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

**STRATEGIC PLANNING COMMITTEE**

**Date: 31-Aug-2023**

**Subject: Planning Application 2023/91267 Partial demolition of existing outbuilding and alterations to form office/gym/garage/trailer store/stables/tackroom/feed store and change of use of agricultural building for horse schooling arena Grange Farm, Slaithwaite Road, Meltham, Holmfirth, HD9 5PT**

**APPLICANT**

P Whiteman

**DATE VALID**

03-May-2023

**TARGET DATE**

28-Jun-2023

**EXTENSION EXPIRY DATE**

14-Jul-2023

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

[Public speaking at committee link](#)

**Location Plan**



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

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: No**

**Public or private: Public**

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**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.

**1.0 INTRODUCTION:**

1.1 This application is brought before Strategic Committee for determination under the terms of the Delegation Agreement because it is a non-residential development in which the area of the site exceeds 0.5ha (5,000sqm).

**2.0 SITE AND SURROUNDINGS:**

2.1 Grange Farm, also known as Meltham Grange Farm, comprises a detached two-storey farmhouse with several ancillary outbuildings and associated land. The site lies on the south-eastern side of the unadopted, hardcore-surfaced Deer Hill End Road which provides a means of access to the adopted highway some 200m away.

2.2 Attached to the stone-built farmhouse at right-angles is a former barn which is of similar height (to the eaves), but which lacks a roof and both gable ends have partially collapsed. This extends 16m from the south-eastern elevation of the farmhouse. As a continuation of this, another building is attached, described as "store."

2.3 Adjacent to the outbuilding to the south-west is a large agricultural building measuring approximately 500 square metres. The building, which was used as a cattle shed, has a substantial steel frame with elevations of block work and steel cladding. Two similar agricultural buildings are located approximately 60 metres to the west, with an open field to the rear.

2.4 A prefabricated domestic garage stands in front of the farmhouse, together with a small greenhouse.

2.5 The site is in a rural setting with no close neighbours. The land shows a general downward slope from west to east.

### **3.0 PROPOSAL:**

3.1 The proposal is for:

- Partial demolition of existing outbuilding and alterations to form office, gym, garage, trailer store, stables (for two horses), tackroom, feed store;
- Change of use of agricultural building for horse schooling arena.

3.2 The applicant has clarified that the arena is intended to be for domestic or private use only, not for operating a riding school.

3.3 The outbuilding would be reduced in height so as to become a single-storey structure, maximum height 3.5m to eaves (but variable owing to natural ground level), and would have a dual-pitch roof reaching to a height of 2.7m above eaves. It is proposed that the roof would be reclaimed stone slate, localised repairs in reclaimed stone, timber boarding above lintel level.

3.4 It is proposed to repair or replace the damaged cladding and roofing sheets on the agricultural building in order to both weatherproof the building and improve its visual appearance. The floor of the building currently slopes and will require levelling and resurfacing to provide an appropriate surface for horses.

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

4.1 None.

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

5.1 None.

### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

#### Kirklees Local Plan (2019):

6.2 The site is within land without designation within the Local Plan proposals map.

#### **Kirklees Local Plan:**

- **LP 1:** Presumption in favour of sustainable development
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 56:** Facilities for outdoor sport, outdoor recreation and cemeteries
- **LP 57:** The extension, alteration or replacement of existing buildings
- **LP 60:** The reuse and conversion of buildings.

## Supplementary Planning Guidance / Documents:

6.3 The following Supplementary Planning Documents are deemed relevant:

- Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

## National Planning Guidance:

6.4 National Planning Policy Framework

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Planning for climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the historic environment.

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

7.1 Publicity period expired 09-Jun-2023. Publicity was undertaken by site notice and press advertisement since the proposed would affect the setting of Public Right of Way).

7.2 Comments by Meltham Town Council - The Town Council are of an opinion that this is an unsustainable development on green belt land, with a restricted covenant imposed on future development.

7.3 No representations made by other third parties.

7.4 Ward Councillor comments – none.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** Peak Park Authority were consulted but did not respond.

8.2 **Non-statutory:**

KC Ecology – were consulted but did not respond.

## **9.0 MAIN ISSUES**

- Principle of development
- Appropriateness within the Green Belt
- Design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such the proposal will be assessed having regard to NPPF chapter 13 paragraph 148 which advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated.
- 10.2 The erection of new buildings is generally inappropriate unless they are for a limited range of uses, such as agriculture and forestry. The extension or alteration of a building may however be appropriate in principle (NPPF paragraph 149) provided that it avoids giving rise to “disproportionate additions” over and above the original building. In addition, paragraph 150 permits the reuse of buildings provided they are of “permanent and substantial construction”.
- 10.3 Turning to the Local Plan, Policy LP56 states that facilities for outdoor sport should ensure that the scale of the facility is no more than “reasonably required” for the use of the land to which it is associated, unobtrusively located and designed (taking into account the impact of parking and access).
- 10.4 Under Policy LP57, any proposal for the extension and/or alteration of a building must ensure that the original building remains the dominant element in terms of scale and appearance, that it does not have a greater impact on openness in terms of treatment of outdoor areas, and that the design and materials must not materially detract from its Green Belt setting.
- 10.5 Policy LP60 sets out the criteria for assessing the reuse and conversion of buildings. Such proposals will normally be accepted where the building is of “permanent and substantial construction” (which echoes the advice in the NPPF Chapter 13), does not introduce incongruous domestic or urban characteristics and uses high-quality materials and design appropriate to their settings.
- 10.6 The other LP policies listed above, dealing with design, environmental issues and highway safety, will also be given due consideration. The House Extensions and Alterations SPD, in so far as it relates to outbuildings, is also a material consideration.

### Green Belt issues

- 10.7 The proposal now under consideration would include alteration to two buildings and a material change of use to one of them (the barn). Part (a) of Policy LP57 relates to extensions. It is considered that the degree of new build and rebuild would not be sufficient for the development to be classed as the erection of a new building. It is also questionable whether this could be described as an “extension” since the proposal involves no enlargement outside the existing footprint of the outbuilding and would not result in any net increase in height (compared to how the building stood when it was complete and functional). It is however considered on balance that the proposal would support the aims of

LP57(a) in that the original building would remain the dominant element both in size and overall appearance, and (c) in that the design and materials would be appropriate in its Green Belt setting.

- 10.8 According to the applicant's statement, the outbuilding has been used for purposes incidental to the enjoyment of the dwelling house for many years (possibly as far back as the 1980s, but certainly for at least the last 12 years). It is therefore possible that a material change of use to a domestic outbuilding has already occurred and has become immune from enforcement action owing to the length of time it has been carried on (more than 10 years). It is considered that on the balance of probability, the proposal does not involve a material change of use of the outbuilding, but only of the barn. The barn is considered to be permanent and substantial, in the sense that it can be reused without significant rebuilding, and the proposal would not introduce incongruous domestic or urban characteristics. It is therefore judged to be compatible with the aims of LP60.
- 10.9 No new build is required to form the stables, but only repair, alteration and repurposing of an existing building. These, plus the tack room and feed store are deemed to be modest in scale considering the amount of land associated with the site and therefore should be classed as "reasonably required". The proposal is therefore considered to be compliant with LP56.
- 10.10 The conversion of the agricultural barn to form an arena would not usually be classed as "outdoor recreation" (see LP56 above) since it is an indoor use, but again, since it would only involve repair works to an existing building and no extension, it is therefore considered appropriate in the Green Belt under Policy LP60.
- 10.11 In conclusion, it is considered that all works comprising the proposed scheme would be appropriate in principle in the Green Belt under the restrictions set out in Chapter 13 of the NPPF and would be compatible with the aims of the relevant Kirklees Local Plan policies concerning the Green Belt.

#### Design and landscape issues

- 10.12 Part 5.6 of the House Extensions and Alterations SPD states that outbuildings should normally be subservient in scale and footprint to the original building and garden taking into account other extensions and existing outbuildings, and preserve, as a general principle, 50% of original garden space.
- 10.13 In this instance the outbuilding is large compared to the existing house, but it is not a recent addition, and since the proposal does not involve a net increase in the footprint or height of the building, it is deemed to be compatible with the SPD.
- 10.14 The scale, detailed design and materials are considered appropriate for their setting and will result in an enhancement to the visual amenity of the site by repairing an unsightly dilapidated building.
- 10.15 As such it is considered to accord with the aims of Policy LP24(a) and (c) and NPPF Chapter 12. It is considered that no conditions on materials are necessary.

### Residential Amenity

- 10.16 There are no other dwellings nearby that are in a position to be affected by the development, which is therefore considered to accord with the aims of LP24(b) and (c) and Key Design Principles 3-6 of the SPD.

### Highway issues

- 10.17 The development would use an existing access and it is considered unlikely that it would result in a material intensification to the site. There is no shortage of space to park vehicles within the site. It is therefore considered to accord with the aims of LP21 and 22 of the Local Plan.
- 10.18 It is considered that the development would not have any adverse impact upon the visual setting of the Public Right of Way or the safety of its users. Given the scale of the development and the fact that the track has good visibility and is wide enough along most of its length for two vehicles to pass each other, safety of PROW users during construction is not a significant concern and a condition requiring details on this issue would not be proportionate in the circumstances.
- 10.19 For the avoidance of doubt and to ensure that the development does not contribute to highway safety problems as a result of increased vehicular traffic, it is however recommended that a condition be imposed to limit the use of the arena to private non-commercial use only.

### Representations

- 10.20 The comments made by Meltham Town Council are noted, with officer responses:
- The Town Council are of an opinion that this is an unsustainable development on green belt land, with a restricted covenant imposed on future development.
- 10.21 **Response:** The site is not ideally located from the point of view of sustainable transport. Existing and future occupants would be heavily dependent on the use of one or more private cars. Since the proposal is not for a new dwelling but for the provision of facilities to be used by an existing one, it would be unreasonable to refuse it on the grounds of inaccessibility.
- 10.22 The proposals have been assessed as meeting current Green Belt policy, as set out in detail in part (2) of the Assessment. The removal of permitted development rights as a condition of granting planning permission should only be imposed where it can be clearly justified, such as where further extensions or outbuildings erected under permitted development rights would, in conjunction with those granted permission by the local planning authority, result in cumulative harm to the openness of the Green Belt. This is not considered to apply here because the proposals do not result in a net increase in built volume.

## Other Matters

### 10.23 *Ecology*

The site is not in the bat alert layer or wildlife habitat network. It is within the Twite buffer zone. Whilst a bat survey is sometimes justified for works to former agricultural buildings even if they are not within the bat alert layer, it is considered that neither the dilapidated outbuilding nor the barn contain features that are likely to host a bat roost, so such a measure would be disproportionate in this instance. A survey report has been submitted by a qualified ecologist which concludes that neither of the buildings are likely to support roosting or nesting Barn Owls.

10.24 It is considered the development would have no negative impact upon the habitat value of the site or the surrounding area. The applicant, in the supporting statement, has proposed the installation of owl nest boxes on land surrounding the application site but it states that the buildings themselves are not suitable for this purpose. It is considered that the scale and nature of the proposal does not provide opportunities for ecological enhancement within the site, and that whilst the above enhancement proposal is welcomed, it would not be appropriate to make it a condition of granting planning permission. It therefore accords with the aims of Policy LP30 of the Local Plan and KDP 12 of the SPD.

### *Climate Change:*

10.25 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. Since February 2023, the submission of a Climate Change Statement has been mandatory for new applications. In determining this application, the Council will use the relevant Local Plan policies including LP24(d).

10.26 The applicant's Climate Change Statement sets out, in brief, the following measures to reduce the causes and effects of climate change:

- Natural ventilation;
- Efficient energy controls;
- Insulation to a high standard;
- Make use of reclaimed materials where possible;
- Installation of air source heat pump;
- Rainwater retention system.

10.27 The site is not easily accessible by means of transport other than the private car, but as the proposal involves the alteration and reuse of existing buildings, it is considered all aspects of the development are compatible with the carbon reduction aims set out above, and in NPPF Chapter 14, and that no specific conditions are necessary.



## **11.0 CONCLUSION**

11.1 It is considered that the proposed development would be compliant with the aims of Green Belt policy in that it would be an appropriate form of development that would protect the openness of the Green Belt whilst avoiding giving rise to disproportionate additions and allowing the original building to remain the dominant element. It is considered that all aspects of the design would respect the character of the existing building and its surroundings and conserve visual amenity, and that it would adversely affect highway safety, or the safety of the Public Right of Way or its setting.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

- 1. Standard 3-year timeframe for commencement of development**
- 2. Development to be completed in accordance with the submitted plans and specifications**
- 3. External facing and roofing materials to match existing**
- 4. To be used for private non-commercial purposes only.**

### **Background Papers:**

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership D – Press notice served under Article 14.