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**Report of the Head of Strategic Investment****HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 12-Jul-2018****Subject: Planning Application 2018/90189 Erection of single storey extension to B&B to create holiday cottage 13, Top O' Th' Bank, Thurstonland, Huddersfield, HD4 6XZ****APPLICANT**

A &amp; J Thackaray

**DATE VALID**

07-Feb-2018

**TARGET DATE**

04-Apr-2018

**EXTENSION EXPIRY DATE**

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**

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

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## Electoral Wards Affected: Kirkburton

No

Ward Members consulted  
(referred to in report)

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### RECOMMENDATION:

**1. The application site is located within the designated Green Belt whereby the construction of a single storey extension to create an independent, self-contained holiday cottage is regarded as inappropriate development which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The very special circumstances submitted by the applicant do not outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form. Consequently, the very special circumstances that are required to grant planning permission in the Green Belt do not exist, and the proposals would conflict with the aims of Chapter 9 of the National Planning Policy Framework.**

### 1.0 INTRODUCTION:

- 1.1 This application is reported to the Heavy Woollen Planning Sub-Committee following a request by Councillor Bill Armer:

*“Despite the site being amidst the Green Belt, I am sympathetic towards this application. The harm done to the Green Belt is, in my opinion, minimal and offset by the benefit to the local tourist economy in Thurstonland and surrounding villages. Mr Thackray advises me that should the application be allowed he will be employing local people in the business. The NPPF and Kirklees Council policies draw attention to the need to support rural economies”*

- 1.2 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that Councillor Armer’s reason for making this request is having regard to the Councillors’ Protocol for Planning Sub Committees.

### 2.0 SITE AND SURROUNDINGS:

- 2.1 The site at no. 13 Top O’ Th’ Bank, Thurstonland is a two storey building constructed from natural stone for the external walls, natural stone slates for the roof and timber stained openings. The site has a large area of amenity space as garden space and an area of hardstanding to the front of the site. There is a public right of way (PROW) running through the car parking area. The building is used as a bed and breakfast following the extension and conversion of the building (approved in 2006).

- 2.2 The site is allocated as Green Belt on the Kirklees Unitary Development Plan proposals map and allocated as Green Belt on the Kirklees Publication Draft Local Plan.

### **3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of a single storey extension to an existing B&B to create an additional, independent holiday cottage which will accommodate two bedrooms.
- 3.2 The extension to form an additional B&B residential unit will project 9.6 metres from the existing building, it will be 16 metres in length, 6.2 metre in width and it will be 3.8 metres in overall height (2.2 metres to the eaves).
- 3.3 The extension to form an additional B&B residential unit would be constructed from materials to match the existing which is natural stone for the external walls, imitation natural stone slates for the roof and timber stained openings for the openings.
- 3.4 The extension would include two bedrooms, a dining/kitchen area and a WC.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2006/92754 – Conversion and extension of dwelling to form bed and breakfast accommodation APPROVED (no.13)

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The case officer has been in negotiations with the agent relating to the principle of development. The agent has submitted a statement with their 'very special circumstances'. Officers have reviewed this information and informed the agent that it is not considered to be adequate justification for the development in the Green Belt.

### **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the Nation Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not carry from those within the UDP, do not attract significant unresolved objections and are consistent with the Nation Planning Policy Frameworks (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

**BE1** - Design principles  
**BE2** – Quality of design  
**T10** – Highway Safety  
**T19** – Parking Provision  
**EP4** – Noise sensitive development  
**B5** – Extension of business premises  
**R13** – Public Right of Way

6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

**PLP1** – Achieving sustainable development  
**PLP2** – Place Shaping  
**PLP3** – Location of new development  
**PLP10** – Supporting the rural economy  
**PLP21** – Highway Safety and Access  
**PLP22** - Parking  
**PLP24** – Design

6.4 National Planning Policy Framework (NPPF):

**Chapter 3** – Supporting a prosperous rural economy  
**Chapter 7** – Requiring good design  
**Chapter 8** – Promoting healthy communities  
**Chapter 9** – Protecting the Green Belt

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Two representations have been received. The issues raised are summarised as follows:

- Measures should be taken to address road safety especially on blind corners at nos. 9 and 10.
- Volume of traffic and pedestrians has increased significantly over the last few years.
- Would like to see 5/10mph signs erecting to slow traffic down.
- A very robust traffic crash barrier should be erected as walls and property been damaged on numerous occasions.
- Public footpath not mentioned in the application – therefore not able to consider to what extent the path is affected.
- Can the applicant provide drawings showing location of PROW.
- Consult Council's footpaths officer – believe PROW is already illegally obstructed in the vicinity of this building.

7.2 Ward Councillor Bill Armer has requested that the application be referred to committee for determination for the reasons set out in paragraph 1.1 of the report above.

7.3 Kirkburton Parish Council – Confirmed that they have 'no comment'.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**K.C Highways Development Management** – no objection.

### 8.2 Non-statutory:

**K.C Public Right of Way** – No objection subject to the inclusion of a footnote to be attached to the decision notice should permission be granted.

**K.C Business and Economy** – “The business team recognises the investment proposed in growing this business and would broadly support the application on the resulting beneficial impact on the local supply chain as indicated in May 2018 Justification Statement. Prior to taking a view from a tourism perspective, we would need to better understand the evidence / substantiation of sector growth and demand as indicated in the Justification Statement”.

## 9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 Chapter 9 of the NPPF states that the Government consider that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essence of characteristics of the Green Belt being their openness and permanence.
- 10.2 The NPPF states that the construction of new buildings is inappropriate development in the Green Belt unless they fall within an exception set out in either paragraph 89 or 90 of the NPPF. The provision of a holiday cottage, which needs to be considered as an independent residential unit, does not fall within any of the purposes listed within the above paragraphs and therefore represents inappropriate development in principle. In such circumstances the NPPF clarifies that ‘substantial weight should be given to any harm to the Green Belt’.

### *Impact on the openness and harm to the Green Belt*

- 10.3 Openness is an essential characteristic of the Green Belt and could be defined as the absence of buildings or other forms of development. The proposal of a single storey extension, to form an independent additional holiday cottage on land that is currently undeveloped would be harmful to the Green Belt’s permanence and openness, creating a new dwelling within the Green Belt. The erection of the building would also be contrary to one of the 5 purposes of the Green Belt which is to protect the countryside from encroachment as the holiday cottage would extend the built form of the B&B building into a currently open grassed area and provide an additional residential property.

- 10.4 It is acknowledged, in terms of visual amenity and considering the development against Policies BE1 and BE2 of the UDP, that there would be no harm to the wider street scene, that the built form would not harm the character of the area (given its varied nature) and the materials, design and scale of the holiday cottage are acceptable. However, this is given very limited weight when assessed against the harm to the Green Belt by reason of inappropriateness.
- 10.5 Where development is considered to be inappropriate in the Green Belt, planning permission should not be granted except in “very special circumstances”. The NPPF clarifies that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

*Very special circumstances*

- 10.6 The applicant has provided a planning statement highlighting the very special circumstances that they believe mitigate the impact of a new building on open land to clearly outweigh harm to the Green Belt. Their very special circumstances are as follows:-
1. Tourism in Holmfirth and surrounding Holme Valley has grown year on year since mid-2000s.
  2. Around this area, several examples of planning permissions granted for the purposes of tourism and accommodation within the Green Belt. These examples are listed within the applicant’s justification statement.
  3. Gain to local tourism, the local economy and also provide further employment opportunities together with the increase in supply for services by local trade’s people.
  4. Employment at the site will increase by one extra full time member of staff (likely to be 2 part time members of staff). During the peak season, an extra member of staff would also be required. This will create further employment opportunities within a rural setting – something that planning policy greatly encourages.
  5. Support to the local economy would start immediately, with development work starting immediately to build the planning extension. Local tradesman would be employed to do works to the extension which would be a large injection of capital into the local economy (for example, joiners, plumbers etc).
  6. There will be a direct contribution from Ackroyd House to the local economy and then an indirect contribution from guests staying at Ackroyd House (lists can be seen in the supplementary statement). There is a wealth of visitor attractions within the area and further afield. The contribution of the extension to create a holiday cottage is considered to promote and develop a strong rural economy, providing much needed economic growth in the locality of the Holme Valley.

7. In respect of tourism, this is a significant economic contributor to the Holme Valley and Kirklees economy. Tourism in Kirklees is estimated £300 million supporting 8000 jobs annually, Holmfirth is one of the top destinations for tourists to visit.
8. The extension is well designed and is an attractive building which is in keeping with the local area.
- 10.7 The proposal is considered to, by the agent, meet the requirements of national planning policies. The factors discussed above are considered to increase the rural economy and further substantiate the very special circumstances that would outweigh the harm to the Green Belt. The applicant has also provided photographs, maps and letters from people who remember the original building.
- 10.8 Whilst the applicant states that the above very special circumstances clearly outweigh the harm on the openness of the Green Belt and that the proposal does not conflict with the 5 purposes for including land within it, in the opinion of officers that this is not the case. The below paragraph is a response to each of the applicant's very special circumstances.

*The LPA's response to very special circumstances*

- 10.9 The Council's Business and Economy/Regeneration team support the proposal on the basis that it will increase the number of jobs at the site to one additional full time post. This follows the guidance in Chapter 3 of the NPPF regarding economic growth in rural areas. Policy B5 of the UDP is also supportive of extensions to businesses subject to a number of criteria. However, whilst the holiday cottage would provide new full time employment for occupiers of the dwelling (the equivalent of one new full time job) this is not considered to be a significant expansion of a rural business that would increase prosperity of the local area to such an extent that it would clearly outweigh established Green Belt policy.
- 10.10 Although the building is of an acceptable design and palette of materials and is not visible from most vantage points, this does not clearly outweigh the harm by reason of inappropriateness, harm to openness of the Green Belt or the encroachment of development into the currently undeveloped land.
- 10.11 In this case, the very special circumstances do not provide significant benefit that would be considered to clearly outweigh the harm to the Green Belt and the proposal does not accord with Chapter 9 of the NPPF.
- 10.12 A full assessment in respect of the impact on residential amenity (including noise), highways safety, and loss of a residential unit, is set out below.

Summary

- 10.13 In all, officers consider that the proposal is not acceptable from a Green Belt perspective, failing to comply with the aims of Chapter 9 of the NPPF.

**Residential Amenity:**

- 10.14 The impact on residential amenity is acceptable. The impact on each of the surrounding residential properties will be assessed below.

- 10.15 To the north, east and south of the site is open land, with no residential dwellings in close proximity to the proposed extension/holiday cottage.
- 10.16 Attached to the dwelling to the west is no. 12 Top O' Th' Bank. Given the location of the extension to form the new holiday cottage and the fact that this dwelling is within the applicant's blue line boundary, there would be no harmful loss of amenity for the future occupiers of the holiday cottage or the existing occupiers of no. 12.
- 10.17 Public Right of Way (HOL/37/20) is in close proximity to the proposed extension to the east. Although the PROW is not marked (it runs through the bed and breakfast car park), it is acknowledged that there are no openings in the elevation closest to this PROW (see comments in paragraph 10.24 below).
- 10.18 There are openings in the southern elevation facing PROW (HOL/37/30) which serve habitable rooms. However, given that there is a reasonable distance between the PROW and the proposed holiday cottage and the fact that the PROW is established, the proposal is not considered to result in any significant adverse impact upon users of it (or on occupiers of the holiday cottage).

**Summary:**

- 10.19 To conclude, there would be no undue harm to residential amenity and the occupiers of surrounding properties would not be detrimentally affected as a result of the proposal, thus complying with Policy BE1 of the UDP, Policy PLP24 of the PDLP and the aims of the NPPF.

**Highway issues:**

- 10.20 Top O' Th' Bank is a single track access with passing places along its length and serves approximately 20 dwellings at present.
- 10.21 Due to the nature of the proposal, there will be an intensification of the site but this is not considered to be significant given that a B&B is already operating from the site. The access to the site is adequate to serve the additional B&B unit and will remain as existing.
- 10.22 Furthermore, there is adequate parking at the site to accommodate guest parking for both the existing B & B along with the proposed additional B & B unit.
- 10.23 The proposal will not lead to highway safety issues and complies with Policies T10 and T19 of the UDP and Policies PLP21 and PLP22 of the PDLP.

**Other matters**

- 10.24 Public Right of Way (HOL/37/20) – Following an amended plan showing the public right of way in relation to the proposed extension, there is no longer an objection from the K.C Public Right of Way Officer. The proposal is not considered to encroach onto this PROW.



- 10.25 If the application was to be approved by members, a footnote would be included to advise the applicant that all future occupiers of the holiday cottage would be considered to be accepting the existence of the pre-existing public right of way and its users.
- 10.26 In all, the proposal is not considered to result in any significant undue impact upon users of the PROW and complies with the aims of Policy R13 of the UDP and Chapter 8 of the NPPF.

**Representations:**

- 10.27 Two representations have been received. The concerns raised are summarised below and addressed by officers as follows:

- Measures should be taken to address road safety especially on blind corners at nos. 9 and 10.  
**Officer comment:** The intensification of traffic as a result of this development is not considered to be significant enough to require safety measures to be put in place as mitigation for the development.
- Volume of traffic and pedestrians has increased significantly over the last few years.  
**Officer comment:** It is noted by Highways DM that the additional accommodation forming a further B&B will lead to an intensification of traffic at the site, however this will not cause undue highway safety issues. The access to the site is adequate and there is sufficient on-site parking.
- Would like to see 5/10mph signs erecting to slow traffic down.  
**Officer comment:** The intensification of traffic as a result of this development is not considered to be significant enough to require safety measures to be put in place as mitigation for the development.
- A very robust traffic crash barrier should be erected as walls and property been damaged on numerous occasions.  
**Officer comment:** The intensification of traffic as a result of this development is not considered to be significant enough to require safety measures to be put in place as mitigation for the development.

- 10.28 Ward Councillor Armer's comments on the planning application are set out in full below and responded to by officers in paragraph 10.29:

*"Mr Thackray, of 13 Top O' Th' Bank, Thurstonland has contacted me about an application to extend his property. The only relevant application I can find on the website is 2018/90189, although the consultation period supposedly ended in March. I have read a submission made recently by L' Arche Developments on behalf of Mr Thackray, and I have spoken with the applicant onsite. Despite the site being amidst the Green Belt, I am sympathetic towards this application. The harm done to the Green Belt is, in my opinion, minimal and offset by the benefit to the local tourist economy in Thurstonland and surrounding villages. Mr Thackray advises me that should the application be allowed he will be employing local people in the business. The NPPF and Kirklees Council policies draw attention to the need to support rural economies. L' Arche Developments note that the proposal is a relatively small extension which would not dominate the site or the original building (as restored), and which would be carefully*

*constructed to blend with the existing building. On that basis, I can support it. Having visited the site, I note that the proposed extension is largely shielded from the wider view by virtue of being situated beyond and below the brow of the nearby hill when viewed from the direction of Holmfirth High School and more generally by screening from mature trees, and that it is not visible from neighbouring properties. The only PROW which I noticed is actually on a level well below (c.3 metres) that of the proposed extension, which would thus not be visible from the footpath.*

*On balance, I am supportive of the application because of the economic benefits which it would bring to the area. I believe these benefits are sufficient to offset harm to the setting.*

*Should you be minded to refuse the application, I request that it be referred to HWP on the grounds outlined above, and particularly that: both NPPF and Kirklees policies speak of the need to promote the rural economy”.*

10.29 Officers’ have reviewed Councillor Armer’s comments, and in this instance, although it is acknowledged that the design itself and its positioning is not harmful, the erection of an extension to create a new holiday cottage unit is considered to be inappropriate in the Green Belt.

10.30 The applicant has argued in their very special circumstances statement that the benefits to the rural economy will outweigh the harm to its openness. Officers’ response to this is set out in the above report.

## **11.0 CONCLUSION**

11.1 To conclude, the proposals have been carefully considered, particularly in regard to the economic benefits set out by the applicant as part of their ‘very special circumstances’. However, in this instance, the proposal is to create an independent additional residential unit within the designated Green Belt which constitutes inappropriate development. The ‘very special circumstances’ put forward by the applicant are not sufficient, in the view of officers, to outweigh the harm to the Green Belt by reason of inappropriateness.

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.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which set out that development should be restricted. Recommendation is therefore to refuse the application.

## **Background Papers:**

Link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90189>

Certificate of Ownership – Certificate A signed and dated 16/01/2018.