with a recommendation of approval. Also a significant level of local representations has been received in response to the proposal during the consultation period.
- 1.3 The Chair of Strategic Planning Committee has accepted the reasons for making this request as valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to Yew Tree Farm, 63, The Village, Farnley Tyas, Huddersfield, HD4 6UQ.
- 2.2 The application site measures approximately 0.87ha and is located within the centre of Farnley Tyas village, accessed via The Village to the north. The site comprises of a number of vacant agricultural buildings alongside 3 residential properties that are to be retained and do not fall within the proposed application. Within the site there are also 3 mature trees which are covered by a Tree Preservation Order.
- 2.3 Beyond the site boundaries to the south are open and undeveloped agricultural fields. To the north are residential dwellings and the Golden Cock Public House. To the east there are further residential dwellings, and immediately to the west is St Lucius Church a Grade II Listed Building and Public Right of Way KIR/59/10.
- 2.4 The majority of the application site is located within Farnley Tyas Conservation Area and comprises of a number of Grade II Listed Buildings. The site is also in close proximity to numerous other Listed Buildings within the village.
- 2.5 The Listing Descriptions are as follows:

Number 65 and Adjoining Barn

'159/5/121 THE VILLAGE 16-MAY-84 FARNLEY TYAS 65 NUMBER 65 AND ADJOINING BARN II Weaver's house and adjoining barn, part of a farm group. Early to mid C19 though of C17 or early C18 origin Hammer dressed stone. Stone slate roof with two ashlar stacks and moulded stone brackets to gutter. Two storeys.

The house has an entrance to the right and a 5-light window to the left, with one blocked light. To the 1st floor is one 8-light window with 2 blocked lights. The rear of the house has large paired lights, and at basement level, one 2-light double chamfered window. The gable end has an entrance, one ground floor single light, and a first floor 2-light window, as well as a partly blocked taking-in-door to the 1st floor, and one 3-light window at attic level.

The first floor taking-in-door of the house is partly blocked by the roof of a single storey lean-to, with coursed dressed rubble walls, large quoins and a stone slate roof. It runs from half way along the gable end of the house to beyond the front wall and has entrances at the side, front and at a lower level to the rear facing the back garden. There is a 2-light window adjacent to the side door and several other openings, some altered.

The barn has large central carriage entrance to the front with an elliptical arch, and small doors to the left and right (one blocked). The rear of the barn has one 3-light double chamfered window, blocked, and a central C19 threshing door.

*REASONS FOR DESIGNATION DECISION No 65 The Village and adjoining barn are designated for the following principal reasons: * The buildings have their origins in the seventeenth or early eighteenth century * The changes the buildings have undergone demonstrate the evolution of the farmstead in which they stand * They retain a large number of original features both externally and internally, including roof joinery in the barn, and original windows and entrances * They are demonstrative of the local vernacular, and of local industry in the presence of weavers' windows on the house'.*

Former Dairy

'KIRKBURTON

159/0/10022 THE VILLAGE 09-APR-08 FARNLEY TYAS (Off) FORMER DAIRY

GV II Barn, c.1672, in coursed dressed rubble with corrugated roof.

PLAN: the building has 3 main elements, the largest of 3 bays to the south. A single bay to the north is stepped back from the east front and another to the north again is narrower still. Internally, the eastern side at the north end is divided off from the main building. It is single storey and open to the roof structure throughout.

EXTERIOR: the east elevation has from the left a single light with a lintel wider than the window, a blocked former entrance, 2 adjacent windows divided by a stone mullion, set in a former wide entrance with large quoins on the jambs, a small blocked entrance and a single window under the eaves. To the right the front is stepped back and this section contains an entrance door with a small window to either side having a round-arched lintel formed from a single, square-topped stone and wide jambs and cill, each a single stone. To the right is a third window in the same style. To the right the building is stepped back again. This section contains a window in a partly blocked entrance, with a heavy truncated pyramid shaped lintel with a worn inscription. The letters WP and GRM are visible, and a date of 1672 set inside an incised line. There is also a later window. The west elevation has a 4-light window with splayed mullions, blocked, towards the north end, and an entrance door. Both south and north elevations have wide entrance doors, and the north elevation has some large boulders incorporated into the structure at the lower right corner.

INTERIOR: the roof structure is queen strut construction and nineteenth century, with frequent roof lights in the modern roof covering. The building is fitted out as a milking parlour with concrete floors and fittings, which is not of interest. One of the small arched windows to the left of the door is blocked internally.

SETTING: the building is one of a group of agricultural buildings including barns and dwellings, spread around a plot in the centre of the village of Farnley Tyaas, and including a house and adjoining barn already listed, a further barn dated to 1671 and a group of farm cottages.

HISTORY: The date stone of 1672 is worn and unclear, but the date accords with other buildings in the vicinity, notably a barn immediately to the north which has a clear date of 1671 which is enclosed in a very similar incised line. The style of the date stone and the original window openings also accord with a late seventeenth century date. The building is shown on the First Edition OS map of 1854, though its exact form is unclear. The northern half at least was in use as dwellings in the early twentieth century. It was fitted out for use as a milking parlour and dairy in the later twentieth century and is presently unused.

*REASONS FOR DESIGNATION DECISION The former dairy at The Village, Farnley Tyas, is designated at Grade II for the following principal reasons: * It is dated to 1672 by a dated lintel * It has a number of other early features including round arched windows and splayed mullion windows * Despite alterations and losses, it retains a number of features of special interest and is reasonably intact * It is one of a group of early farm buildings in the farmstead which provide evidence of prosperity and growth at this period in the history of the region'.*

Barn at Yew Tree Farm

'KIRKBURTON

159/0/10020 THE VILLAGE 09-APR-08 Farnley Tyas BARN AT YEW TREE FARM GV II Barn, 1671 with later additions. Built of partly coursed rubble with a slate roof.

PLAN: The main body of the barn is two storey and has 4 bays, with a narrow recessed bay at the south end which is stone slated with a mono-pitch roof rising to the ridge line on the west side of the barn.

EXTERIOR: The main front of the barn (east facing) has a central tall arched cart entrance with a semi-circular dovecote flight hole above with a projecting stone cill. To the right is a 3-light wooden framed window and a door, then a small square window and a further door. To the left is another window, obscured by vegetation. At first floor level are 3 pitching eyes, one to the left and two to the right of the cart entrance. At the left end is a further attached building set back from the main front, with a Tudor-arch doorway and adjacent window. The stone lintel of the doorway has a date of 1671 and the initials IS within an incised border. Above is another window. The building at this end is partly overlapped by an adjoining cottage. The north-west gable end of the barn faces the road and has 3 ground floor wooden framed 3-light windows. At the right side is an extension with a continuous catslide roof from the main roof, but with a butt joint to the main building. This has a single window and doorway. The main barn has large quoins at the corners. The south-west face of the barn has a single storey extension to the left end with a small window high on the right return. A lean-to extension to the right has stone walls to each side, a corrugated asbestos roof supported on a central brick pillar and an open front. Between the two extensions is a 3-light wood framed window at ground floor level and an opening at first floor level with wooden shutters. There are also 2 ventilation slits at different levels. To the right is a separate section with stone slate roof and a doorway. There is a truncated chimney stack at the ridge end, and evidence of another, lower building that formerly extended to the front alongside the extant lean-to. At this end, the barn abuts the cottage to the right.

INTERIOR: The trusses are king post and of relatively recent origin, as are the rafters and roof lining. The section to the south is divided internally from the main barn, as are the extensions on the west side.

SETTING: The barn is set among a group of agricultural buildings and farm cottages loosely scattered across a large corner plot in the centre of the village of Farnley Tyas.

HISTORY: The date of 1671 on the lintel of a doorway at the southern end of the barn is consistent with its appearance: the stone slate roof probably formerly extended over the whole barn. The 1854 OS map shows an extension on the west side which may be the extant open-fronted lean-to, and later maps show the extension at the north end of the west side and further buildings, now gone, at both the southern and northern ends of the barn.

*REASONS FOR DESIGNATION DECISION The barn at Yew Tree Farm is designated at Grade II for the following principal reasons: * It carries a dated lintel over a doorway of 1671 * It retains a number of original features of interest, including an unaltered cart entrance and a number of circular pitching windows, indicative of its period and distinctive of its region * It has suffered from relatively little alteration * The domestic character of the southern end is of interest for its evidence of earlier living patterns on the farmstead * It is one of a group of early farm buildings in the farmstead which provide evidence of prosperity and growth at this period in the history of the region’.*

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the conversion of existing barns to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

Officer note: It is important to note that separate applications for Listed Building Consent (app ref: 2021/93007) and for the demolition of agricultural buildings within the Conservation Area (2021/92969) accompany this application. The demolition application covers the removal of the more modern agricultural buildings to the south of the site, which are located within the Conservation Area (2021/92969). The Listed Building Consent applications cover any demolition/conversion/alterations proposed to Listed or curtilage Listed Buildings. Under the Council’s Scheme of Delegation these applications would be dealt with under delegated powers.

- 3.2 The development would consist of a series of two-storey dwellings of varying house types. The majority of dwellings are to be detached, but some semi-detached and terraced properties are also proposed in the form of the converted barns (plots 1-8). The proposals will form a new cul-de-sac whereby several existing agricultural structures are to be demolished to facilitate the development.
- 3.3 The dwellings are to be constructed from tumbled and dyed Yorkshire walling stone with stone slate roof tiles in the colour buff. Boundary treatments include a mix of estate railings, dry stone walling and back-to-back timber fencing. Indian stone paving (in Green/Grey) and block paving (in Harvest and Grey) are to be used throughout.
- 3.4 The proposals seek to construct a new and widened access from The Village to the north, with the existing access to be blocked up. Parking provision for each dwelling house is either in the form of private driveways, parking space allocation, or garage/car port. Visitor parking has been provided throughout the site, although just 3 spaces are accessible to all visitors to the front of the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2021/93007 – Listed Building Consent for conversion of existing barn to form 8 dwellings, erection of 10 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area). Pending Consideration.
- 4.2 2021/92969 – Demolition of agricultural buildings (within a Conservation Area). Pending Consideration.
- 4.3 2013/91988 – Formation of new farm access and erection of agricultural buildings. Approved 28th February 2014.
- 4.4 2013/91045 – Formation of new farm access and erection of agricultural buildings. Invalid 21st June 2013.
- 4.5 2012/93224 – Prior notification for erection of agricultural building. Invalid 8th November 2012.
- 4.6 93/01971 – Erection of cattle houses. Approved 21st June 1993.

Pre-application Advice

- 4.7 2018/20336 – Conversion of existing barn to dwellings and erection of 10 no. at Yew Tree Farm, 68 The Village, Farnley Tyas.
- 4.8 The pre-application advice outlined that 9 new dwellings were to be created within the converted barn and 10 new dwellings were to be provided on land to the rear of the barn with existing agricultural structures removed. The site was to be accessed from Butts Road and a cul-de-sac arrangement would be adopted. The proposal also included the demolition of a curtilage listed building and its re-building in a set-back position within the site.
- 4.9 The officer concluded that the provision for a lower density at the site would be acceptable given the existing site constraints and that the Green Belt abuts the rear boundary. It was highlighted that any future proposals should provide a mix (size and tenure) of housing suitable for different household types. Community consultation was also encouraged given that any future scheme would constitute major development.
- 4.10 Given the sensitive nature of the application site and the proposed works, the Council's Conservation Officer required further details of the works required and further justification for the demolition of the curtilage listed building, this is to be clearly set out within the submitted heritage statement in relation to Policy LP35 of the KLP and Chapter 16 of the NPPF and why this is necessary to facilitate the development of the site. The C&D officer requested that the new dwellings should be of a traditional farm style, which could incorporate some contemporary elements of design. Natural stone was highlighted as being the most appropriate facing material. It was also noted that development proposals should limit the bulk and massing on the PROW to the west and that development should be pulled back to the south away from the Green Belt boundary. Furthermore, it was noted that some of the dwellings had a very limited amenity space relative to their scale, this would need to be addressed prior to the submission of a full application and come be overcome by reducing

the footprint of some of the dwellings of their outbuildings accordingly. In addition, as the development is closely knit, consideration would need to be given to designing out any potential overlooking to adjacent gardens (both of existing dwellings and proposed) by paying close attention to the locations of habitable room windows within dwellings.

- 4.11 With regards to other matters, Environmental Health concluded that as a minimum a Phase 1 contaminated land report would be required, alongside the use of electric vehicle charging points to accord with the NPPF's aims of promoting sustainable transport methods and the aims of the West Yorkshire Low Emissions Strategy. Ecology officers requested the submission of suitable ecological information to allow the ecological constraints of the site to be understood and to comply with Policy LP30 of the Kirklees Local Plan. Moving on to trees, as there are protected and mature trees on the site, these should be retained as part of any development scheme and the submission of an arboricultural method statement was requested.
- 4.12 In terms of planning contributions, 20% of the dwellings on site should be affordable housing although as the site contains vacant buildings, it may be that the applicant may be entitled to vacant building credit. The onus is on the developer to demonstrate how vacant credit may be applicable within their development site. In terms of drainage, a plan should be submitted to manage the risk of flooding to nearby properties and land and to protect watercourses from pollution. An analysis of flood routing for the site layout should also be included, as well as a detailed maintenance plan including access and safety so that it can be enforced against under non-compliance. Finally, the proposed development would need to provide Public Open Space in accordance with Policy LP63 of the Kirklees Local Plan, should it be provided on site, details of its maintenance and management would need to be secured as part of a S106 agreement.

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

- 5.1 A formal pre-application enquiry (Reference: 2018/20336) was submitted in August 2018 for the conversion of existing barn to dwellings and erection of 10 no. new dwellings at Yew Tree Farm, 68 The Village, Farnley Tyas. A summary of the conclusions drawn from this pre-application enquiry is provided within the planning history section of this report.
- 5.2 Following advice provided within the above pre-application letter, the applicant sought to submit the below planning applications in July 2021.

2021/93006 – Full planning permission for conversion of existing barn to form 8 dwellings, erection of 10 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

2021/93007 – Listed Building Consent for conversion of existing barn to form 8 dwellings, erection of 10 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

2021/92969 – Demolition of agricultural buildings (within a Conservation Area).

5.3 Following a number of discussions throughout the lifetime of these planning applications, as well as a site meeting which was undertaken on the 28th of July 2022 and was attended by Case Officer, Conservation & Design Officer, Heritage Consultant, Applicant, Agent and applicant's architect, numerous new, amended or corrected documents have been submitted to the Council which included revisions made to the layout, design, number of dwellings proposed (reduced to 9 new builds), access, retention of TPO trees, materials, boundary treatments, as well as other tweaks to the scheme.

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).

Kirklees Local Plan (2019):

6.2 The application site includes most of housing allocation HS198, but also extends into adjacent Green Belt land to the south.

6.3 Housing allocation HS198 relates to 0.72 hectares (gross) / 0.48 hectares (net), the existing dwellings have been removed from the developable area, these are located to the north of the site (mostly listed buildings). The housing allocation sets out an indicative housing capacity for 16 dwellings, and identifies the following constraints:

- Third party land required to achieve sufficient visibility splays
- Site contains listed buildings and is in close proximity to others
- Site is within a Conservation Area
- Site is an area that affects the setting of Castle Hill

6.4 Relevant Local Plan Policies are:

LP1 – Achieving Sustainable Development

LP2 – Place Shaping

LP3 – Location of New Development

LP4 – Providing Infrastructure

LP7 – Efficient and effective use of land and buildings

LP11 – Housing mix and affordable housing

LP20 – Sustainable Travel

LP21 – Highways and Access

LP22 – Parking

LP23 – Core Walking and Cycling Network

LP24 – Design

LP26 – Renewable and Low Carbon Energy

LP27 – Flood Risk

LP28 - Drainage

LP30 – Biodiversity & Geodiversity

LP32 - Landscape

LP33 - Trees

LP35 – Historic Environment

LP47 – Healthy, Active and Safe Lifestyles

LP49 – Education and Health Care Needs

LP51 – Protection and Improvement of Local Air Quality
LP52 – Protection and Improvement of Environmental Quality
LP53 – Contaminated and Unstable Land
LP58 – Garden Extensions
LP63 – New Open Space
LP65 – Housing Allocations

6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Kirklees Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance Documents

- Providing for Education Needs Generated by New Housing (2012)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Kirklees Housing Strategy (2018)
- Green Street Principles (2017)
- Waste Management Design Guide for New Developments (2020)
- Visibility Guidance Note (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Policies and Guidance:

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting health and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

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

6.9 Other relevant national guidance and documents include:

- National Design Guide (2019)
- Technical Housing Standards – nationally described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

Climate change

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

6.11 On 12th of November 2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

7.0 PUBLIC/LOCAL RESPONSE:

Public Representation

7.1 The application has been advertised as a major development, located within a Conservation Area, impacting on the setting of Listed Buildings and a Public Right of Way. The application is also a departure from the Local Plan. The application has been advertised by site notices, local press and letters delivered to the addresses of adjacent neighbouring properties.

- 7.2 52 representations were received. 46 of these were in objection to the scheme and 6 were general comments. It is acknowledged 2 of the objections are from the same objector, 3 are from another objector, 4 are from another objector, 2 are from another objector. Therefore, the total amount of objections received is more relative to 39. Objections and comments are summarised below.

Trees/Ecology

- As a village we have planted several hundred of trees in the area to improve the community asset and it breaks our heart when mature and healthy trees are destroyed.
- Concerns in respect to adjacent protected trees within the church yard. The same care and attention should be afforded to all trees both on the outside and within the site. The site traffic may run over the root protection areas of these trees which are situated close to the boundary wall of the site. compaction and disturbance of the underlying soil could lead to root asphyxiation and damage.
- How can T1 be removed without significant damage to the root system of T2 which is subject to a TPO.
- Whilst it is acknowledged that the developer is proposing to plant some new small trees, there aren't any calculations to compare the carbon capture of these large mature trees with the small replacements.
- Whilst bat boxes are proposed throughout the development, how did the developer choose which one was to be used?
- If a bat survey has been undertaken this should be made public.
- The removal of the two protected sycamore trees will have a detrimental impact on the visual aspect of the village when approaching it.
- In this time of a climate emergency, trees which store more carbon should not be unnecessarily removed.
- The proposed dwellings adjacent to the western boundary are too close to the trees which are located within the neighbouring church grounds. These trees are also protected and are prominent features of the locality, contributing to the local setting and character of the Conservation Area. The proposed development will have an adverse impact on these trees encroaching into their root protection areas and resulting in long term pressures to fell or excessively prune these trees.
- The survey by JCA Consultants notes T1 and T4 as being Category B trees.
- The submitted bat survey noted that there was no evidence of the bats roosting within the farms Listed buildings however, the farm barns were dismissed as roosting sites. There are bats commuting and foraging in the area at dawn & dusk and therefore measures should be put in place to protect them.
- Concerns relating to the bat population and wildlife in general around Yew Tree Farm.
- The Woodland Trust have given over 200 trees to the Village which have been planted and maintained to enhance the appearance of this ancient Village, how does this figure against a suggestion to fell one large ancient tree with a likely lifespan of 400 years. It is already on the inventory of ancient trees and has preservation status. Its felling should be rigorously opposed.

Officer note: Noted. Trees and Biodiversity are discussed in more detail within the trees and biodiversity section of this report however, it is noted that the Council's Ecology and Tree's Officers raise no objections to the proposals subject to conditions.

Green Belt

- The proposals are to encroach into the Green Belt to the rear. This should be removed to be in line with the housing allocation.
- No exceptional circumstances have been provided for this incursion.

Officer note: Noted. This is discussed in more detail within the principle of development section of this report.

Heritage/Design

- Over the years all the farms have faded away being demolished for grand housing that takes no consideration to any of the surrounding properties or land. Another development on such a scale in the heart of the village would surely be a nail in the coffin of a once peaceful village.
- Farnley Tyas is a Conservation Area and as such the character of the village should be preserved.
- The application does not include any drawings of the listed buildings as existing and there is no indication as to which internal listed features are to be retained or removed.
- Other developments within the village are more suburban in character, using cheap or unsympathetic materials, out-of-village character designs with small outdoor spaces, as Yew Tree is the main farmstead in the core of the village and presents a high visual impact from multiple viewpoints, this must be maintained.
- The proposals include the erection of metal Estate Fencing as boundary divisions between and to the front of the new properties and again this totally alien and detrimental to the Conservation Area. Almost without exception, dry stone walling is used as a boundary treatment throughout the existing Conservation area and should also be an integral part of this development.
- There is still no information about what is happening to the heritage assets identified as 7 and 8 in Appendix/Figure D, what is proposed for these stone walls and how will they be retained/repared? There is also an historic gate post within Heritage Asset no. 8 the stone wall forming the boundary with the PROW.
- Yew Tree is the focal centre of the village located across from the local pub and should be a show piece with a sympathetic outlook not having a car park/areas of dustbins etc.
- Have English Heritage been consulted on the proposals?
- Economic gain alone should not allow for the destruction of something that has been and is part of our daily experience, especially when costs could be largely mitigated with appropriate development in any case.
- The use of key block paving is completely out of character.
- The proposed four properties to the southern boundary will have an overbearing presence on the view of the village to the south and against the listed buildings immediately adjacent. They are of suburban design

and do not reflect the traditional styles in the village or propose to use reclaimed stone in keeping with the existing.

- All of the new builds are located at the same angle or perfectly perpendicular to each other unlike the existing farm properties, this serves to destroy the organic and visually interesting feel to the village.
- The dwellings should have more varied roof lines and a more organic layout.
- Stone should be reused elsewhere from the demolished barns, reclaimed materials should also be used rather than the proposed tumbled and dyed stone and imitation stone slate roof tiles.
- This was the last working farm within the village and therefore it should be retained and sympathetically restored. It is vital that the layout, materials and appearance of the dwellings enhance the character of this historic village.
- The heritage buildings should be restored before any new dwellings are erected.
- Not enough attention has been given to convert the Listed Buildings and Heritage assets sympathetically.
- No account has been taken of the local vernacular style and character of the farmstead setting or of the historic medieval significance of the site.
- The amount of glazing proposed within plots 10-13 should be reduced when viewed from the south, this can be viewed for miles and will cause significant light pollution.
- There are no single storey houses in the whole development, and this could be very suitable for people with accessibility concerns. Single storey also provides less of an impact on the setting of adjacent listed buildings 51/53 The Village.
- The proposed development is far too close to the adjacent church.
- The existing houses on the site do not appear to have been thought of at all, including their access and the plan appears to eat into the existing property of no. 55 The Village as well as impacting on the character of this historic courtyard.
- Nobody is objecting the houses replacing Yew Tree Farm, it is the scale of the development that is wrong. A less dense development would be more sympathetic to the rural surroundings and Conservation Area.
- The listed buildings should be sympathetically restored, and the walls should be strengthened before removing the roofs.
- Wooden fencing should not be allowed within the application site, all boundary treatments should have dry stone walls.
- Concerns in regard to the height of the proposed new build dwellings given the sloped site. these dwellings will tower over existing heritage buildings and dominate rather than compliment the historic and agricultural site.
- There is an alternative layout plan that has been produced which does not encroach into the Green Belt and does not involve the loss of TPO trees.
- The proposed development will totally take away the character of the area, likely affecting house prices. Many people live in Farnley Tyas because they want to live in the countryside, not on a housing estate.
- The demolition of some of the existing barns and buildings is unnecessary.
- The plans for conversions of the barn indicate that new openings are to be put in, these will have a detrimental effect on the Listed barn.

- Overdevelopment of the site.
- The 19th century farmhouse should be retained and converted rather than being demolished. This is not sufficient justification for its demolition.
- Historic England and the Georgian Group are opposed to the proposals.
- The number of dwellings proposed on the land is too great, the Local Plan states 16 dwellings.

Officer note: Noted. The above is all discussed within the urban design/heritage section of this report. However, it is noted that house prices are not a material planning consideration and therefore this has not been addressed within the assessment.

Residential Amenity

- Concerns in respect of noise, dust and disturbance during construction works.
- Rights of access to neighbouring properties should remain during and after construction works.
- The village is already overcrowded with the constant smells of barbecues and loud music during the summer months.
- Loss of outlook/light.
- A number of properties/landowners have shared boundaries or party walls with the development. Surveys must be undertaken to agree current condition and appropriate temporary and permanent works to protect these boundaries. Post works surveys must be undertaken and remedial action undertaken by the developer as necessary at their cost.
- The milking shed will still be two floors with issues of dominating and overlooking neighbouring listed homes nos. 51 & 53 The Village. The conversion should be changed to be just single storey. Should a two-storey conversion be allowed then all rooflights should be removed and put in the roof facing west overlooking the small car park. If roof lights are allowed cill heights must be at least 1.67m above the internal floor level to prevent overlooking or neighbouring properties.
- Concerns in respect to overlooking and the loss of privacy to existing neighbouring properties.
- Access to the front of no. 55 The Village for maintenance and repair of the building would be obstructed by the development if permission is granted.
- The new builds will appear overbearing and overly dominant on neighbouring properties.
- Construction hours should be conditioned and enforced.
- The proposed conversion of Plot 6 would encroach between 2-3 metres on no. 55 The Village, this land is not available to the developer and will change the size of Plot 6 substantially, potentially making it unviable.

Officer note: Noted. The above concerns are all discussed within the residential amenity section of this report.

Traffic/Highways

- The site is located adjacent to an increasingly busy commuter route, through small village roads, with small pavements packed with parked cars, which local primary school children have to traverse to school.

- Concerns that the houses proposed have insufficient off-street parking spaces provided.
- A condition should be imposed that the new entrance be constructed before any works start.
- It is imperative that a method statement is submitted to explain at all stages of work how the public right of way will remain open, safety will be guaranteed, and its integrity maintained.
- The unfinished access of Farnley Road should be re-instated by rebuilding the stone wall at Farnley Road and retuning it to agricultural land.
- If approved, a condition should be attached to ensure that regular cleaning of the roads is undertaken in the centre of the village.
- There should be no parking of construction deliveries, materials or works on the public roads in the village, the PROW or the two existing accesses on the north-east of the site.
- Concerns that sight lines will be compromised when existing onto The Village if vehicles are allowed to park on the south side of the street. This can happen during busy church services and events at the school and adjacent pub. Double yellow lines should be provided which extend as far as necessary to ensuring exiting the development can be done safely.
- Is a car park for 13 cars sufficient for such a development.
- The proposed plan to halve the length of the shared access road to The Old Reading Rooms and 55 The Village, would in fact impede access and ability to turn vehicles around, this would therefore result in vehicles reversing onto the main village road. This is not acceptable.
- 21 new properties will bring into the village up to 60 new cars which will increase concerns with regards to traffic. Driving through Farnley Village is already a hazardous process with on-street parking.
- The adjacent Public Right of Way should remain accessible at all times and should not be used for a site access or parking.
- The positioning of the entrance to the development is dangerous and must have been designed by someone who is not familiar with what the traffic is like on The Village during morning's and evening's.
- The proposals will impact on the views for walkers down the Public Right of Way, ruining our beautiful countryside and natural environment.

Officer note: All of the above is noted and discussed in more detail within the highways and PROW sections of this report.

Open Space

- The proposed public open space is set in a corner adjacent to a substation. This doesn't appear to be of any benefit to the public to enjoy, who is going to take ownership of this?
- Consideration should be given to providing open space throughout the development by reducing the number of large dwellings in favour of open space. This will also allow for plant species native to the UK to be selected, enhancing biodiversity at the site.

Officer note: Noted. This is discussed further under the landscape/open space section of this report.

Other

- Concerned about possible leakage below ground of fuel, fertiliser, chemicals and animal waste etc. over the years. There needs to be a method statement agreed as to how suspect materials will be identified and safely removed and disposed of off-site.

Officer note: Noted. Land contamination conditions will be attached should planning permission be granted.

- It is unclear which, if any, parts of the development have been proposed to be adopted by Kirklees and the Water, Gas and Electricity Providers. This needs to be clarified. The obvious items are utilities, foul and surface water drainage, highways and lighting.

Officer note: Noted. Details in respect of highways, drainage and lighting can be found within the officer's report in the relevant sections. In respect of water, gas and electricity providers this would unfortunately fall outside the remit of planning and therefore would be dealt with under separate legislation and may be considered at building regulations stage, should planning permission be granted.

- The existing bus shelter is shown within the development site, and it appears to remain in its present position. However, it is unclear who will own/maintain this public facility.

Officer note: Noted. Whilst the bus shelter is located within the red line boundary of this application no changes are proposed to this shelter and it is believed that this will remain in its present position, owned and maintained as it is currently.

- Consideration should be given to provide social housing/increase the density on the West side of the site near the substation within the site. This will offset any reduction in dwellings within the Listed Buildings. A terrace of 4/5 dwellings made up of one- & two-bedroom dwellings following the slope of the site.

Officer note: Noted. Social housing is discussed in more detail within the affordable housing section of this report.

- Concerns that the developer will insist on the construction of the new build dwellings first as they are more cost effective and leave the more complex and expensive listed building conversions to be the last to be developed. Should the developer run out of funds the conversions of the listed buildings may not be undertaken. A phased approach should be undertaken whereby one listed unit is finished before approval is given for the construction of any new dwellings. Perhaps this can be covered by a S106 agreement. A condition should also be put in place to ensure that the whole development is completed for both the new and converted listed dwellings before any new owners are allowed to take occupation.

Officer note: Noted. A condition to that effect will be imposed should planning permission be granted.

- Concerns over the accuracy of the submitted plans.

Officer note: Noted. Officers have sought to request amended plans to overcome any discrepancies within the submitted plans.

- Concerns surrounding light pollution from too much lighting within the site affecting both adjacent neighbouring properties and wildlife.

Officer note: The Council's Ecology and Environmental Health Officers have been consulted and raised no objections in respect of the proposed lighting. Their comments can be found in the consultation responses, residential amenity and biodiversity and trees section of this report.

- Has the capacity of the school been considered? 18 more houses will no doubt bring more families leading to less capacity at the local school.

Officer note: As the education S106 policy only kicks in for 25 or more dwellings, the capacity of nearby schools has not been assessed in this instance.

- The applications should be heard at planning committee with members undertaking a site visit.

Officer note: Noted. This application is due to be heard at the Strategic Planning Committee on the 11th May 2023. A site visit will also be undertaken with members.

- Would question whether the proposals are strictly in line with the local plan as it appears not to be.

Officer note: Noted. This is discussed in more detail within the principle of development section of this report.

- Members of the community will monitor the restoration of the heritage buildings very vigilantly, responsive action from the Council should be provided if there is any concern that heritage assets might be in any way compromised.

Officer note: Noted.

- Any development given permission by the Council should be very carefully monitored by Planning Enforcement Officers.

Officer note: Noted.

- A site visit should be undertaken by the Council so that they can assess the impact the scheme would have on the church to the west, centre of the village, and the approach from Farnley Road.

Officer note: Noted. A site visit was undertaken by the planning officer and Conservation and Design officer on the 28th July 2022.

- There is very little amenity in Farnley Village. There is no shop, and all supplies have to be sourced outside the village.

Officer note: Noted. However, this site has been allocated for housing within the Kirklees Local Plan and therefore the relevant assessments have been undertaken whereby it was concluded that this site would be suitable for a future housing development and therefore is considered to be sustainable. This is discussed in more detail within the climate change section of this report.

Second Public Consultation – September 2022

7.3 12 representations were received. All 12 of these representations were in objection to the scheme. 2 of the objections received were from the same objector, 2 other objections were from another objector, and 3 others were from the same objector. Therefore, the total amount of objections received is more relative to 8. Comments are summarised below.

- Concerns regarding the proposed parking area to the front of the site.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- None of the drawings submitted show the height advantage which some of the new houses will have over the existing properties to the east.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- The south elevations of the 4 fairly generic new houses facing the south are character-changing, dilapidated agricultural buildings are preferable.

Officer note: Noted. The design of the proposed new build dwellings is discussed in more detail within the urban design/heritage section of this report.

- The applications should be heard at planning committee, along with a site visit from members.

Officer note: Noted.

- It seems to be fair game that houses can be built up to existing Green Belt boundaries and then the gardens taken into the Green Belt in order to maximise dwelling numbers. This may be acceptable if the landscaping stipulated decent tree planting at the bottom of those gardens for screening, rather than the current small rowans dotted around inside the site.

Officer note: Noted. The Officer's assessment of the encroachment into the Green Belt can be found within the principle of development section of this report.

- Concerns in respect of the impact the proposed new builds will have on adjacent heritage assets.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- Despite the large numbers of objections from neighbours and consultees nothing significant appears to have changed at the site.

Officer note: Noted.

- The number of dwellings and the overall layout within the site needs serious consideration.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- Concerns in respect of dust, noise and disruption during construction works.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The trees which are protected with individual TPO's seem to have been ignored.

Officer note: Noted. Amended plans have now been received whereby no TPO trees are now to be removed from the site.

- It is appreciated that some development of the farm is inevitable but fresh plans should be provided which take into account the many objections lodged.

Officer note: Noted.

- The barn that comprises of Yew Tree Farm still shows a conversion into 4 houses, 2 or 3 dwellings would be sufficient.

Officer note: Noted. Density is discussed in more detail within the urban design/heritage and housing density/mix section of this report.

- Concerns about bats and wildlife.

Officer note: Noted. The Council's Ecologist has been consulted on the proposals and raises no objections. This is discussed in more detail within the biodiversity and trees section of this report.

- An appropriate case has not been given for demolishing heritage assets on this site.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- No construction traffic or access to the development should be via the unfinished access from Farnley Road.

Officer note: Noted. Access/impact on highways is discussed in more detail within the highway safety section of this report.

- No further details have been provided in respect of the PROW, how will safe access be provided for users?

Officer note: Noted. If planning permission is granted an informative would be included outlining that the Public Right of Way should remain open and unobstructed at all times.

- Concerns in respect to light pollution and impact on wildlife.

Officer note: Noted. The Council's Environmental Health and Ecology Officers were consulted on the proposals and raised no objections in respect to light pollution on neighbouring properties or wildlife.

Third Public Consultation – January 2023

7.4 4 representations were received. All 4 of these representations were in objection to the scheme. Comments are summarised below.

- Concerns regarding the layout, scale, size, height, design and materials of the new build dwellings and their impact on adjacent Listed Buildings and the Conservation Area.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- The proposals extend out into Green Belt land.

Officer note: Noted. Whilst this has been reduced incursion is still proposed, this is discussed in more detail within the principle of development section of this report.

- The TPO tree T4 should not be removed.

Officer note: Noted. Following receipt of revised plans T4 is now to be retained within the site.

- Concerns regarding the main car parking area proposed towards the site entrance.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- No construction traffic or access to the development should be via the unfinished access from Farnley Road.

Officer note: Noted. Access/impact on highways is discussed in more detail within the highway safety section of this report.

- Consideration should be given to traffic calming measures and possible parking restrictions on the public highway.

Officer note: Noted. Impact on highways is discussed in more detail within the highway safety section of this report.

- No further details have been provided with regard to pre, during or post construction activities and how will safe access be provided for users of the PROW.

Officer note: Noted. If planning permission is granted an informative would be included outlining that the Public Right of Way should remain open and unobstructed at all times.

- Concerns regarding light pollution within the site on adjacent neighbouring properties.

Officer note: Noted. The Council's Environmental Health Officers were consulted on the proposals and raised no objections in respect to light pollution on neighbouring properties.

- The proposed dwellings to the west are too close to mature trees in the churchyard.

Officer note: Noted. This is discussed in more detail within the biodiversity and trees section of this report.

- Concerns regarding the proposed boundary treatments.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- 2m separation distances should be provided between dwellings as the site has been designed to have a regular street pattern.

Officer note: Noted. This is discussed in more detail within the urban design /heritage section of this report.

- Listed buildings should be sympathetically converted and the adjacent new build houses need to be designed to enhance the setting of these assets.

Officer note: Noted. This is discussed in more detail within the urban design/heritage section of this report.

- Concerns the proposed lighting will impact upon wildlife.

Officer note: The Council's Ecology Officer has been consulted and raised no objections in respect of the proposed lighting. His comments can be found in the consultation responses and biodiversity and trees section of this report.

- The application should be dealt with at planning committee and a site visit undertaken by members.

Officer note: Noted.

Fourth Public Consultation – March 2023

7.5 4 representations have been received in objection. Comments are summarised below.

- The latest plans mark a huge improvement, with the preservation of T4 and the diminished encroachment into the Green Belt. These changes remove major objections to the current application.

Officer note: Noted.

- Concerns relating to dust, noise and disruption during construction works.

Officer note: Noted this is discussed in more detail within the residential amenity section of this report.

- The design characteristics of the new build houses remain very much urban in style.

Officer note: Noted. This is discussed in more detail within the urban design and heritage sections of this report.

- The listed buildings are to be divided into too many units.

Officer note: Noted. This is discussed in more detail within the Urban Design/Heritage section of this report.

- The parking area to the front of the site would have a detrimental impact on the view into the site from the centre of the village.

Officer note: Noted. This is discussed in more detail within the urban design and heritage sections of this report.

- Yew Tree Farm is in the centre of the Conservation Area and has several listed buildings within it and adjacent to it. The revised plans would impact upon the setting of the Conservation Area.

Officer note: Noted. This is discussed in more detail within the urban design and heritage sections of this report.

- There should be strict controls over conditions applied including a condition that the work on the listed buildings should be substantially completed prior to any work commencing on the new builds.

Officer note: Noted. A condition to this effect will be imposed should planning permission be granted.

- There have been minor changes, but these do not address the outstanding issues regarding this development.

Officer note: Noted.

- Plot 9 has a ridge height almost 3m above the ridge height of nos. 51 and 53 The Village and destroys its current historical setting. Concerns regarding the scale and size of the new builds, adjacent to neighbouring properties and Listed Buildings.

Officer note: Noted. This is discussed in more detail within the urban design/heritage and residential amenity sections of this report.

- The garage complex for plot 10 must surely be better attached to the dwelling, this should be changed at no cost to the developers.

Officer note: Noted. This is discussed in more detail within the urban design and heritage sections of this report.

7.6 *Parish Council*

Kirkburton Parish Council – Comments received 10th September 2021. The Parish Council strongly objects to the proposed development due to the proposed removal of mature trees T1 and T4 which are already covered by a Conservation Area TPO. They also raise concerns with regards to the gardens to the south of the site encroaching into Green Belt land, overdevelopment of the site, most specifically the conversion of Manor Barn into four houses (plots 1 to 4). Further concerns relate to the impacts on visual amenity through the inclusion of wooden garden fencing along the boundaries of plots 1 to 4 and that's plots 10 to 13 facing the southern boundary are higher than existing buildings which may have an overbearing vista on the village. Finally, the two existing north easterly entrances should not be used as construction site access during development, and the PROW to the west should remain unobstructed at all times, with operating hours being conditioned and enforced.

Officer note: Noted. An assessment on the impact of TPO trees is discussed within the Biodiversity and Trees section of this committee report. Encroachment into Green Belt land is also discussed within the principle of development section. Furthermore, concerns relating to overdevelopment, conversion of Manor Barn, boundary treatments and scale and size of the proposed dwellings, are all assessed within the urban design/heritage section of this report. Both the Council's Highways and Public Right of Way Officers were consulted on the proposals, their comments can be found within the consultation responses section of this report.

Officer note: Following receipt of amended plans Kirkburton Parish Council provided further comments on the 6th of October 2022. They note that the applicant's revisions are welcomed but comment as follows:

- *'Milking shed: It should be kept as a single storey. The boundary fencing to the east at 1.8m high could be overbearing.*
- *Old House: If it is moved to Plot 16, the rebuild should be done with the materials taken from the original structure.*
- *New Build: There is no change to the southern elevation, the existing proposal will be very noticeable when entering the Village and have a*

detrimental impact on the visual amenity. The Parish Council would like to see a staggered drop in the roofline.

- *Green Belt: The proposal still encroaches on the Green Belt at the southern boundary. The site should not encroach on the Green Belt boundary.*
- *PROW adjacent to the Church: The site boundary should be defined and rebuilt prior to building the houses, and public access should be maintained at all times.*
- *Trees: The Parish Council strongly supports the comments submitted by the Kirklees Trees Officer’.*

Officer note: Noted. Concerns relating to the milking shed, old house and new build dwellings are assessed within the urban design/heritage section of this report. Trees are also assessed under the biodiversity and trees section, with impacts on the Green Belt discussed in the principle of development section. The Council’s Public Right of Way Officers were consulted on the scheme, their comments can be found under the consultation responses section of this report.

7.4 Local Ward Members

On the 11th of August 2021 Councillors Bill Armer, Richard Smith and John J Taylor were notified of applications 2021/92969, 2021/93006, and 2021/93007 which all relate to the same site ‘Yew Tree Farm’. Councillors have provided comments which are all summarised below.

On the 6th of September 2021 Councillor Bill Armer referred applications 2021/92969, 2021/93006 and 2021/93007 to planning committee. Councillor Armer recognises that the site is a housing allocation within the Local Plan however, he considers that there are many valid grounds for questioning the overall impact upon the village of the proposed developments. The site is within a Conservation Area, and due to its central location has a potentially very large impact upon the visual amenity and character of the village, in particular significantly altering the “historic farming village” nature of Farnley Tyas and instead presenting a modern suburban view of the village centre; it is contrary to current policy to allow garden encroachment into Green Belt; there are likely to be a large number of objections/comments; the proposed removal of a large mature sycamore tree behind New Lane Terrace is controversial; the proposed materials are out of keeping with the area, and may be better if reclaimed local stone and roofing tiles are specified; the residential amenity of several existing homes will be severely compromised. On the basis of these material planning considerations, Councillor Armer requests that all three applications are referred to committee.

Also, on the 6th of September 2021 Councillor Smith emailed the case officer to raise several objections to the submitted scheme. Again, he accepts that this site is included in the Kirklees Local Plan and there will be houses built here. However, he believes that it is vitally important to the character of this village that the development is sympathetic, and several key areas need, to be re-considered before this development could be considered acceptable in this key location, right at the heart of the village. Councillor Smith supports Councillor Armer’s request that this series of applications go to Planning Committee for a decision, but also requests that a site visit is undertaken to fully appreciate the historic significance of this site and its complexity in terms of existing listed buildings, topography and the visibility of new large, detached houses which would change the character of the village. The new houses at the south point

(looking from the development towards Storthes Hall via Farnley Road) are much higher than the current agricultural buildings and not in keeping with the current Farmstead, which happens to be the last one remaining in the village. He also notes that these large, detached houses will be visible from miles around, forever changing the appearance of the village. The difference in ground levels has not been represented accurately on any submitted plans as there is a significant difference in height of circa 5 metres, meaning that the new houses will be significantly higher than the old, listed buildings comprising "The old reading rooms" and neighbouring properties. Incursions into Green Belt for private gardens is not acceptable and he also objects to this element of the scheme. In addition, 2 mature Sycamore trees are to be felled which will spoil the character of the village and is not in keeping with the ethos of the sustainable approach. These trees should be protected. The dilapidated farmhouse is also set to be demolished; he believes this should be retained. Finally, the erection of large wooden fences which will be visible when viewed from the Golden Cock Pub will not be in keeping with the rest of the village, which has stone walls.

On the 11th of September 2021 Councillor Taylor also emailed to raise concerns about the application. Whilst Councillor Taylor accepts the principle of development on this site and does not object to its inclusion within the Local Plan, the proposed application is not one he can support as the site is in the centre of village, in a Conservation Area and therefore the proposals should reflect this and be sympathetic to the environment and history of Yew Tree Farm. The proposal includes the removal of two mature and healthy sycamore trees, the removal of these trees is not necessary to enable development to take place at this site and does not meet the Council's trees policy, or commitment to tackling climate change. Should a subsequent application come forward which retains the trees, an appropriate condition should be attached to ensure that the root systems are protected during construction works.

- 7.5 It is also noted that Mr. Mark Eastwood MP also provided comments. Again, these are summarised below.

On the 12th of September 2021 Mr. Mark Eastwood MP also emailed to raise some concerns with the currently submitted scheme. He notes that he has been contacted by several local residents who have raised concerns about the proposed planning application, and after having a look at the proposed application would like to register an objection to the scheme. He notes that the fact that the farm is no longer a working farm does mean that redevelopment of the site is something that he would support but that it is important that any redevelopment is sympathetic to its location in the centre of the village and within a Conservation Area. It was hoped that the listed buildings and other heritage assets would be retained but this scheme does not do that. Mr. Eastwood also has concerns as there is an intention to encroach into the Green Belt with no exceptional circumstances which would justify this, this aspect should be refused. The properties proposed to the rear of the site are overly large and due to the sloping nature of the site would both dominate the approach to the village along Farnley Road and also impose on the neighbouring properties including both listed buildings and historic ones, having a significant impact on the overall visual amenity of the village centre. He also notes that the designs for the new dwellings do not meet the desire to build sympathetically in the context of this location, it is important that they look and feel like they belong as part of a historic small community. Finally, Mr. Eastwood

is disappointed to see that the developer is proposing to remove two ancient sycamore trees which enhance this location and the approach to the village from Storthes Hall. There is no justification for the destruction of these two mature trees and this site could be developed sympathetically without the need for their removal.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Comments received 23rd of September 2021. Highway officers state that they would agree with the conclusions of the submitted Transport Statement and consider these proposals are generally acceptable. The Highways section 38 team however include issues relevant to these specific proposals which need to be addressed and include visibility at the site access, visitor parking, junction radii and refuse vehicle access, road alignment and refuse vehicle swept paths, forward visibility, and gradients.

- 10.14 Following receipt of amended plans the highways development management team were reconsulted. They stated that their outstanding issues which were outlined previously within the comments received 23rd September 2021 relating to visibility at the site access, visitor parking, junction radii and refuse vehicle access, road alignment and refuse vehicle swept paths, forward visibility and gradients. These issues still need to be addressed by the applicant. The applicant then sought to submit several revised plans and additional details, which did overcome many of the Officer's concerns, however with regard to the junction radii at the site access, this was recommended to be 10m in width, not 6m as proposed within the submitted plans. However, the applicant's agent has confirmed that this road would not be adopted and therefore this request was not deemed to be necessary in this instance. Highways Officers have confirmed this to be acceptable subject to conditions and a S106 management agreement.

Historic England – Comments received 27th September 2022. Historic England objected to the proposals as Yew Tree Farm is one of the most prominent historic farmsteads within Farnley Tyas due to its central location and collection of impressive, listed buildings. Whilst Historic England defer to the LPA to assess the justification for the demolition of the unlisted farmhouse and the proposals for the conversion of the Grade II listed farm buildings, they do provide comments in relation to the new build development. They state that this element of the proposals does not respond to the agricultural character of the site and the setting of the listed buildings and therefore do not constitute sustainable development. Whilst minor cosmetic changes have been made, fundamental issues still exist in relation to form, scale and character of the new development. The proposals as currently shown have a suburban character in their layout, scale and detached form. Greater differentiation in height and orientation, coupled with creating more attached or terraced housing types would better reflect the character of both the development site and wider village. Historic England recommend that consent is not granted for the proposals as submitted.

Officer note: Further comments were received on the 10th February 2023 following receipt of amended plans. They note that their previous concerns about the form of the proposed new development have not been addressed in regard to form, scale and character. The proposed new-build dwellings have a suburban character in their layout, scale and detached form. The development as proposed would harm the character of the conservation area and the setting of the listed farm buildings. Historic England consider the site could be developed in a less harmful manner, or indeed in a manner that would enhance the designated heritage assets, therefore they do not consider this harm is justified.

Officer note: Further comments were received on the 13th April 2023. The amended scheme has sought to remove one detached dwelling in the south-eastern corner of the site, this has slightly improved the impact on views towards the Conservation Area from the south. Otherwise, Historic England's fundamental concerns relating to the suburban character of the development and the lack of response to the agricultural character of the site have not been addressed. Their position therefore remains the same as outlined in their previous comments dated 10th February 2023.

Yorkshire Water Services Ltd – Comments received 25th October 2021. No objections to the proposals subject to conditions relating to the site being developed with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the development prior to the completion of surface water drainage works.

Following receipt of amended plans Yorkshire Water provided further comments on the 7th of September 2022 outlining that the revised drawings were not relevant for Yorkshire Water as they are not drainage related, therefore their original comments and conditions outlined within their letter dated 22nd October 2021 still apply. This was reiterated within further comments received on the 29th of March 2023.

Council for British Archaeology – Comments received 18th April 2023. The CBA object to the proposals and recommend that it is withdrawn and revised, or otherwise refused by the Local Planning Authority. The CBA are concerned that this application takes 'residential development' as its starting point rather than 'adaptive reuse of an agricultural site'. This has created proposals that give the greatest weight to large new build developments at the rear of the site rather than maximising the opportunities for interesting homes in the historic buildings at the front of the site. The result is a scheme with an unjustified level of harm to the listed buildings that would also harm the character and appearance of the Farnley Tyas Conservation Area. CBA also recommend that archaeological evaluation of the site will be necessary in advance of any groundworks.

Ancient Monuments Society – No comments received within statutory timescales.

Officer note: It is noted that comments have been received from The National Amenity Societies on applications 2021/93007 & 2021/92969.

KC LLFA – Comments received 31st August 2021. Supports the proposals subject to conditions relating to drainage details, overland flow routing and construction phase surface water flood risk and pollution prevention plans, as well as the imposition of a planning obligation for management and maintenance agreement for site drainage from the point at which it is brought into operation up until the time it is adopted by the local sewerage undertaker.

Following receipt of amended plans LLFA confirm that they have no additional comments to add from those made on the 31st of August 2021.

8.2 **Non-Statutory:**

KC Policy – Comments received 4th October 2022 and 20th April 2023. Policy officers summarised that the development of the housing allocation HS198 is supported in principle subject to careful consideration of the policy requirements, detailed design and impact matters set out within LP7, LP11, LP24, LP30, LP33, LP35, LP63 and LP65. However, the proposed change of use of Green Belt land to domestic gardens represents inappropriate development in the Green Belt, and this element of the proposed development cannot be supported except in very special circumstances.

KC Ecology Unit – Comments received 29th September 2022. No objections subject to a condition relating to biodiversity net gain.

Officer note: Whilst amended plans were received the Council's Ecology Officer has no additional comments to make.

KC PROW – Comments received 29th September 2022. Public Right of Way officers would not wish to see any access and/or parking on the footpath at any time. In addition, stone walls along the rear boundaries of plots 13-16 should be retained with no increase in wall height. The footpath should feel as open and safe as possible and to not spoil the character of the area.

KC Strategic Housing – Comments received 31st August 2021. 20% affordable housing provision require. On site provision is preferred however, where the Council considers it appropriate a financial contribution can be paid in lieu of on-site provision. In the Kirklees Rural East area there is a significant need for affordable 1 and 2 bedroomed homes, as well as demand for 3 and 3+ bed-dwellings. 4 affordable units should be provided with a contribution to social/affordable rented accommodation. Affordable units should be distributed evenly throughout the development and must be indistinguishable from market housing. Strategic Housing awaits further information with regards to the proposed Affordable Housing scheme.

Officer note: Following on from amended plans which have sought to reduce the proposed number of dwellings down from 18 to 17, the Council's Strategic Housing team note that their preference as a consultee would be the onsite provision of 1 x First Home and 1 x affordable/social rent with a reduced S106 sale wait time. Failing that they would be happy with 2 x First Homes.

KC Landscape – Comments received 30th September 2022. No objections to the proposals in principle but do request clarification and the submission of further information in respect to the public open space. This is discussed in more detail within the Landscape section of this report.

KC Environmental Health – Comments received 9th September 2021. No objections to the proposals but do request conditions and informatives relating to land contamination, Electric Vehicle Charging Points, noise, and nuisance during construction works.

Following receipt of amended plans the Council's Environmental Health officers were re-consulted. They note that in their previous comments (on the 9th September 2021 and 13th September 2022) a number of conditions were recommended relating to contaminated land, noise, electric vehicle charging points and a construction environmental management plan. The amended plans do not appear to have any significant changes which would impact on the previous comments and concerns raised. Notwithstanding this, officers have made some changes to the previously recommended conditions due to the changes made to the National Planning Policy Framework.

KC Conservation & Design – Comments were received on the 7th October 2021 and 14th April 2023, the latter comments were received following receipt of amended plans throughout the lifetime of this planning application. The above consultation responses can be read in full [here](#).

C&D Officers have however concluded that whilst in some cases no justification has been provided for the works, and limited details are outlined, the public benefits arising from the proposals in terms of restoring and converting the listed buildings into dwellings is welcomed as the former use as a farm is no longer viable and the conversion will provide a sustainable and viable use. The existing buildings are in a poor state of repair with several structural issues, their conversion will help to prevent further deterioration and ensure their repair and continued maintenance. To protect their significance and ensure that repairs are carried out sensitively recommended conditions will be applied should planning consent be granted. In addition, following amendments to the design and density of the new development, Officers deem the new dwellings to be acceptable in place of the existing modern agricultural buildings, again subject to the recommended conditions. A full evaluation of the Conservation & Design teams comments can be found within the urban design and heritage section of this report.

WY Police Designing Out Crime – Comments received 7th September 2021. No objection to the principle of development. Concerns and comments are made with regards to boundary treatments, external lighting, trees and vegetation, CCTV, bin stores, intruder alarms, car parking, motorcycle and cycle storage, garages, windows, secure mail delivery, door sets, internal partition wall construction, public spaces and access gates to rear gardens.

Following receipt of amended plans the DOCO confirms that there has been no improvement to the recommended security measures previously put forward in response dated 3rd September 2021. The site lighting is not supported and there are still concerns in relation to the plot boundary treatments which do not offer any level of security to the rear of the properties. This should be discussed with the applicant and officers are minded to request that the above security measures are conditioned should this plan be approved.

Further comments were made on the 19th April 2023, DOCO advised that plots 12-15 back onto an unlit PROW and have a low dry-stone wall as a boundary, additional defensible planting of native hostile species should be planted along this particular route to protect the rear of these properties. Dense planting areas are also shown around the parking areas at the north of the site, this planting must have a management plan to keep the height of the vegetation to less than 1m from ground level to enable adequate surveillance of the parking vehicles. Furthermore, bollard lighting is not deemed to be acceptable within the proposed parking area due to the light spill being at low level therefore not enabling facial recognition. DOCO recommend that this lighting be replaced with traditional classic gas lamp style lighting units. Details relating to windows, doors, CCTV, alarms and cycle and motorcycle storage are also reiterated from previous comments.

Officer note: Following receipt of the above comments the applicant has sought to include additional 'hostile' planting along the boundary within the public right of way and the repositioning of fencing to the front building lines to eliminate recesses in buildings.

KC Trees – Comments received 4th October 2021. Proposals not supported as they do not meet the requirements of Local Plan Policies LP24, LP33 or LP35. The proposal requires the removal of two mature trees, which are covered by the local Conservation Area. They are prominent landscape features in the local setting and contribute to the character of the Conservation Area. Given the identified threat of these trees a new tree preservation order has been served to strengthen the protection of the trees and the public amenity that they provide. The loss of these trees to facilitate the development cannot be supported. In addition, the proposed dwellings adjacent to the western boundary are too close to the trees which are located within the neighbouring church grounds. These trees are also protected by existing tree preservation orders and/or the local Conservation Area, and are prominent features of the locality, contributing to the local setting and character of the Conservation Area. The proposed development will have an adverse impact on these trees, encroaching into their root protection areas. The submitted Arboricultural Method Statement submitted in support of the proposals specifies root pruning of these trees to facilitate these dwellings. Root pruning is not something that could be supported due to the possible impact this may have on trees' health. Furthermore, the close proximity of the proposed dwellings to these mature trees will also result in long term pressures to fell or excessively prune through conflicts with, and resulting applications from, future occupants. The Arboricultural Impact Assessment, submitted in support of the proposal does not consider these long-term conflicts. Neither does it include any information with regards to the assessments required under section 5 of British Standard BS 5837, relating to a realistic assessment of the probable impact of development on trees and vice versa; to include shade, session nuisance and future pressures for removal.

Following the submission of amended plans the Tree's officer was re-consulted and stated that access to the development site is still shown to require the removal of tree T1 a mature protected tree that contributes to the character and setting of the site and wider Conservation Area. The levels and existing built structures in this location would appear to lend themselves to the retention of this tree with some minor changes to the access alignment. The loss of this tree cannot be supported and is in direct conflict with Policy LP24(i), LP33 and LP35

of the Kirklees Local Plan. As raised in previous comments a year ago the dwellings adjacent to the western boundary are too close to the trees which are within the neighbouring church grounds, the trees would be to the west of the new dwellings which have limited outdoor amenity space (circa 5m deep gardens) and would experience substantial shade issues and nuisance caused by the presence of the trees. The proposal will lead to an increased pressure to prune or fell the adjacent trees which is likely to result in eventual erosion of the tree group or decline in their health and viability. The proposals also still show the removal of tree T4, another mature protected tree within the site. The retention of this tree could be achieved by altering the scale and layout of the proposed dwellings in this corner of the site. The tree does contribute to the character of the Conservation Area and is visible from surrounding roads. The loss of this tree cannot be supported and is in direct conflict with policy LP24i, LP33 and LP35 of the Kirklees Local Plan. Whilst it is understood that the site is an allocated site for residential development the site was allocated when these trees were fully mature and protected by the Conservation Area. Their protection and retention should have been material consideration in the design of the layout at an early stage. The proposals do not accord with the Council's policies as detailed above and in previous comments and would be harmful to the character and setting of Farnley Tyas.

Finally, a further amended site plan has been submitted, this site plan seeks to retain tree T1 to the front of the site, this has been made possible by the retention of the immediate soils/wall adjacent to the boundary which will have restricted the tree's root growth to the east/into the site. In addition, it is acknowledged that the plots running along the western boundary of the site adjacent to St Lucius church have been moved further into the site by around 0.5m however, this is considered to be negligible and would not be in accordance with the BRE guidance which refers to habitable rooms which in this case would be on the ground floor, whereas the details within the submitted covering letter dated 22nd December 2022 refer to the first floor of the properties. The proposals still also seek to remove tree T4 to the rear of the site whereby Officers do believe that it would be possible to design around the tree should smaller house types be proposed. The Council's Trees Officer therefore retains their objection to the proposals as submitted.

Officer note: Since the Council's Tree's Officers comments on the 2nd February 2023 a revised layout has been submitted to the Council which includes the retention of T4 in the south-eastern corner of the site. To do this the layout has removed a plot and adjusted building types which has allowed for more space to be provided on the sites boundary with the churchyard to the west. Officers now raise no objections to the proposals subject to a condition relating to the submission of an updated Arboricultural Method Statement.

KC Education – Comments received 1st August 2022. As the education S106 policy only kicks in for 25 or more dwellings, no comments were provided on this application.

This was re-confirmed on the 7th of September 2022 and the 23rd of March 2023 following re-consultation on amended plans.

8.3 Consultee responses can be viewed in full on the Council's website found via the below link.

[Planning application details | Kirklees Council](#)

9.0 MAIN ISSUES

9.1 The following matters are considered in the assessment below –

- Land Use and Principle of Development
- Sustainability and Climate Change
- Design and Conservation
- Residential Amenity and Quality
- Affordable Housing
- Highway and Transportation Issues
- Ecological Considerations
- Environmental and Public Health
- Ground Conditions
- Flood Risk and Drainage Issues
- Trees and Landscaping
- Planning Obligations and Financial Viability
- Other Matters
- Conclusion

10.0 APPRAISAL

Land Use and Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site partially comprises of site allocation HS198 (allocated for housing), to which full weight can be given. Therefore, residential development is welcomed within the site in accordance with LP65. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.4 The site is not designated as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, as defined by Annexe 2 of the National Planning Policy Framework which outlines that brownfield land does not include land that is or was last occupied by agricultural or forestry buildings, and therefore as the site was previously in agricultural use the site is classed as greenfield land. Allocation of this and other greenfield sites by the Council was based on a rigorous borough-wide assessment of housing and other needs, as well as analysis of available land and its suitability for housing, employment, and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs.

- 10.5 The 17 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan. Local Plan Policy LP7 requires development to achieve a net density of at least 35 dwellings per hectare, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan, site HS198 is expected to deliver 16 dwellings, with the application proposing 17. It should also be noted that the applications red-line boundary exceeds that of HS198 to the south by a minor amount, theoretically increasing the required quantum.
- 10.6 Taking the above into consideration, it is concluded that the principle of developing the allocated part of this site (housing allocation HS198) is acceptable. However, it is noted that part of the application site to the south falls outside of this allocation and is located within Green Belt land, this infringement is discussed in more detail below.
- 10.7 The layout of the development is such that this portion of land (equating to ~1.8% of the whole developable site area) to the south would be located within the Green Belt and is to be utilised as gardens for the relevant 3 plots located to the south of the site (plots 10, 11 & 12). Officers do acknowledge that the infringement into the Green Belt has been significantly reduced since the original submission (originally ~8.5% of the whole developable site area), however, whilst no buildings would be located on this part of the site, this would result in the change of use of land to domestic garden amenity space which is considered harmful to the openness of the Green Belt and conflicts with the purposes of including land within it.
- 10.8 Policy LP58 of the Kirklees Local Plan states that the change of use of land in the Green Belt to domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following:
- a) The degree, location, and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that
 - b) The means of enclosure is appropriate to its setting and is of a high quality of materials and design.
- 10.9 Policy LP58 however has now been superseded by Paragraph 150 of the National Planning Policy Framework although it is noted that part of the policy still does hold weight in that permitted development rights for structures such as garages, sheds, greenhouses or other ancillary or incidental buildings or structures may be removed if it is considered that they would subsequently result in an unacceptable intrusion of urban character in their Green Belt setting.
- 10.10 Paragraph 150 criterion (d) of the NPPF states that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In this case, though the less Green Belt land would be affected under the revised scheme in comparison to the originally submitted proposals, the plans do still show that land within the Green Belt is to become enclosed in order to provide domestic garden amenity space. Not only will fencing off Green Belt land in this way harm the openness, through the introduction of domestic paraphernalia and the intensification in the use of land, but it would also conflict with the purposes of including land within it as outlined within paragraph 138 (c) of the NPPF, to assist in safeguarding the countryside from encroachment. The

proposals would therefore constitute inappropriate development within the Green Belt, given this conclusion an assessment is required into whether very special circumstances exist which clearly outweigh the harm to the Green Belt.

10.11 The NPPF identifies that the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.

10.12 Within the submitted planning statement the applicant has outlined that they consider that the very special circumstances in this instance are:

- The removal of agricultural buildings to the south of the site, to tidy up the site.
- Provision of a more easily defined boundary to the edge of the village, resulting in a tidier and more contained site;
- The proposals will enable the listed buildings to be preserved and enhanced.

10.13 Taking the above into account, Officers consider that the removal of the existing agricultural buildings to the south does not constitute a very special circumstance, given the somewhat rural location of the site, these buildings are not uncommon features within the area. However, it is noted that the provision of a clearly defined southern boundary demarked by a physical barrier would provide a permanent delineation between the site boundary and land beyond, of which the site currently does not benefit from. In addition, Officers consider that the restoration of the listed buildings and the securing of their long-term viable use, would outweigh the harm caused by the inclusion of land within the Green Belt, and therefore would constitute very special circumstances on this occasion. Furthermore, Officers will be seeking to remove permitted development rights for extensions, outbuildings, and alterations to boundary treatments to prevent any significant domestication and to reduce any future/additional impact on openness of the Green Belt. These matters could be controlled by condition.

Heritage

10.15 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.16 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

10.17 Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

- 10.18 Furthermore, Policy LP35 of the KLP states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.
- 10.19 Paragraph 199 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*.
- 10.20 This is further supported by paragraph 202 of the NPPF, which outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.
- 10.21 Paragraph 197 of the NPPF outlines that when determining applications, LPA’s should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.*
- 10.22 Yew Tree Farm is a historic courtyard farmstead situated in the centre of the Farnley Tyas Conservation Area and dating to 1671 and possibly earlier. This farm is a key element of the conservation area, contributing greatly to its significance and characterised by two large stone barns, a smaller former dairy and several cottages. Four of the buildings are Grade II listed, with a curtilage listed house which is believed to date to the late 18th or early 19th century. To the south and west ends of the site are several modern farm buildings, one of which is built around the remains of a historic structure.
- 10.23 The proposals seek to convert listed buildings within the northern portion of the site to provide 8 no. dwellings, demolish existing redundant agricultural buildings in the southern portion of the site, as well as agricultural buildings within the Conservation Area (which is subject to a separate application 2021/92969). 9 no. new build dwellings are proposed within the southern portion of the site, 1 of which relates to a replacement ‘replica’ dwelling of the existing curtilage listed farmhouse which is to be demolished to allow for a suitable access to be provided into the site. Finally, 3 no. existing dwellings are also to be retained within the Yew Tree Farm complex. Given the nature of the scheme and its sensitive location, the Council’s Conservation and Design team were consulted, their comments (including comments provided on the allied Listed Building application (2021/93007), and responses received from Historic England the Council for British Archaeology are outlined below.

9.9 Each element of the scheme is broken down into subsections below:

Of note, Historic England defer to the LPA to assess the justification for the demolition of the unlisted farmhouse and the proposals for the conversion of the Grade II listed farm buildings, therefore no comments have been provided in respect of these elements of the scheme.

Demolition of modern agricultural buildings

Whilst the demolition of the existing modern agricultural buildings is covered under application 2021/92969, C&D Officers note that the demolition of these buildings within the Conservation Area is not of concern as they have no heritage significance.

Demolition of the Farmhouse

This building is believed to date to the early mid-19th century and is constructed in hammer dressed stone with a pitched stone slate roof and stone gutter corbels, large window openings with 8 over 8 sash windows and ashlar window surrounds on the façade, along with a central doorway with a timber panelled door. A small single storey stone structure is attached, also in hammer dressed stone and with a pitched roof with a corrugated covering, and a stone door surround with a timber stable door. It forms part of the historic farm group, contributing to the evolution and understanding of the site. As a later building, the house does have lower significance than the individually listed buildings on the site but is moderately significant. It is visible from the public highway to the north and contributes to the character of the conservation area.

The proposals seek to demolish this farmhouse and the attached barn and provide a new dwelling of a similar design in a new location to the west of the site (plot 15). The new dwelling is to be of a similar scale to the curtilage listed house and whilst the building has not been reorientated away from the new build dwellings as requested by Conservation & Design, the separation distance between the adjacent properties has been increased to 7.5m (the width of the adjacent driveway) which does help to give a small degree of separation. C&D Officers conclude that on balance, the proposals are acceptable.

It is noted that a number of representations have been received in respect of the proposed demolition of the curtilage listed farmhouse, with objectors stating that an appropriate case has not been demonstrated for its demolition. Whilst Officers did originally believe the demolition of this building would lead to substantial harm to the significance of the farm group and the Conservation Area it has since been demonstrated by the applicant and during a site visit with the Council's Conservation & Design Officer that the demolition of this farmhouse is required due to restricted access into the site, whilst there is an access to the rear this would require upgrading to allow it as residential access and would conflict with green belt policies and therefore the use of this access is not an option. There is also access via a track through the farmyard to the west of 65 The Village, which is Grade II Listed. With the farmyard retained in its current location, the access forms a pinch point which is too narrow to accommodate a road, increasing the width of this access would require partial demolition of the listed building which is not an option due to its designation and that it is understood to be in separate ownership. The Council's Highways team have confirmed that the proposed access to the front of the site is the only

viable option to ensure a safe and suitable access, as well as retaining protected trees T1 & T2. Furthermore, a structural report has been submitted within allied application 2021/92969 to provide evidence that the house is in very poor structural condition, recommending demolition. The dwelling has been vacant for a number of years and has not been maintained for a significant amount of time, if the development cannot proceed the listed buildings would be at risk of further deterioration. C&D Officers therefore accept the justification for its demolition. To help mitigate against the harm of demolition it is proposed that a similar house in a new location is constructed with the full recording of the house carried out prior to its demolition. It is also recommended that the existing stone from the farmhouse shall be reclaimed and reused where possible, with any replacement stone matching the existing in terms of its stone type, tooling, coursing etc. Tumbled and dyed stone will not be permitted. Furthermore, the demolition of the farmhouse shall not be allowed to proceed unless the larger development on the site goes ahead. This can all be secured via condition.

Conversions of Listed Buildings

Barn - Plots 1-4

The barn is a substantial Grade II listed structure situated in a prominent corner location in the centre of the village. Part of the building dates to 1671 (datestone above the southernmost doorway) with later additions and alterations including a more recent king post structure, catslide extensions on the south elevation and later window openings. The main body of the barn is two-storeys with four bays and a central arched cart entrance.

The proposals seek to subdivide the barn to create 4 separate dwellings, installing first floors and resulting in a significant amount of subdivision. This will result in a loss of openness which is characteristic of these types of farm buildings and will lead to harm to its significance. No justification has been provided by the applicant in respect to the extent of subdivision or to justify the loss of the stone flag floor. C&D Officers remain concerned about the lack of justification and recommend that historic stone flag flooring which survives in good condition is incorporated into the ground floor of the barn conversion. This can be secured via a condition. In terms of windows, the details provided are still unclear and therefore if approved, these details should be provided prior to their installation. Stone mullions are also shown on the north elevation of this building, C&D Officers request these mullions to be omitted, with the new windows being in the same design as existing with timber mullions installed.

Furthermore, the submitted plans now incorporate the southern bay of the barn into Plot 4, this will ensure the restoration of this derelict bay including the original 1671 doorway and shall incorporate a significant historic part of the building into the proposals, ensuring its preservation. Utilising the existing doorway also helps to reduce the number of new openings required in the east elevation, and therefore this is welcomed.

A number of representations have been received which object to the proposed demolition of the existing 2 lean-to's on the western elevation of the old barn noting that they are an integral part of the main structure and warrant protection. C&D Officers state in their response that whilst these elements do contribute to the evolution of the building and their loss will cause less than substantial harm, removing these structures will reveal earlier historic fabric of the barn and allow historic openings in the main building to be reinstated. On balance, Officers deem this demolition to be acceptable.

Further representations were received in respect of the proposed subdivision of the barn into 4 separate dwellings, this has been raised previously by the Council's Conservation & Design Officer who still has concerns about the level of subdivision within this building. They note that a lack of justification from the applicant, with no details submitted to justify the loss of the stone flag floor. C&D Officers recommend that historic stone flag flooring which survives in good condition should be incorporated into the ground floor of the barn conversion. Again, this can be secured via condition.

Barn adjoining 65 The Village – Plot 5

The barn and house are Grade II Listed and date to the early-mid 19th Century with earlier elements. The barn is two-storeys high and is constructed in hammer dressed stone with a stone slate roof and a large arched cart entrance on the north elevation facing a farmyard area. A small door is located on each side of the arch. There is a blocked three light mullioned window on the rear elevation, with a C19 threshing door and a high-level window opening. Internally, a brick dividing wall has been constructed up to first floor level, with a high-level beam which provides evidence that an upper floor has previously been in place.

No alterations are proposed for no. 65 The Village, we understand that this is in separate ownership and therefore falls outside the scope of this project.

The proposal is for the conversion of the attached barn into a single 3 bedroomed dwellinghouse. The principle of this conversion is acceptable as it will enable restoration of a building in poor condition with structural defects. Following negotiations revised plans and amendments to the scheme in line with recommendations from the Council's Conservation & Design Officer have been received. However, C&D Officers note that they do still have concerns in respect of the lack of detail provided within the submission however, this level of detail can be addressed by condition.

Former Dairy – Plots 6-8

The former dairy is a Grade II listed building which was historically a barn and was fitted out as a milking parlour and dairy in the late 20th Century. It is constructed in coursed dressed rubble stone with a pitched roof, with various openings that add to the character and significance of this building. A four light splayed mullion window is located on the west elevation. Three small arched windows within the chamfered stone surrounds are located in the central bay of the east elevation and are likely to date to the 17th or 18th Century. A historic photograph of 1954 shows two small square first floor windows which have since been removed with partial rebuilding at that level, with an increase in height of one course and the replacement of a stone slate roof with corrugated sheeting. Also on this elevation is a doorway with a heavy pyramid shaped lintol and a datestone of 1672 in the northern bay. Several openings in the southern bay of the east elevation have been infilled, with others created for later uses. Queen post trusses support a modern corrugated roof with skylights.

The proposal seeks to convert this building into three separate residential units, with the restoration of the northern and central bays and the demolition and reconstruction of the southern bay. A structural report has been submitted alongside the application which outlines that the east wall of the former dairy is unrestrained for a considerable length, with significant deflection and structural distress, with failed masonry elements and mortar joints. The report recommends the complete rebuilding of this elevation. Based on the information provided Officers still have concerns in respect of the extent of demolition of the south bay. The applicant is recommended to investigate consolidation methods instead, as an example they could retain the external leaf and construct a new supporting structure internally. If this is not a viable option and it can be clearly demonstrated then the external wall must be rebuilt like for like, using the existing stone and reconstructed in a lime-based mortar. This can be secured via a condition.

Whilst Officers welcome the retention of historic openings with Touchstone Glazing set into the stonework, along with the amended door types on the western elevation, there are still some concerns about the design of the proposed doors and windows in the existing doorways of the northern bay of the east elevation. It is recommended that full details are submitted for approval by condition, following research to inform their design. As an example, the proposed single pane window within the 17th Century doorway in the north bay could be re-designed as a timber door, perhaps with a vision panel.

Representations have been received in respect to the conversion of the Old Dairy, deeming these works to be inappropriate to subdivide into 3 separate dwellings and that it should be single storey in height. Conservation & Design Officers do still have concerns in respect of the extent of demolition proposed to the external walls and recommend that the buildings significance is assessed further following on from advice received from West Yorkshire Archaeology Advisory Service. This can be secured via a condition, alongside other recommended conditions such as the submission of window and door details.

Concerns were also raised by third parties with regards to the installation of skylights into the roof of the former dairy, the Council's C&D officer notes that following a significant reduction in rooflights on both pitches, they accept that a small number can be justified as this is a less harmful way of providing natural light and ventilation into the first-floor space rather than having to insert additional windows in the elevations.

New Dwellings – Plots 9, 10, 11, 12, 13, 14, 16 & 17

The design concept included within the design pack refers to several rural and agricultural design characteristics integrated into the house types so that they appear sympathetic to Farnley Tyas Conservation Area. It is unclear how it has been established that the dwellings and layout are appropriate for this location and setting, and how they reflect the historic character of the farm and the wider conservation area. The historic farm group has a high level of significance both within the conservation area and nationally as listed buildings, and the proposed detached houses appear quite suburban in layout and design.

The proposals seek to provide 9 new build dwellings, 1 of which relates to a replacement 'replica' dwelling of the existing curtilage listed farmhouse which is to be demolished to allow for a suitable access to be provided into the site.

These dwellings comprise of two storey detached 3, 4 & 5 bedroom properties, with varied garden/amenity areas. Parking is typically provided on driveways to the front of the properties, albeit some parking is shown to the side or within attached/detached garages. The site is accessed via The Village to the north whereby a 'cul-de-sac' style arrangement has been provided.

A number of representations have been received in respect of the proposed new builds, these typically relate to the scale, size, layout, design and materials to be used within the properties. Whilst some of these issues are assessed below, a further discussion on these topics can be found within the allied application for full planning permission, application reference 2021/93006.

The Council's Conservation & Design Officer notes that the Beech Farm and Manor Farm developments are assumed to have been used as precedents to inform the design of this development however, Yew Tree Farm is quite different as it is situated in the heart of the historic village and includes a compact group of listed farm buildings and cottages and an early C19 curtilage listed house with the remains of attached barn. This group is far more significant than the other two farms and is adjacent to other listed buildings at 51/53 The Village (1678) and St Lucius's Church. Due to the much higher level of significance these potential precedents are considered to have limited relevance in this instance.

Historic England raise objections in respect of the proposed new build dwellings within the site, stating that they would have a suburban character in their layout, scale and detached form. They believe that this element of the proposals would harm the character of the Conservation Area and the setting of the listed farm buildings and that it could be developed in a less harmful manner, or in a manner that would enhance the designated heritage assets. They therefore do not believe that this harm is justified. Furthermore, comments have been received from the Council of British Archaeology who highlighted that the proposals appear to give the greatest weight to the large new developments at the rear of the site rather than maximising the opportunities for interesting homes in the historic buildings at the front of the site. Resulting in a scheme with an unjustified level of harm to the listed buildings that would also harm the character and appearance of the Farnley Tyas Conservation Area.

Following several negotiations and amendments the external detailing of the new dwellings has been simplified which large omissions made to the originally proposed timber framing and glass which was deemed to be harmful to the vernacular character of the village, particularly when viewed across the fields to the south. Changes have also included the removal of 1 of the originally proposed new builds which has allowed for a reduction in the density of development, as well as creating additional space around the dwellings and retention of a protected tree to the south-east. C&D Officers consider this reduction in density to also result in a reduction in harm, this view is supported by Historic England who perceive this change as slightly improving the impact on views towards the Conservation Area from the south. The re-designed dwellings incorporate traditional references which reflect the local character of the village, although the design and layout of the development is still somewhat suburban in nature.

However, taking the above assessment into consideration, alongside objections raised by Historic England, Officers consider that on balance, the proposed new builds would result in less than substantial harm and that this harm would be outweighed by the public benefits of restoring an important group of listed buildings in the centre of the village, along with the demolition of modern agricultural buildings which make a negative contribution to the character of the Conservation Area. Should the application be supported, it is recommended that external material samples are submitted for approval to ensure a high-quality finish. Natural stone should be used for the roof slates, with pitched faced or tooled stone rather than tumbled and dyed stone for the external walling. This can be secured via a condition.

Landscaping

The proposals seek to utilise a number of boundary treatments throughout the site, these include 1.2m high dry-stone walling, 1m high black metal estate railings and 1.5/1.8m high close boarded timber fencing.

The Council's Conservation & Design Officer welcomes the use of 1m high metal estate railings within the farmyard at the north-eastern corner of the site as there is evidence of former subdivision within this yard although the details are unclear. The metal estate railings will ensure that the openness of this space is retained as will provide a lightweight permeable boundary treatment which is characteristic of a historic farmstead and will allow the yard to be rear as an open space.

They also support the installation of dry-stone boundary walling throughout the site, specifically on the southern boundary facing towards the open fields. This type of boundary treatment is deemed to be suitable as this is the typical vernacular boundary feature found throughout the village.

However, they do still raise concerns in respect of the solid wood vertical boarded 1.8m high timber fencing which is found along the eastern boundary of the site and throughout the rear gardens of both the converted and new building dwellings, of which no justification has been provided. This should be omitted and replaced with lower boundary treatments such as low stone walls/railings or soft landscaping. Taking the above into account a condition in respect to the submission of details in respect of boundary treatments to be submitted prior to their installation should planning permission be granted. It is also noted that minimal details have been provided in respect of the existing (curtilage listed) and proposed dry stone wall which runs along the western boundary of the site. Therefore, a condition should be included which also requires further details of how the existing stone wall will be retained and protected during works, and how the new extended walling will match/be similar in appear to the existing.

To the front of the site off-street parking is to be provided for 13 vehicles, C&D Officers note that the creation of parking in this prominent location will cause harm to the setting of the farm group and whilst alternatives have been suggested the location/layout of this car parking area has not been amended due to site constraints. However, subject to suitable landscaping being proposed in this area, the location of the car park may be acceptable. Details of soft landscaping can be controlled via a condition.

Nos. 63 & 55 The Village

No alterations are proposed to these cottages, we understand that these are in a separate ownership and therefore fall outside the scope of this project.

Castle Hill

Of relevance, the application site is also wholly located within a dominant area of the Castle Hill Settings Study. Criterion 3 of LP35 of the KLP outlines that proposals should preserve the setting of Castle Hill where appropriate and where schemes will detrimentally impact on the setting of Castle Hill, these will not be permitted. The Council's Conservation & Design Officer was consulted on the proposals and noted that there is no impact on the setting of Castle Hill, which is some distance away to the north-west and obscured by the topography and previous development within the village. Therefore, Officers have no concerns with regards to this element of the scheme.

Archaeology

The application site lies in an area of archaeological potential at the heart of a settlement recorded in the Domesday Book of 1086. The historic significance of the vicinity is recognised in its status as a Conservation Area and by the presence of 4 Grade II Listed Buildings within the application site. The West Yorkshire Archaeology Advisory Service (WYAAS) were consulted on the application and noted that the documents provided by the applicant do not adequately assess the application sites archaeological and historic significance nor the impact of the proposed development would have on these qualities and setting of the surrounding Conservation Area, village and other Listed Buildings. The WYAAS recommended that the application be deferred until an appropriate level of understanding at the site and its setting was undertaken and any necessary further work either carried out or identified. However, they did note that should planning permission is granted then a condition should be attached which requires an appropriate level of archaeological observation and recording (historic building recording, archaeological evaluation and potentially excavation) to be undertaken prior to commencement of works on site.

The Council's Conservation & Design Officers note that the applicant accepted a condition to secure a scheme of archaeological evaluation prior to commencement of works on site but did not accept this at pre-determination stage. Given the likely archaeological potential of the site referred to in the WYAAS letter dated 23 June 2021, C&D Officers recommend that this is carried out prior to the application being determined, with amendments made to the scheme accordingly. If this is not accepted at determination stage, they would support the proposed condition recommended by WYAAS for archaeological recording and excavation prior to commencement on site. This view is supported by the Council of British Archaeology.

Summary

Taking the above assessments into account, C&D Officers conclude that whilst the proposals would result in less than substantial harm, the public benefits arising from the scheme as set out above would help bring vacant and dilapidated listed buildings back into full use and ensure the longevity of the well-established historic farm group. C&D Officers therefore consider the proposals on balance, to be acceptable to be in accordance with LP24 and

LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework as well as requirements set out within Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Design

- 10.24 As outlined above the site and its context have a relatively high degree of townscape, landscape and heritage sensitivity, due to it being located within the Farnley Tyas Conservation Area, including and adjacent to Listed Buildings, with an open and visible location to the southern boundary.
- 10.25 Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of a high quality and design and contribute to creating mixed and balanced communities.
- 10.26 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:
- ‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.*
- 10.27 Principle 2 of the Kirklees 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 to promote a responsive, appropriate approach to the local context”.*
- 10.28 Principle 8 of the Housebuilders’ Design Guide SPD outlines that the transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should therefore demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design.
- 10.29 Regarding the layout and siting of the proposed new build dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front onto the street. On this occasion, as the proposals include the conversion of existing listed buildings into 8 no dwellings, the layout and siting of these units is already set and therefore their orientation and location is deemed to be acceptable. In respect of the new build dwellings, given the restricted nature of the site, a cul-de-sac arrangement is to be created behind the existing listed buildings, therefore the proposed dwellings would be set back from the public highway, and would form their own building line to the rear of the retained Listed Buildings.

- 10.30 Furthermore, whilst it is acknowledged that some of the new build dwellings do have a somewhat larger footprint and that the majority of dwellings within the village relate to terraced/semi-detached properties, the context of the area does begin to change the further out of the centre you travel, whereby larger detached properties are introduced, most specifically down Manor Road. The larger dwellings on this site are to be located to the south and are to replace existing large agricultural buildings, whilst they will be openly visible from Farnley Road when entering the village, they will be viewed alongside properties located on Park Farm Court and therefore on balance, these properties are not considered to appear as alien features within the landscape.
- 10.31 Principle 15 of the Housebuilders Design Guide 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. In this instance the proposed new builds are to utilise a mix of pitched and lean-to roof designs. These designs are considered to be reflective and sympathetic of adjacent buildings within the immediate vicinity and throughout the village. Turning to the heights of the buildings, given the nature of the proposed conversions the heights of these dwellings are to remain as is and is therefore acceptable.
- 10.32 However, in respect of the new builds, these are all to be two-storeys in height, with varying ridge heights throughout, this is likely due to the sloped topography of the site, whereby there is a slight difference in land levels throughout. Properties located adjacent to the site do differ in both scale and size albeit the majority of these dwellings are two-storeys in height. Looking specifically at plots 10, 11 and 12 which are located to the south of the site, these dwellings are to have a staggered approach and whilst large in scale, they are set to replace existing bulky agricultural buildings found at the site, whilst the introduction of residential properties in this location will alter the character of this portion of land and the views into the site, the dwellings will be viewed amongst existing development and similar dwellings constructed at Park Farm to the east. Officers therefore deem this element of the proposals to be acceptable on balance, and to be in accordance with Principle 15 of the above SPD.
- 10.33 Principle 14 of the above 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. In relation to the converted dwellings and new build properties, C&D Officers have requested further details in respect of the proposed windows and doors to be provided prior to their installation, this will be secured via a condition. Subject to the submission of these details, Officers deem this element of the proposals to be acceptable and in accordance with Principle 14 of the above SPD.
- 10.34 Principle 13 of the Housebuilders SPD seeks to ensure that consideration is given to the use of locally prevalent materials and finishing to reflect the locality. In terms of materials to be used within the conversions of listed buildings and the construction of the 'replica' farmhouse. It is proposed that reclaimed Yorkshire Walling stone and stone slate roof tiles be used within the properties. For the new build dwellings, the submitted drawings show the use of tumbled and dyed Yorkshire walling stone with stone slate roof tiles in the colour buff. Following discussions with the Council's Conservation & Design Officer it is considered that the use of tumbled & dyed stone would be inappropriate, and it is recommended that either pitched face or tooled stone is used, this is to be

controlled via a condition requiring samples to be submitted to the LPA for approval prior to their use. Subject to the above details being submitted and having regard to the materials approved to the east (Park Farm) the proposed materials to be used within the new dwellings is considered to be acceptable.

10.35 In conclusion, while Officers acknowledge that additional details/samples will be required prior to the construction of both the new build dwellings and converted listed buildings, and that concerns have been raised by Conservation & Design, Historic England and the Council of British Archaeology, subject to these details the proposals are on balance, deemed to be appropriate in size, scale and design in this location and it is reiterated that the benefits arising from the scheme as set out previously would help bring vacant and dilapidated listed buildings back into full use and ensure the longevity of the well-established historic farm group. The proposals are therefore considered to accord with Chapters 12 and 16 of the National Planning Policy Framework, Local Plan Policies LP11, LP24 and LP35 of the Kirklees Local Plan and Principles 2, 5, 8, 13, 14 and 15 of the Housebuilders Design Guide SPD.

Housing Mix and Density

10.36 Policy LP11 of the Local Plan requires consideration of housing mixture. Policy LP11 requires a proposals housing mix to reflect the proportions of households that require housing, achieving a mix of house sizes (2, 3, 4+ bed) and typologies (detached, semi-detached, terrace, bungalow). The starting point for considering the mixture of housing types across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The following housing mixture is proposed:

- 2 bed: 6 (35%)
- 3 bed: 6 (35%)
- 4 bed: 4 (24%)
- 5 bed: 1 (6%)

10.37 Within this, the proposal includes a proportionate mixture of semi-detached, terraced and detached units. The proposed housing mixture is welcomed and is considered to be representative of the needs of the area. Accordingly, the proposal is considered consistent with the expectations of LP11.

Affordable housing

10.38 Local Plan Policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate affordable housing, with a minimum of 25% of the affordable housing being First Homes which are an intermediate form of affordable discounted housing for sale.

10.39 Within the recently adopted Affordable Housing and Housing Mix SPD (2023) paragraph 2.3 notes that First Homes are a new type of discounted market sales housing, whereby these are intermediate tenure homes that are discounted 30% below market value, with the initial sale capped at a £250,000 price point (after discount) and have an eligibility criterion for buyers, more information on First Homes can be viewed [here](#).

10.40 Paragraph 64 of the NPPF identifies that where proposals are to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount that is equivalent to the existing gross floor space of the existing buildings. However, this does not apply to buildings which have been abandoned. This is further supported by the Government's Planning Practice Guidance.

10.41 The applicant's agent has outlined their calculations in respect of vacant building credit. This is shown below.

'The existing buildings on site (excluding the agricultural buildings which are to be demolished) have a total of 30,189sq ft (2804sqm), which are to be converted to residential use as part of the current proposals. The scheme proposes a total of 51,338sq ft (4769sqm), which is to be made up from the conversion of the existing buildings on site (30,189sq ft) plus 21,149sq (1964sqm) ft new build. 30,189sq ft (existing buildings to be converted) represents 59% of the total of 51,338sq ft floor space to be provided. This means that the affordable housing provision applicable for the scheme should be 41% of the affordable housing element which is sought through policy. Current planning policy requires 20% affordable housing for a scheme of this nature. 20% of 18 dwellings proposed is 4 dwelling (rounded up). 41% of the 4 dwellings is 1.64 dwellings (rounded up to 2 dwellings). We therefore consider that the application of VBC will result in an affordable housing requirement of 1.64 dwellings (rounded up to 2 dwellings).'

10.42 Looking at the above, it is noted that since this calculation there has been the loss of 1 new build dwelling from the scheme and therefore the amount of new build footprint will be reduced somewhat as 20% of 17 units is equivalent to 3.4 units, and 41% of 3 dwellings (rounded down) is 1.23 dwellings. However, the applicant's agent has since clarified that they would still be happy to provide 2 affordable units on site.

10.43 The Council's Strategic Housing team were consulted on the proposals and confirm that they would be happy with 2 x First Homes to be provided on site, a time limit of 12 months will be provided for the developer/Council to find a Registered Provider, should no interested buyer be found after 12 months the developer can sell the affordable homes on the open market and pay the Council a commuted sum. It is noted that these first homes/balance of affordable housing should be delivered/paid before 50% of any of the dwellings on site are occupied.

10.44 Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development. However, due to the size of the proposed development (and given that only 2 affordable units are required), it is accepted that opportunities for pepper-potting affordable housing around the site are limited. All units should be of an appropriate design, with the same materials and similar detailing proposed for all dwellings, to help ensure the affordable units would not be visually distinguishable from the development's market units.

Residential Amenity and Quality

- 10.45 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.46 Principle 6 of the Housebuilders Design Guide sets out 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.
- 10.47 The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:
- 21 metres between facing windows of habitable room;
 - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land;
 - for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.
- 10.48 Existing residential properties neighbour the application site to the north and east. Acceptable separation distances are proposed between the new build dwellings and existing neighbouring properties of at least 21m between facing habitable rooms. Whilst plot 15 (the farmhouse) only provides a separation distance of approximately 18.7m given the dwellings orientation to no 65 The Village Officers consider that there would be no direct views into any habitable room windows. Moving on to the proposed conversions, whilst the majority of the conversions would meet the above standards, Officers do note that a habitable room window is proposed within the ground floor eastern elevation of plot 5 however, given its location and relationship with windows within no. 55, it is not considered that there would be any direct views into these adjacent windows to raise any significant concerns with respect of loss of privacy. Furthermore, plots 7 & 8 are located ~15m away from the rear of no. 53 The Village which does benefit from habitable rooms within its rear elevation. However, to provide suitable living accommodation and a viable re-use of this listed building habitable room windows are required within the rear elevation of the former dairy. Whilst the separation distance does fall short of the recommended 21m, 15+ metres is still considered to be a sizeable separation distance. It is also noted that along the eastern boundary of the site a 1.5m high closed boarded timber fence is proposed, this will help to screen the ground floor of these dwellings from no. 53 at ground floor level. It is therefore concluded that on balance, there are no significant concerns with respect of overlooking from the proposed dwellings to recommend refusal of this application.
- 10.49 As set out above the Council's Housebuilders Design Guide SPD recommends a separation distance of 10.5m between any habitable room windows and the boundary of any undeveloped land. In this instance, given the sites semi-rural location and the restricted nature of the site, which is bounded by undeveloped land to the south, these minimum separation distances would be difficult to meet. Plots 10, 11 and 12 which are sited towards the south of the site are

located adjacent to open, undeveloped land and do contain habitable room windows within their rear elevations. Plot 10 would have a separation distance of around 7.4m, plot 11 would be around 7.8m away and plot 12 would have a separation distance of just 3.8m. Whilst the proposals would not be in line with this recommendation, it is noted that land to the south is located within the Green Belt and is not presently allocated for housing within the Kirklees Local Plan.

10.50 Following on from the above assessment in respect of outlook Officers note that the converted listed buildings all seek to maintain their existing heights and built form (excluding plots 1-4 and the former dairy which will see a reduced footprint due to the proposed demolitions outlined on the submitted demolition plan), therefore the conversion into a residential dwelling is not considered to appear significantly overbearing, or overly dominating when compared to what currently exists at the site. Looking at the proposed new builds, given the relationship with neighbouring properties the dwellings of most concern are Plots 9 and 16 and plot 10's detached garage. In terms of the detached garage at Plot 10, whilst it is noted that there is a difference in land levels between this plot and adjacent neighbouring properties no. 51 The Village and New Lane Barn, the detached garage is to be single storey in height, and would be stepped back from the boundary by approximately 1.5m, given the scale, size and location of this garage Officers have no significant concerns in respect of this element of the scheme appearing overbearing on adjacent neighbouring properties. Moving on to Plot 9, this dwelling is to be located approximately 6.9m away from the adjacent garden of no. 51 The Village, and whilst it is noted that there is a difference in land levels between the application site and this neighbouring property this dwelling is set back a sufficient distance and is to replace existing large and vacant agricultural buildings, Officers therefore consider that the replacement of such buildings with this new dwelling would not have a significantly different impact on this neighbouring property. Finally, Plot 16 is located adjacent to no. 65 The Village to the south. Whilst this dwelling will be located just 1.5m away from the boundary of no. 65, given its orientation and that it is to replace several existing large and vacant agricultural buildings on balance Plot 16 is acceptable and that it would not appear overly dominant or overbearing on this neighbouring property.

10.51 Finally, in terms of overshadowing and the loss of light, again as discussed above, the proposed conversions will not see an increase in bulk and massing and therefore no additional overshadowing is considered to arise from these elements of the scheme. Although it is noted that Plots 1-4 do propose the installation of black estate railings to the rear to delineate amenities spaces between the dwellings. Whilst Officers acknowledge that these boundary treatments will be located in close proximity to no. 63 The Village and habitable room windows, the railings are lightweight in appearance and measure just 1m in height, therefore they are not considered to be overly dominant or imposing in this location. Furthermore, boundary treatments are also proposed with regard to the new builds, the boundary treatments which may impact on adjacent neighbouring properties the most relate to plots 7, 8, 9 and 10. At plots 7 & 8 a 1.5m high close boarded timber fence is proposed along the eastern boundary adjacent to no. 53 The Village. Whilst it is acknowledged that there is a difference in ground levels of approximately 0.9m, and that there are habitable room windows within the rear elevation of no. 53, the proposed boundary fence is to be stepped back from the existing boundary treatment by approximately 0.9m and would be set just 0.3m higher than the existing boundary treatment that runs adjacent to no. 53 therefore any impact arising from this new boundary

treatment is not considered to be significant. In addition, Officers do note that the owners of the farm could have erected a fence under permitted development which would be higher than that proposed, the proposed boundary treatment is therefore considered to be acceptable in this location. Looking at plots 9 & 10, 1.8m high close boarded timber fencing is proposed along the rear boundaries of these plots, which sit adjacent to neighbouring properties 51 The Village and New Lane Barn. Whilst these dwellings are set at a lower ground level to the application site, again as outlined above the owner could put a 2m high fence up under permitted development and given the existing boundary treatments and screening, any impacts arising from the fencing is not deemed to be significant enough to recommend refusal of this application. Finally, looking at Plot 16, given its location to the south of no. 65 The Village, it is acknowledged that there would be some overshadowing arising from this new property across the rear garden of no. 65 during the early/late afternoon however, this would not be for a delayed period of time and would not cover the whole of the garden and therefore there would be a large portion of the garden out of shade throughout the day. Officers therefore conclude that any impacts arising from Plot 16 would not be sufficient to recommend refusal on this occasion.

- 10.52 Should planning permission be granted a planning condition should be imposed that removes permitted development rights from all new build and converted dwellings to ensure that no large, overly dominant extensions, outbuildings, or dormers would be constructed which could have an adverse harmful impact on the character and setting of the development as a whole, result in overdevelopment of the site or create significant amenity issues to adjacent occupiers. Restricted PD rights should also be proposed in regard to boundary treatments in the interests of visual and residential amenity.
- 10.53 Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development. Policy LP52 of the Kirklees Local Plan is also considered to be of relevance and sets out that development which has the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.
- 10.54 A number of objections were received with regards to light pollution. Having discussed this with Environmental Health Officers no concerns were raised in respect of this as the proposals seek to provide standard domestic lighting throughout the estate. Officers therefore conclude that this element of the scheme is acceptable.
- 10.55 In terms of the potential amenity impacts of construction work at this site, including dust management and noise, this could be controlled by planning conditions requiring the submission and approval of a Construction Environmental Management Plan as already requested by the Council's Environmental Health officers.

Amenity of future occupiers

- 10.56 Consideration must also be given to the amenity of future residents of the proposed dwelling.
- 10.57 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015), and it is noted that they provide useful guidance which applicants are encouraged to meet and exceed. NDSS is the Government's clearest statement on what constitutes adequately sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.
- 10.58 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.

Plot	Unit Size	Proposed (GIA, m²)	NDSS (GIA, m²)
1	2bed4person	76	79
2	2bed4person	73	79
3	2bed4person	72	79
4	2bed4person	100	79
5	3bed6person	190	102
6	3bed6person	140	102
7	2bed4person	91	79
8	2bed4person	91	79
9	4bed8person	216	124
10	5bed8person	266	128
11	4bed8person	235	124
12	4bed8person	280	124
13	3bed6person	134	102
14	3bed6person	146	102
15 - Farmhouse	3bed6person	121	102
16	3bed6person	124	102
17	4bed8person	196	124

- 10.59 The majority of the above units all exceed the NDSS minimums. However, it is noted that plots 1, 2 and 3 do fall below these minimum guidelines albeit they are reasonably close to the standards. Furthermore, it is borne in mind that this proposal is for the conversion of a Listed Building, which must be undertaken sensitively but will, nonetheless, result in its viable re-use and therefore on this occasion the space standards for plots 1, 2 and 3 are deemed to be acceptable. Furthermore, it is also noted that some units notably exceed the minimums; this in itself is not an issue, unless it causes design concerns. This has been considered within the urban design and heritage section of this committee report and has been found to be acceptable.

- 10.60 In terms of all habitable rooms having access to at least 1 window, the majority of the dwellings proposed have dual aspect and/or access to at least 1 window. However, it is noted within plots 1, 2, 4, 6, 7 and 8 several of the bedrooms proposed only have access to natural light and outlook from the installation of roof lights. Whilst this is not typically a standard which the Council would rely on, given that these plots relate to Listed Buildings which are to be converted into a viable use and that they would benefit from some light and outlook from the proposed rooflights, as well future occupiers having access to a number of other rooms within the dwellings which do benefit from suitable natural light and outlook, on this basis the proposals are considered to be acceptable.
- 10.61 All units proposed are to have a garden and outdoor amenity space; however, it is accepted that these spaces are not all commensurate to the scale of the respective dwellings. Kirklees Local Plan does not include garden size standards. Policy seeks a balanced appreciation of the amenity standard future occupiers would have. While it is acknowledged that the gardens would be comparatively small to the dwellings, given the restricted nature of this site due to the constraints within it and adjacent to it, and that the majority of the dwellings are sizable and would provide a high level of amenity Officers on balance, consider the proposals to be acceptable. Furthermore, the site will be served by public open space that will be accessible to all, as well as being located within a rural environment and adjacent to a Public Right of Way Finally, it is acknowledged that any future residents will be aware of a dwellings outdoor space prior to purchase, and it is therefore their choice. Considering these factors, while the smaller garden sizes are noted it is not deemed to result in a materially harmful standard of amenity for future residents.
- 10.62 In terms of pollution arising from noise and dust, the Council's Environmental Health Officers were consulted on the proposals and have recommended that a be imposed, should planning permission be granted, which requires the submission and approval of a Construction (Environmental) Management Plan (C(E)MP). The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. ENVH officers have also recommended an informative regarding hours of noisy construction work.
- 10.63 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted Housebuilders Design Guide SPD.

Highways

- 10.64 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.
- 10.65 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant

impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 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.

- 10.66 Principle 12 of the Housebuilders Design Guide 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 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.
- 10.67 In terms of accessibility, as the site is allocated for housing in the Local Plan the principle of its suitability for residential development and the relative accessibility of the site was assessed as part of this process and was found to be acceptable.
- 10.68 A single point of access is proposed onto The Village. This access will provide a new T-junction at the northern boundary of the site, adjacent to the existing farm access which is proposed to be closed as part of the proposals.
- 10.69 The existing dwelling that is currently served from the existing farm access onto The Village is proposed to be incorporated into the new-build area and will continue to be accessed from The Village via the new site access. The 2 no. existing dwellings that are currently served by private accesses to the east of the site onto The Village remain unaffected by the proposals.
- 10.70 The Council's Highways Officers and Section 38 team were consulted on the proposals and whilst a number of their original concerns were overcome during amendments made throughout the lifetime of this planning application, Officers did still have concerns with regard to the junction radii at the site access, which was recommended to be 10m in width, not 6m as proposed within the submitted plans. This was to ensure that parking opposite the junction would not make refuse vehicle access/egress difficult in the future should planning permission be granted. However, the applicant's agent has confirmed that this road would not be adopted and therefore this request was not deemed to be necessary in this instance. Highways Officers have confirmed this to be acceptable.
- 10.71 In terms of parking provision, the Kirklees Highways Design Guide 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, with 3 bedroomed dwellings providing at least 2 spaces, and 1-2 bedroomed dwellings providing at least 1 space. In most circumstances one visitor space per 4 dwelling is considered appropriate.
- 10.72 In this instance it is considered that sufficient off-street parking has been provided for both new build and converted dwellings, as well as visitor parking within the site.

- 10.73 Several representations have been received in respect of the location of the new access, parking of construction vehicles, sight lines, increase in traffic onto The Village and the reinstatement of the unfinished access road off Farnley Road. Highway Officers have assessed the proposals and note that visibility splays of 2.4 x 43m is to be provided in both directions, this is considered to be acceptable and therefore no objections have been raised. In respect of the location of the access and increase in traffic, a Transport Statement and Stage 1 Road Safety Audit has been submitted whereby Officers agree with the conclusions and recommendations made. Furthermore, a condition is recommended in respect of the submission of a Construction Environmental Management Plan which will deal with such things as site and transport arrangements, site storage and wheel washing/good housekeeping. Finally, with regard to the unfinished access road off Farnley Road, this road falls outside the red line boundary and does not form part of this planning application. Should residents have concerns regarding this access road it is recommended that this is raised with the Council's Planning Enforcement team.
- 10.74 For the above reasons it is considered 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, Chapter 9 of the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide SPD.

PRoW

- 10.75 Public Right of Way (PROW) KIR/59/10 runs along the site's western boundary between the application site and St Lucius Church. The Council's PROW Officers were consulted on the proposals and raised no objections subject to the existing stone walls along the PROW being retained, with no increase in the wall height. They wish to see the path to remain as open and safe and possible, and to ensure that the character of the area would not be spoilt.
- 10.76 The PROW falls outside of the allocation / red-line boundary, and no works are proposed to it. However, it is noted that the proposed works will bring structures closer to the right of way in some locations and would change its setting for users walking up the PROW. Nonetheless, this is not considered materially harmful to the amenity of the path's users as no new structures would be unduly close and would not create a tunnelling effect or safety concerns on the PROW. A note advising the applicant to not interfere or block the PROW is recommended. In addition, a condition in respect of the proposed boundary treatments along the PROW shall be included should planning permission be granted. This is to ensure that the boundary treatment is sympathetic to its location and retains the open and safe aspect of the Public Right of Way.

Flood Risk and Drainage

- 10.77 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.
- 10.78 NPPF paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies within Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required.

- 10.79 As outlined within the submitted Bright Young Drainage Strategy Report the development site appears to currently drain surface water mostly via private drains into the public sewer network adjacent to the north and eastern sides of the site, with some areas draining to soakaways within the southern side.
- 10.80 The soakage tests results contained in the Drainage Strategy Report indicate good infiltration results in the eastern part of the site with poor results on the western side. The report indicates that the surface water from roof, access roads and hardstanding within the site is proposed to be drained to several soakaway pits spread mostly across the eastern part of the site where good infiltration rates were recorded by the soakage testing.
- 10.81 The application and submitted drainage report has been reviewed by the Lead Local Flood Authority (LLFA) who support the proposal to drain surface water to soakaways subject to confirmation of the suitability following further infiltration testing at the final locations during the detailed design stage, and submission of calculations determining the soakaway sizing where soakage through the base of the soakaways should be discounted to account for long term blinding with silts of the ground below the soakaway. If disposal of surface water to soakaways is found not to be feasible over parts of the site and drainage of these areas to proposed soakaways elsewhere within the development is proven to be impractical, discharge to sewer at an attenuated rate on the basis of 30% betterment of current discharge rates for areas proven to drain to the sewer network may be considered, subject to a minimum flow control diameter of 75mm.
- 10.82 LLFA request that plans be submitted at detailed design stage indicating the flood route during exceedance events and proposals for the temporary drainage of the site during construction activities prior to the commissioning of the permanent drainage. Conditions are recommended in regards to providing drainage details, overland flow routing, and a construction phase surface water risk and pollution prevention plan to be submitted prior to works commencing on site.
- 10.83 Furthermore, it is proposed at this stage that the surface water drainage will remain private and will not be offered for adoption by Yorkshire Water, it is therefore recommended that the maintenance and management of the surface water drainage system is secured via a Section 106 agreement. This is to ensure the long-term maintenance of the surface water drainage system is carried out.
- 10.84 Yorkshire Water were also consulted on the proposals and were in support of the scheme subject to conditions relating to separate systems of drainage for foul and surface water and that no piped discharge of surface water from the development should be undertaken prior to the completion of surface water drainage works.
- 10.85 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of LP24, LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Trees and Biodiversity

- 10.86 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.
- 10.87 Whilst the Council's Tree's Officer did have initial concerns with respect of the loss of T1 and T4 protected trees, and direct/indirect impact on protected trees located along the western boundary of the site belonging to the adjacent church. Since the original submission of this application amended plans have been received which have sought to retain protected trees T1 and T4. The application is supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Planting Scheme undertaken by JCA Limited, on behalf of the applicant.
- 10.88 The Council's Trees Officer does welcome the amendments made during the life of the application, whereby the originally suggested removal of T1 to the front of the site has now been overcome. This has been made possible by the retention of the immediate soils/wall adjacent to the boundary which will have restricted the tree's root growth to the east/into the site. Therefore, access as shown on the submitted plans could be provided without detrimentally impacting on the life of this protected tree.
- 10.89 In addition, T4 located to the rear of the site along the eastern boundary is now also to be retained. To do this the layout has been amended with the removal of 1 new build dwelling from the scheme, the design of dwellings along the western boundary have also been amended allowing for more space between the buildings and the adjacent church yard which houses several protected trees along this boundary.
- 10.90 However, it is noted that the submitted Arboricultural Impact Assessment is no longer suitable given the significant changes to the layout. It is therefore recommended that a condition be attached, should planning permission be granted, requiring the submission of a revised Arboricultural Method Statement prior to works commencing on site. The Council's Tree's Officer also requests the removal of permitted development rights for extensions and outbuilding for plots adjacent to the protected trees (plot nos. 10, 12, 13, 14 and 15) to afford the LPA some control over future changes to residential plots.
- 10.91 Taking the above assessment into account, subject to conditions, the proposals are considered to accord with LP24(i) and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.92 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.
- 10.93 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Through LP30, development proposals are expected to:
- (i) *result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory*

- measures secured through the establishment of a legally binding agreement;*
- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
 - (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
 - (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
 - (v) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone*

10.94 A Bat Emergence and Re-Entry Survey Report has been submitted alongside the application. The Council's Ecologist was consulted on the proposals and states that the submitted report details that although the site provides suitability for roosting bats, during the course of the surveys undertaken in 2022, no roosting bats were observed at the site and only a low level of foraging and commuting bats were observed. Officers therefore recommend that the recommendations laid out in the report be adhered to throughout the development of the site to ensure that bats are protected throughout, in particular the recommendations surrounding the lighting provisions. They raise no concerns in respect to the proposals subject to a condition for the installation of 11 bat boxes, which will ensure there is a biodiversity net gain at the site, in line with policy LP30 of the Kirklees Local Plan.

Land Contamination

10.95 The application is supported by a Phase 1 Geoenvironmental Investigation report. The report concludes that due to the agricultural use of the land a Phase II intrusive investigation is recommended. KC Environmental Health concur that the Phase II investigation is necessary and highlight that the Council's records indicate that the site is situated on potentially contaminated land (site ref: 64/16) due to an electricity substation on-site. The site is also classified as a major development and therefore ENVH recommend contaminated land conditions to ensure that the proposals is in accordance with LP53 of the Kirklees Local Plan.

Landscape/Open Space

10.96 Kirklees Local Plan Policy LP63 states that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area. New open space should be provided in accordance with the Council's local open space standards or national standards where relevant. This is supported by Chapter 8 of the National Planning Policy Framework.

10.97 Principle 7 of the Housebuilders Design Guide SPD relates to green infrastructure and open space. It notes that open space, particularly for recreation, should be located at the heart of the site and designed to help create identity.

10.98 An area of public open space for informal recreation and/or amenity is to be provided to the front of the site adjacent to Plot 15 and the existing sub-station.

- 10.99 Given the nature of the scheme the Council's Landscape officers were consulted.
- 10.100 Landscape officers also note that the greenspace on site is welcomed however, they wished further clarification as to whether there will be any access for use and will the space provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of their visual, physical and cognitive ability, mobility or age. The applicant's agent confirmed that the POS will be managed (by a management company appointed to maintain the communal areas) as amenity greenspace and will be accessible for all.
- 10.101 Landscape officers also sought clarification as to whether the gardens of plots to the south (within the Green Belt) would remain open as Green Belt or whether they would be filled with domestic paraphernalia associated with domestic rear gardens. Whilst a condition could be imposed restricting the construction of outbuildings, hardstanding or fencing, the use of children's play equipment, washing lines etc. could not be controlled and therefore there may be some form of visible domestic use to the rear of these dwellings.
- 10.102 It was also noted that new streets should be tree-lined and therefore the proposals for street tree planting could be improved, this could also help the development comply with other policies and guidance in relation to design, biodiversity, and health and well-being. Particularly given the setting of the listed church and PROW to the western boundary. Species of planting is important, especially given the proximity to the Green Belt. Preference is for native and proven beneficial to pollinators where possible for this location. A management plan for the landscaping scheme should be provided to ensure that the scheme successfully establishes. However, this could be dealt with via a condition.
- 10.103 With respect to planning obligations, the number and type of dwellings proposed within the site would trigger amenity greenspace in LP63 but would not be required for allotments/community growing, and therefore would result in a shortfall/POS requirement from development (rounded) at a sum of £31,289 and a contribution towards a Local area for Play. This sum takes into account the 285sqm of onsite POS discussed above. Landscape officers state that there are existing facilities in the vicinity within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, but not limited to those at Farnley Tyas. Consultation with the local community and local councillors will be undertaken when monies are received to meet the priorities for enhancement of typologies. Delegated approval would also be sought for the locations for the off-site lump sums, this would be post planning permission when Section 106 planning obligations are paid, and schemes can become live. This will include consultation with the local community and local councillors post planning permission when Section 106 planning obligations are paid, and the scheme can become live.

Planning Obligations

- 10.104 Paragraph 57 of the NPPF confirms that planning obligations must only be sought where they meet all of the following:
- (i) necessary to make the development acceptable in planning terms,
 - (ii) directly related to the development and
 - (iii) fairly and reasonably related in scale and kind to the development.

10.105 Based on the information provided to date, should planning permission be granted, the following planning obligations would need to be secured via a Section 106 agreement to mitigate the impacts of the proposed development:

- 1) Affordable Housing – Two affordable housing units (both to be intermediate/first homes) to be provided in perpetuity.
- 2) Public Open Space - £31,289 off-site contribution to enhance existing facilities within the vicinity, this will also include a 285sqm on site contribution to the front of the site adjacent to the existing substation.
- 3) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.106 The developer contributions outlined above are considered to be directly related to the scheme at hand as well as necessary to make the development acceptable and fair and reasonable in scale and kind to the development, as required by Paragraph 57 of the NPPF.

Other Matters

Crime Mitigation

10.107 The Designing Out Crime Officer has made a number of comments and recommendations, particularly with regards to boundary treatments, external lighting, trees and vegetation, CCTV, bin stores, intruder alarms, car parking, motorcycle and cycle storage, garages, windows, secure mail delivery, door sets, internal partition wall construction, public spaces and access gates to rear gardens. All of the comments made are advisory, with no objections raised with respect to the principle of development. It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan Policy LP24(e).

Air Quality

10.108 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment to be undertaken.

10.109 Notwithstanding the above, in accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, policies LP24(d) and LP51 of the Kirklees Local Plan and the West Yorkshire Low Emission Strategy Planning Guidance which seeks to mitigate against Air Quality harm. Given the scale and nature of the development Officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

10.110 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate Change

- 10.111 Set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.112 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.
- 10.113 The application site is located within the centre of Farnley Tyas within an existing established settlement, close to various local amenities and facilities such as The Golden Cock Public House, St Lucius C of E Church, Farnley Tyas Church of England First School, Farnley Tyas Bowling Club and Guest Dining (restaurant). Whilst not all of daily, economic, social and community needs of residents can be met within Farnley Tyas, at least some can or can be accessed within the area surrounding the application site. Furthermore, the site is allocated within the Local Plan for housing and therefore this site can be regarded as being sustainable.
- 10.114 Regarding climate change, a development at this site which is entirely reliant on residents travelling by private car and did not provide opportunities to encourage modes of sustainable travel is unlikely to be considered sustainable. It is therefore reasonable to propose that each new dwelling should provide 1 electric vehicle charging point within their designated parking areas. Furthermore, Officers do note that the site is within walking distance to several bus stops of which buses 911, 341, K82 and K85 provide sustainable transport to Meltham, Huddersfield Town Centre and Almondbury.
- 10.115 The applicant has submitted a Climate Change Statement. This statement outlines that whilst opportunities are limited due to the listed status of the conversions and the site's positioning within the Conservation Area, the new build homes will be constructed to a better rating than the minimum required standards under building regulations. The converted buildings external fabric will also be improved with insulation and air tightness works to provide a more sustainable and energy efficient building. Materials are also to be locally sourced where possible. Finally, the statement notes that the new build homes will benefit from storm water storage tanks in gardens for their domestic use. Taking the above into consideration, Officers consider it reasonable to include a condition should planning permission be granted, to ensure that only natural/local materials were used within the construction of the dwellings. Given the above the proposed development is considered to be in accordance with Local Plan Policies LP27 and LP28 of the Kirklees Local Plan, Chapter 14 of the NPPF and Principle 18 of the Housebuilders Design Guide SPD.

11.0 CONCLUSION

- 11.1 To conclude, the proposals have been subject to a series of negotiations between the applicant and Officers. Whilst the application site is partially allocated for residential development under housing allocation HS198, and therefore the principle of residential development at this site is considered acceptable, part of the site is designated as Green Belt and as discussed within the report would result in inappropriate development. However, Officers consider that on this occasion very special circumstances have been provided to outweigh the harm. For the reasons set out in this report, the proposals are considered acceptable on this sensitive site and would provide additional housing in a sustainable location whilst bringing public benefits associated by ensuring the vacant and dilapidated listed buildings within a conservation area are brought back into full use to ensure the longevity of the well-established historic farm group.
- 11.3 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.4 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.
- 12. CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development).**

- 1. TCPA Standard 3 Year Time Limit for Commencement;**
- 2. Development in Accordance with Approved Document List;**
- 3. Phase II Intrusive Site Investigation Report;**
- 4. Remediation Strategy;**
- 5. Implementation of Remediation Strategy;**
- 6. Verification Report;**
- 7. Submission of a Construction Environmental Management Plan;**
- 8. Noise Report;**
- 9. Electric Vehicle Charging Points;**
- 10. Detailed Design Scheme detailing Foul Surface Water and Land Drainage;**
- 11. Assessment of the Effects of 1 in 100 Year Storm Events;**
- 12. Temporary Surface Water Drainage;**
- 13. Site shall be developed with separate systems of drainage for foul and surface water on and off site;**
- 14. No piped discharge of surface water from the development should be undertaken prior to the completion of surface water drainage works;**
- 15. Arboricultural Method Statement;**
- 16. Drainage and Surfacing of car parking spaces;**
- 17. Installation of 11 bat boxes to provide a biodiversity net gain;**
- 18. Removal of Permitted Development Rights for extensions, outbuildings, alterations to the roof and boundary treatments;**
- 19. Restrict Access to the south of the site (off of Farnley Road);**

- 20. The existing farmhouse should be recorded prior to demolition to enable external detailing of the new 'replica' dwelling (plot 15);**
- 21. Details and design of the garage door for the new 'replica' dwelling (plot 15) shall be submitted for approval and should be in timber.**
- 22. The demolition of the farmhouse must not be allowed to proceed unless the larger development goes ahead.**
- 23. Reclaimed natural stone slate roofing in diminishing courses must be specified, with a sample submitted for approval – farmhouse (plot 15);**
- 24. Existing stone taken from the farmhouse shall be reclaimed and re-used where possible. Any replacement stone must match the existing in terms of stone type, tooling, coursing etc. with sample panels provided to show coursing and points, and ashlar stone samples submitted for approval. Tumbled and dyed stone will not be permitted.**
- 25. External material samples for all new build dwellings are to be submitted for approval, including roof slates and ashlar stonework, with sample panel of external walling including pointing and mortar colour. Pitched faced or tooled stone shall be specified rather than tumbled and dyed stone.**
- 26. Window and door details for all new builds shall be submitted for approval (scale 1:5 sections and 1:20 elevations)**
- 27. Landscaping details shall be provided to the Council prior to their use on site, these details should include surface treatments.**
- 28. Implementation of a programme archaeological and architectural recording, in accordance with a written scheme of investigation prior to works commencing on site.**
- 29. Further details of the proposed hard and soft landscaping throughout the site shall be provided prior to occupation of the dwellinghouses. Most specifically details shall be provided in respect of the car parking area to the north of the site.**
- 30. Obscurely glazed windows in the interests of residential amenity – Plot 4 first floor en-suite, Plot 12 first floor en-suite to rear, Plot 11 first floor en-suites and bathroom to the front.**
- 31. Remove permitted development rights for the conversions of garages to additional residential accommodation.**
- 32. Maintenance of all planted materials for five years;**
- 33. Details of boundary treatments shall be submitted to the LPA for approval prior to their installation – most specifically relating to the stone wall adjacent to the PROW and timber fencing;**
- 34. Details of temporary arrangements for the management of waste collection points to be submitted and approved by LPA;**
- 35. Phased approach to ensure that all Listed Buildings are repaired/converted before all of the new build dwellings are occupied.**

Informatives

- 1. PROW unobstructed at all times.**
- 2. Contamination report undertaken by a competent person.**
- 3. Noise assessment undertaken by a competent person.**
- 4. Electric Vehicle Charging Points.**
- 5. Restriction on hours of noisy construction related activities.**

Background Papers:

Application and history files.

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<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/93006>

Certificate of Ownership – Certificate B signed: Notice served on no. 63 The Village, Farnley Tyas, Huddersfield, HD4 6UQ and 5 The Bridge Chamber, Esplanade, Rochester, ME1 1QE.