
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2019/90030 Demolition of stables and erection of detached games room Hogley Farm, Hogley Lane, Holmfirth, HD9 2QA

APPLICANT

A & R Hogley

DATE VALID

08-Jan-2019

TARGET DATE

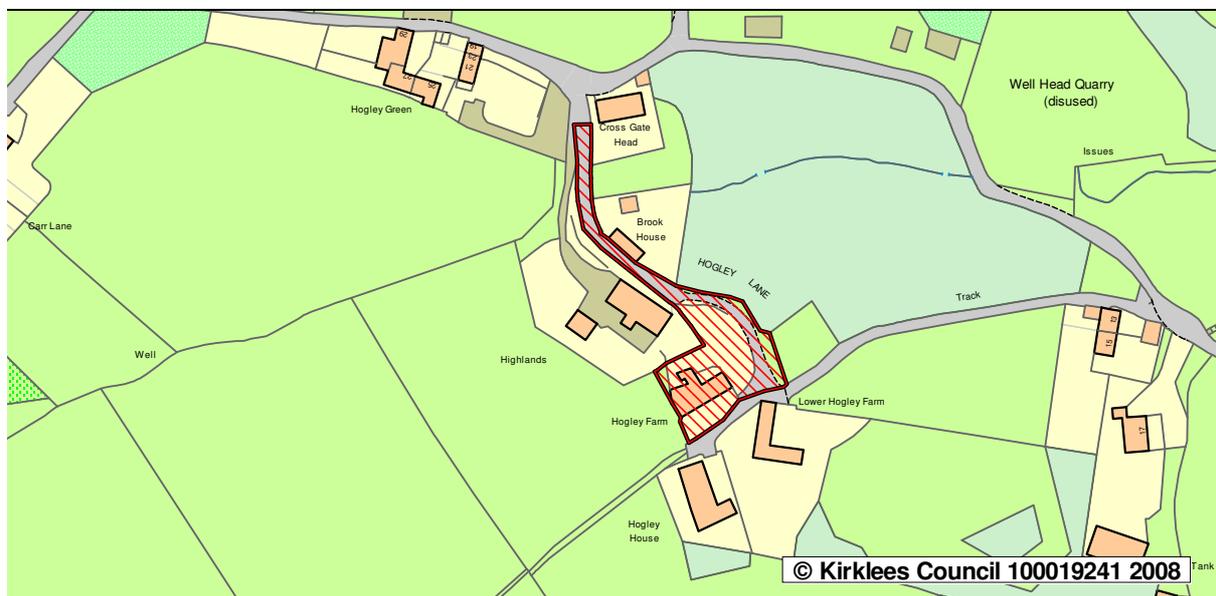
05-Mar-2019

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application seeks the demolition of a stable and the erection of a detached games room adjacent to the host dwellinghouse.
- 1.2 The application is brought to Huddersfield Planning Sub-Committee at the request of local ward Councillor Nigel Patrick. Cllr Patrick's reason for the requesting a committee determination is as follows;

'Although the amended plan is an improvement to what was originally proposed, the principle of development is not acceptable, in that the proposal does not meet the requirements set out in the NPPF for the construction of new buildings in the Green Belt.'

- 1.3 The Chair of Sub-Committee confirmed that Cllr Patrick's reason for making this request is valid, having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site hosts a detached timber stable. The stable is single storey with a side facing gabled roof and a canopy projecting to the front. The stable sits on a concrete pad which extends to the front of the building. The land adjacent to the stable has a drystone wall to the side and front with a retaining wall to the rear.
- 2.2 The stable fronts onto Hogley Lane, an un-adopted road serving the surrounding dwellings and which hosts PROW HOL/80/60. To the rear of the site/stable, on a higher ground level, is the curtilage and dwelling of Highlands. To the south, adjacent to the site, is Hogley Farm which is the dwelling associated with the stable.

2.3 The surrounding area is Green Belt, being rural in character and having open fields and woodland surrounding the site.

3.0 PROPOSAL

3.1 The existing stable is to be demolished. A replacement building is to be erected. It is to be used as a games room in association with Hogley Farm.

3.2 The new building is to be single storey and have a rectangular footprint, measuring 5.5m x 9.7m (including external area covered by canopy). The internal floor area is to be 38sqm. The roof is to be an asymmetrical double pitch, with eaves height of 2.15m and ridge of 2.9m. There is to be a canopy forming a covered area to the front.

3.3 The structure is to be faced in timber cladding above a stone plinth. The roof is to be sedum covered. Openings are to the front and south side elevation, with Rooflights on the rear pitch of the roof. The openings, and the overall architectural design, replicates that of a converted stable.

3.4 External works include part of the existing drystone wall along the site's frontage being demolished and repositioned.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

75/1095 – Change of use of two agricultural buildings to two dwellings – Approved

80/7415 – Outline application for conversion of barn to residential – Granted

82/1730: Conversion of barn to dwelling and erection of detached garage – Approved

4.2 Surrounding Area

Highlands

2017/94051: Works to TPO(s) 05/83 – Granted

5.0 HISTORY OF NEGOTIATIONS

5.1 The proposal now under consideration represents a significant amendment to the original proposal. The initial proposal sought a much larger building, with a greater footprint and height, to be faced in stone and having a less fitting architectural appearance. Officers expressed concerns over the proposal's impact on the Green Belt and visual amenity.

5.2 The amended scheme reduced the scale of the building, proposed the use of timber and sedum roofing while changing the architectural appearance to be more in keeping with the area's character and rural environment.

- 5.3 Officers were supportive of the changes made. However Cllr Patrick maintained his objection and requested a committee determination. In response to the application being referred to committee, the applicant has provided the following statement;

We are seeking permission to change our existing stables building into a games room to provide our three primary school children with an environment in which they can enjoy playing table tennis and pool. We wish to create a space large enough to play these games alongside the provision of a toilet. It is intended for private use only and builds on the overall footprint of the stables, making use of 'dead space' at the back of the current structure and seeking to enhance the appearance of the building. Following discussions with the Kirklees planners, we have revised our original stone design, which had been chosen to complement Hogley Farm itself, to more closely follow the original appearance of the stables by using wood and a sedum roof.

We moved into Hogley Farm in 2011 and prior to our purchase of the property, a number of neighbouring fields were sold by the previous owners. This reduced our pasture area to one field which does not border our property. We do not own horses but understand from local horse owners that the stables is no longer appropriate for regular use given the lack of associated pasture to support the two horses it could accommodate. Since moving in, we have used the stables building as a store for our family's garden equipment, bicycles and other tools. The stables had already been in place for some time and already had electricity providing lighting and a water tap. We have maintained the fabric of the building but the roof is now falling into disrepair and needs to be replaced.

We believe that the proposed design is appropriate for its rural setting and will not be harmful to the openness of the Green Belt or be detrimental to the visual amenity of the area. Since our purchase of Hogley Farm, we have renovated the house and worked hard to create an attractive garden and open space which complements the beautiful setting. Hogley Farm is our 'forever home' and we seek your permission to change the disused stables into a more suitable building to meet our family's requirements into the future.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

- 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).

6.2 The site is within the Green Belt on the PLP Policies Map.

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees
- **PLP59** – Infilling and redevelopment of brownfield sites

National Planning Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice, press advertisement and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement.

7.2 Following the re-advertisement of the application on receipt of the amended plans, the public representation period was extended and then expired on the 29th of March, 2019. Eight public representations have been received during the course of the application. The following is a summary of the comments made;

Public representations

- The structure is not within the curtilage of the host building (and therefore cannot be considered an extension), not to be in the same use class nor permeant in construction. Therefore, its replacement is not supported by the NPPF or Local Plan policies relating to the Green Belt. There are no very special circumstances to enable the development.
- Specific to not being permanent, the stable is timber constructed with a corrugated roof on a concrete base. It is not airtight and has no visible utilities.
- The replacement building would be more substantial and permanent in nature, being more substantially constructed and air/water tight.
- Concerns that the proposed building could be converted in the future, such as to a dwelling or another use. The conversion of existing buildings, or as a separate dwelling, would harm openness, residential and visual amenity but not be in breach of Green Belt policy.

- The proposed building is significantly larger in footprint and height than the one it is replacing. It would be out of character with the area and harmful to the Green Belt.
- The replacement building is not agricultural in appearance and fails to harmonise visually with its setting. This includes the use of solar panels.
- The replacement building would interfere with sightlines and cause highway safety issues. The road is a PROW and used by many pedestrians.
- The new building would reduce parking for the host dwelling and street parking for delivery/service vehicles.
- Concerns over construction traffic and how they'd be managed.
- Concerns over the PROW during construction.
- The scale of the games room appears excessive and it is questioned if it could be considered to be ancillary to the main dwelling. Reference is made to the store/plant room.

Holme Valley Parish Council

- 'R Hogley left the meeting having declared a Personal Interest. No comment as the applicant is a Member of the Holme Valley Parish Council Planning Committee'.

Ward Member Interest

- 7.3 Local Ward Councillor Nigel Patrick expressed concerns over the initial proposal and its impact on the Green Belt and residents. These concerns were shared by officers, leading to the negotiations an amended proposal. The amended plans were shared with Councillor Patrick, who provided the following comment;

'Although the amended plan is an improvement to what was originally proposed, the principle of development is not acceptable, in that the proposal does not meet the requirements set out in the NPP for the construction of new buildings in the Green Belt.'

8.0 CONSULTATION RESPONSES

8.1 Statutory

There are no statutory consultees for this application.

8.2 Non-statutory

K.C. Ecology: No objection, with no conditions sought.

K.C. Trees: No objection, with no conditions sought.

9.0 MAIN ISSUES

- Principle of development
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 11 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal.
- 10.2 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land Allocation (Green Belt)

- 10.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF or the corresponding policies within the Kirklees Local Plan.
- 10.4 Paragraph 145(g) includes;

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;

- 10.5 This provision is supported and expanded upon by PLP59 (as modified), which states;

Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded, and*
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for*

Whether the proposal is inappropriate development in the Green Belt

- 10.6 The tests of Paragraph 145(g) and PLP59 require the site to be 'brownfield land'. The NPPF defines brownfield land as 'Land which is or was occupied by a permanent structure'.

- 10.7 Case law establishes three tests for whether something forms a 'permanent structure'; these are size, permanence and physical attachment. On size, the stable would have required assembly on site and at 46sqm is not negligible in scale. Turning to permanence, the stable has been in place for in excess of 15 years and would require disassembling to remove. With regard to physical attachment, the stable is attached to the ground on a concrete pad, with drainage and an electricity supply. Officers are therefore satisfied that the stable is a permanent structure, having required operational development to erect, and the site can be considered brownfield land.
- 10.8 The next test is the impact on openness. The proposed building is the same height and width of the existing building. Regarding footprint, while there is an increase this is considered not to be material in the context of the proposal. The footprint is to increase from 46sqm to 53sqm, which is considered a minimal increase that does not go against the purpose of PLP57(b) in the overall planning balance. Furthermore, the additional footprint is to the rear of the structure, in land between the existing structure and a retaining wall; therefore, it has little to no visual impact in relation to openness.
- 10.9 Turning to design, the proposed building has an architectural appearance which mimics a traditional stable, or building converted from a stable. It is to be faced in timber cladding, as per the existing building, atop a low stone plinth (the existing building is erected on a brick plinth). A sedum roof will provide a natural aspect of the design and be similar to the existing moss-covered roof. Compared to the existing building, the visual appearance of the building is not considered harmful to either openness or permanence, suitably harmonising with the established agricultural character of Hogley Lane.
- 10.10 Considering PLP57(c), the site is not of high environmental value (considered in further detail in paragraphs 10.25 – 10.26).
- 10.11 Summarising on the above assessment, officers consider the application site to be brownfield land and the redevelopment as proposed would not cause harm to the openness of the Green Belt. Therefore, the proposed development is considered to comply with the exceptions of Paragraph 145(g) of the NPPF and PLP59.

Whether there would be any other harm to the Green Belt, including Urban Design

- 10.12 Paragraph 134 of the NPPF established five purposes of the Green Belt. These are;
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

- 10.13 First considering a, b, c and e, this site has been determined to be brownfield land that does not have a greater impact on openness. Accordingly, there is considered to be no conflict with these purposes as there would be encroachment into undeveloped greenfield land or continuation of development not already present. Regarding d, while Hogley Farm does have a historic character, it does not form a 'historic town'. Nonetheless, as addressed above the proposal is not considered to harm the local character.
- 10.14 The design of the building has been addressed above in relation to its impact on the character of the Green Belt. General design advice is provided within PLP24 and Chapter 12 of the NPPF. Officers are satisfied that, from a general design perspective, the proposal represents good design. The proposed development, in isolation, is considered visually attractive and well designed. In terms of the wider area, it harmonises with the established character and would not appear as an incongruous addition. Therefore, the proposal is deemed to comply with PLP24 and Chapter 12 of the NPPF.

Conclusion

- 10.15 The proposed development has been assessed against policy PLP59 and Paragraph 145 of the NPPF and found to be development acceptable in principle within the Green Belt. Furthermore, it would not cause harm to the established character of the Green Belt. As such, the principle of development within the Green Belt is found to be acceptable. Consideration must be given to the local impact, outlined below.

Residential Amenity

- 10.16 The 3rd party neighbour adjacent to the site (west) is Highlands. Highlands sits on a higher land level than the application site and does not have primary habitable rooms directly facing the site, although they do have an oblique angle.
- 10.17 The proposed building will not be higher than the existing structure. It will project closer to Highland's curtilage, however this is a modest 0.6m increase with a gap of 1.1m remaining between the building's rear and the shared boundary. Given the existing arrangement and layout, including the level differences between the sites; with Highlands' ground level being approx. 2m higher than the stable's, officers are satisfied that the proposal would not cause harmful overbearing or overshadowing.
- 10.18 Overlooking will not occur from the windows on the front and side elevations. Roof-lights are proposed which would face towards Highlands' garden. In the interest of privacy for occupiers of Highlands and the proposed building, it is proposed to condition that these roof-lights be obscure glazed.
- 10.19 Regarding the use of the building as a games room and its proximity to Highlands, residential uses (C3) adjacent to one another do not raise concerns over conflicting uses or noise pollution. Should an excessive or unreasonable level of noise pollution be caused, which is atypical for a C3 use, it should be brought to the attention of K.C. Pollution and Noise. Furthermore, as a stable, the existing building has the potential to harm the amenity of closely spaced neighbouring dwellings through noise and odour pollution.

- 10.20 Subject to this condition, officers are satisfied that the proposed development would not cause material harm to the amenity of neighbouring residents, in accordance with PLP24 of the KLP and Chapter 12 of the NPPF.

Highway issues

- 10.21 The proposed development, which includes alterations to the boundary walls, would not interfere with driver sightlines. In terms of traffic generation, the development of a domestic games room, in association with Hogley Farm, is not anticipated to materially increase demand for parking at the dwellinghouse.
- 10.22 PROW HOL/80/60 runs along Hogley Lane. The proposed development would not interfere or harm the PROW or its users. An informative note is proposed relating to ensuring the PROW is not blocked or interfered with before, during or after development.
- 10.23 The proposed development is not considered harmful to the local Highway network, including the PROW, in accordance with PLP21 of the Kirklees Local Plan.

Other Matters

Impact on local ecology

- 10.24 The site is adjacent to woodland which forms a habitat network and is within a bat alert layer. However given that the structure is single storey, has a thin roof and is in a poor state of repair, K.C. Ecology are satisfied there is limited bat roost potential and further survey work is not required; the proposal is not considered harmful to local ecology, in accordance with PLP30 and Chapter 15 of the NPPF.
- 10.25 PLP30 and Chapter 15 of the NPPF seek for development to enhance local ecology. However given the nature of the proposal, such opportunities are considered limited and would not be reasonable to control by condition. The proposed use of a sedum roof would in itself provide foraging opportunities for wildlife.

Impact on adjacent trees

- 10.26 Following the approval of 2017/94051 protected trees along the boundary with Highlands (within Highland's curtilage) have been removed. There are protected trees to the north of the site, within the woodland. However these are well spaced from the development, with Hogley Lane between. Therefore, officers and K.C. Trees are satisfied there would be no detrimental impact upon the adjacent protected trees, in compliance with PLP33.

Representations

Public representations

- The structure is not within the curtilage of the host building (and therefore cannot be considered an extension), not to be in the same use class nor permeant in construction. Therefore, its replacement is not supported by the NPPF or Local Plan policies relating to the Green Belt. There are no very special circumstances to enable the development.
- Specific to not being permeant, the stable is timber constructed with a corrugated roof on a concrete base. It is not airtight and has no visible utilities.
- The replacement building would be more substantial and permanent in nature, being more substantially constructed and air/water tight.

Response: Officers acknowledge that the building is not within Hogley Farm's curtilage and that the proposal would not be in the same use. However, officers do consider the existing building to be permanent in nature, and therefore the site represents brownfield land and would not have a greater impact on openness, for the reasons detailed within paragraphs 10.6 – 10.11.

- Concerns that the proposed building could be converted in the future, such as to a dwelling or another use. The conversion of existing buildings, or as a separate dwelling, would harm openness, residential and visual amenity but not be in breach of Green Belt policy.

Response: The current application would approve a use as a games room / room associated with Hogley Farm. Should a material change of use take place (which would include use as a separate dwelling), a separate planning permission would be required. Officers cannot pre-judge such an application at this time.

To ensure compliance with this, if minded to approve, officers proposed a condition stipulating that the use be incidental to the enjoyment to the host building, Hogley Farm.

- The proposed building is significantly larger in footprint and height than the one it is replacing. It would be out of character with the area and harmful to the Green Belt.
- The replacement building is not agricultural in appearance and fails to harmonise visually with its setting. This includes the use of solar panels.

Response: These comments were received to the original proposal. The amended proposal is considered to have a suitable agricultural / stable aesthetic which reflects and harmonises with the historic origins and setting of the area.

- The replacement building would interfere with sightlines and cause highway safety issues. The road is a PROW and used by many pedestrians.
- The new building would reduce parking for the host dwelling and street parking for delivery/service vehicles.

Response: These comments were received to the original proposal. Officers are satisfied that the amended plan would not interfere with existing sightlines, limit access for vehicles or increase demand for parking on site or within the wider area.

- Concerns over construction traffic and how they'd be managed.
- Concerns over the PROW during construction.

Response: The proposed development is small in scale, with the host dwelling having a reasonably sized car parking area immediately adjacent to the site, in addition to the surfaced area to the front of the stable. Officers are therefore satisfied that appropriate parking / delivery during construction can take place.

The PROW is protected by the relevant legislation from being blocked, including temporarily during construction. A note informing the applicant of this is to be imposed, if minded to approve.

- The scale of the games room appears excessive and it is questioned if it could be considered to be ancillary to the main dwelling. Reference is made to the store/plant room.

Response: These comments related to the original proposal. Following amendment, the store / plant room has been removed and the overall scale reduced.

Holme Valley Parish Council

- 'R Hogley left the meeting having declared a Personal Interest. No comment as the applicant is a Member of the Holme Valley Parish Council Planning Committee'.

Response: This is noted.

Ward Member Interest (Councillor Patrick)

- 'Although the amended plan is an improvement to what was originally proposed, the principle of development is not acceptable, in that the proposal does not meet the requirements set out in the NPPF for the construction of new buildings in the Green Belt.'

Response: Officers note these comments. Nonetheless, for the reasons given in paragraphs 10.1 – 10.15, and address elsewhere in responses to the public representations, officers do consider the development to be appropriate within the Green Belt

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 Considering the principle of development, while within the Green Belt the proposal is considered to represent an appropriate redevelopment of an existing brownfield site which would not cause greater harm to openness. Therefore the principle of development has been found acceptable.
- 11.3 Turning to the local impact, the building is considered well designed to harmonise with its rural environment. Furthermore it would not detrimentally harm the amenity of neighboring residents, local highway safety or the natural environment.
- 11.4 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 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 Strategic Investment)

1. Time limit
2. In accordance with plans
3. Roof-lights to be obscure glazed
4. Use incidental to Hogley Farm

Note: PROW advisory

Background Papers

Application and history

Files available at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90030>

Certificate of Ownership

Certificate A signed.