

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/94211/W

Site Address: Lower Wickens Farm, Wickins Lane, Holmfirth, HD9 3RB

Description: Erection of extensions and alterations to existing dwelling and agricultural buildings to form new dwelling (Listed Building)

Recommending Officer: Adam Walker

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Feb-2018

Officer Report

Site Description

Lower Wickens Farm, Wickins Lane, Holmfirth.

Lower Wickens Farm is a grade II listed building. The building is two storeys in height and backs onto Wickins Lane. The property is a farmhouse with an attached barn. There are two single storey outbuildings to the rear of the property.

Description of Proposal

Erection of extensions and alterations to existing dwelling and agricultural buildings to form new dwelling.

The barn attached to the dwelling is to be converted into residential accommodation over two floors and the layout of the existing dwelling reconfigured to form a larger dwellinghouse.

The outbuildings are to be converted and extended to form a garage and tractor store with additional storage areas and retain the existing WC.

The extensions comprise:

- Single storey utility extension to the gable end of the barn
- Single storey entrance extension to the eastern elevation of the dwelling (to replace an existing porch)
- Single storey garage/tractor store extension to the northern elevation of the main outbuilding
- Pitched roof added to the main outbuilding (replacing shallow mono pitch roof)
- Single storey link extension between the two existing outbuildings

The alterations comprise:

- Insertion of rooflights
- New window openings and reinstatement of historic openings to the eastern and western elevations

In addition, the existing access is to be moved slightly further to the north west and the curtilage of the property is to be extended into the adjoining field to the north.

History of negotiations/amendments received

- Size of the garage/tractor store extension reduced in size
- Extent of curtilage expansion reduced

- Utility extension relocated from eastern elevation to the gable end of the barn
- Design of entrance extension modified so as not to impede first floor windows
- First floor window to gable end of the barn removed

Relevant Planning History

2017/94210 – LBC for erection of extensions and alterations to existing dwelling and agricultural buildings to form new dwelling – Undetermined (Linked Listed Building Consent application)

98/92170 Change of use of barn to dwelling – Approved

2003/93465 Renewal of previous application 98/92170 for Change of use of barn to dwelling – Approved

Representations

No public representations received

Holme Valley Parish Council – “Support the application, subject to Listed Building Officer being satisfied, materials in keeping and adequate sight lines to road”.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Conservation & Design – No objections to the scheme as amended

KC Highways – No objections

KC Ecology – No objections subject to conditions

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council’s Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th 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 National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (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.

The site is within Green Belt on the UDP Proposals Map and Green Belt on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 – Design principles
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
D11 - Extensions in the Green Belt
T10 – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

PLP21 – Highway access and safety
PLP24 – Design
PLP30 – Biodiversity and Geodiversity
PLP35 – Historic Environment
PLP57 – Extensions within the Green Belt
PLP58 – Garden extensions within the Green Belt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

NPPF Chapter 7 – Requiring good design
NPPF Chapter 9 - Protecting Green Belt land
NPPF Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
NPPF Chapter 11 - Conserving and enhancing the natural environment
NPPF Chapter 12 - Conserving and enhancing the historic environment

Assessment

General principle:

The main issues with the application are the impact of the development on the openness and visual amenity of the Green Belt and as the application relates to a Grade II listed building the impact on the significance of this designated heritage asset. An assessment of these and other relevant planning matters is provided below.

Green Belt considerations:

The site lies within a designated Green Belt on the UDP Proposals Map.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy D11 of the UDP relates to extensions to buildings within the Green Belt and states that:

Proposals for the extension of buildings within the green belt will be considered having regard to:

- i the impact on the openness and character of the green belt;
- ii the size of the extension in relation to the existing building which should remain the dominant element;

and, in the case of traditional buildings,

- iii the effect on the character of the existing building.

in the case of proposals to extend buildings which have already been extended the proposal should have regard to the scale and character of the original part of the building.

Policy PLP 57 of the emerging Local Plan relates to the extension, alteration or replacement of existing buildings within the Green Belt. It states:

Proposals for the extension, alteration or replacement of buildings in the green belt will normally be acceptable provided that:

- a. in the case of extensions the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the

scale and character of the original part of the building;

- a. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
- b. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
- c. the design and materials used should be sensitive to the character of the green belt setting.

The proposals involve the extension of the domestic curtilage for the property into an adjacent field to the north. This represents a material change of use of land; the NPPF does not specifically identify the change of use of land within any of the exceptions set out at paragraphs 89 and 90 and therefore change of use is deemed to constitute inappropriate development. Inappropriate development should not be approved unless very special circumstances exist that outweigh the harm to the Green Belt by reason of inappropriateness.

Policy PLP58 of the emerging Local Plan relates to garden extensions in the Green Belt. It states:

Proposals to change the use of land in the green belt to a 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
- a. the means of enclosure is appropriate to its setting and is of a high quality of materials and design.

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 into their green belt setting.

With regard to the two single storey extensions to the existing dwelling and barn, these are both small in scale. The proposed 'entrance' extension will replace an existing (smaller) porch extension and this aspect of the scheme is located in a very unobtrusive location to the eastern elevation. The utility

extension does not project significantly beyond the existing gable end of the barn and is set back from the roadside. Both extensions are proportionate to the host building.

The size of the garage tractor store has been reduced in size and is now considered to be proportionate to the existing outbuilding. The garage/tractor store falls within the adjacent field and the amendment also means that the extent of this incursion is much more limited. The visual impact of this encroachment is mitigated by the fact that the existing curtilage of the property already juts out into the field immediately in front of the proposed extension.

The proposed pitched roof to the main outbuilding would not significantly increase the overall height of the building and is considered acceptable. It is acknowledged that supporting information shows that the outbuilding historically formed some two storey cottages although this was a quite some time ago and therefore I have not given any significant weight to this.

The link extension between the two existing outbuildings is very small. It is to be noted that the outbuildings are already very closely associated with each other and also include a short connecting section of walling. As such the link extension does not significantly alter the existing situation in terms of the amalgamation of the two buildings.

It is proposed to extend the curtilage of the property into the adjacent field to the north (the extent of this encroachment has been reduced following negotiations with the Agent). The extension of the curtilage means that the access is pushed slightly further to the north and allows vehicles to enter straight into a courtyard area and access the proposed garage/tractor store.

The amount of encroachment is modest in my opinion and would deliver two specific benefits. Firstly, the enlargement of the curtilage enables the utility extension to be sited to the gable end of the barn instead of to the eastern elevation which was an amendment requested by the conservation officer; this results in a much more sympathetic addition to the listed building. Secondly, the proposal results in a better access arrangement with improved visibility as a result of the splayed access along with a bin presentation point.

On balance I am of the opinion that the benefit to the listed building and highway safety amount to very special circumstances which would outweigh the harm to the Green Belt caused by this very limited encroachment. Furthermore, I consider the visual intrusion of this encroachment to be limited because when viewed from the west the works would be seen in the context of an area of trees and shrubs that are enclosed by timber fencing and form part of the applicant's property. This area lies just to the east and juts out into the existing field. The trees also screen the works from the east. Views from the north and south would not be significantly affected. As the whole of the site is listed/curtilage listed it is not considered necessary to withdraw permitted development rights as the listed nature of the site limits additions which could be permitted.

In summary I am satisfied that the openness and visual amenity of the Green Belt would be preserved.

Heritage issues:

Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness”.

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” (NPPF paragraph 132). The setting of a designated heritage asset is an important aspect of its significance. Preserving the special architectural and historic interest of a listed building is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and considerable importance and weight is to be attached to this.

PLP35 of the emerging Local Plan relates to the historic environment.

Following consultation with Conservation and Design and negotiations with the Agent the scheme has been amended. The utility extension was originally proposed to the eastern elevation which is the principal elevation of the building and there were concerns that its positioning was contrived and would undermine the barn’s character and appearance. The utility has been relocated to the gable end which is considered to be more in keeping with the character of the building.

The design of the entrance extension has been amended so that it does not impede on the first floor mullioned windows above.

The size of the garage/tractor store extension has been reduced quite significantly and the scale of this extension is now considered to be more proportionate and the overall size of the outbuildings remain subservient to the main property.

A first floor window in the gable end of the barn has been removed because there were concerns it would undermine its character.

Proposed materials are local reclaimed sandstone to match the existing and natural stone slate to match the existing.

The scheme as amended is now acceptable to Conservation and Design and on this basis it is considered that the application accords with chapter 12 of the NPPF and PLP35 of the emerging Local Plan.

Highways:

The proposals improve the existing access arrangements by introducing a splayed entrance that improves visibility onto Wickins Lane. A dedicated bin collection point is also provided when one does not currently exist.

Highways Development Management were consulted on the original scheme and raised no objections. The amended scheme is similar in terms of the proposed alterations to the access arrangements.

The development would not prejudice highway safety and would accord with policy T10 of the UDP and PLP21 of the emerging Local Plan.

Residential amenity:

The property forms an isolated dwelling within the Green Belt with no near neighbours and the nature of the proposals are such the application does not give rise to any residential amenity issues.

Ecology:

An ecology report has been submitted with the application. The submitted report indicates that the buildings to be affected by the proposals have high potential for roosting bats, and in accordance with current national guidance recommends three additional nocturnal survey visits.

The report also indicates the potential of the works to impact nesting birds.

The Ecology Unit raises no objection subject to conditions requiring further survey work for bats and restrictions on when demolition takes place. Subject to these conditions the application accords with chapter 11 of the NPPF.

Representations:

No public representations have been received. Holme Valley Parish Council support the application subject to the application being acceptable from a conservation and highway safety point of view.

Other matters:

There are no other planning matters that materially affect the assessment of the application.

Conclusion

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 is therefore recommended for approval.

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number: 17/94211

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, D11 and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP24, PLP35, PLP57 and PLP58 of the emerging Local Plan and guidance in the National Planning Policy Framework.

3. The extensions hereby approved shall be faced in regular coursed natural stone and natural stone slate. The materials shall in all respects match those found on the existing buildings and shall thereafter be retained as such.

Reason: In the interests of visual amenity and to preserve the significance of the designated heritage asset and to accord with Policies BE1 and D11 of the Kirklees Unitary Development Plan, Policies PLP24, PLP35 and PLP57 of the emerging Local Plan and guidance in the National Planning Policy Framework.

4. The new boundary wall to the north of the site shall be constructed of natural stone and shall re-use the existing drystone walling material to the northern boundary. Any new stone shall in all respects match the existing boundary wall. The approved boundary wall shall thereafter be retained as such.

Reason: In the interests of the visual amenity of the Green Belt and to preserve the significance of the designated heritage asset and to accord with Policy BE1 of the Kirklees Unitary Development Plan, Policies PLP24, PLP35 and PLP58 of the emerging Local Plan and guidance in the National Planning Policy Framework.

5. Prior to the development being brought into use the new vehicle access and parking/turning area shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order (with or without modification)) these areas shall be so retained, free of obstructions and available for access, parking and turning at all times.

Reason: To ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk and to accord with Kirklees Unitary Development Plan Policy T10, Policy PLP21 of the emerging Local Plan and guidance in the National Planning Policy Framework.

6. No works to or demolition of existing buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before the buildings/structures that may be used by breeding birds are demolished. Where demolition takes place between 1st March and 31st August written confirmation that no birds will be harmed by the demolition and/or that there are appropriate measures in place to protect nesting bird interest on site shall be submitted to and approved in writing by the Local Planning Authority before such demolition works take place.

Reason: In order to mitigate the impact of the development on biodiversity and to accord with Policy PLP 30 of the emerging Local Plan and Chapter 11 of the National Planning Policy Framework.

7. No development shall take place (including any internal or external works associated with the development) until further ecological surveys following national good practice guidelines and sufficient to investigate a building of 'high' suitability for bats (minimum three survey visits), has been submitted to and approved in writing by the Local Planning Authority.

Reason: To determine the presence or likely absence of roosting bats within the structures to be affected in order to mitigate the impact of the development on biodiversity and to accord Policy PLP 30 of the emerging Local Plan and Chapter 11 of the National Planning Policy Framework.

8. Where the survey work carried out pursuant to condition 7 confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
- The works shall be carried out strictly in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to mitigate the impact of the development on biodiversity and to accord with Policy PLP 30 of the emerging Local Plan and Chapter 11 of the National Planning Policy Framework.

9. Where the survey work carried out pursuant to condition 7 confirms the presence of a bat roost(s), no development shall take place unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
- b) written confirmation of Site Registration under the Low Impact Bat Class Licence;
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In order to mitigate the impact of the development on biodiversity and to accord with chapter 11 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	3183 (TP) 02	Original submission	11/12/17
Topographical Survey	3183 (TP) 01	-	11/12/17
Existing Ground Floor Plan	3183 (0-) 01	-	11/12/17
Existing First Floor Plan	3183 (0-) 04	-	11/12/17
Existing Elevations – House & Barn	3183 (0-) 05	-	11/12/17
Existing Elevations – Outbuildings	3183 (0-) 06	-	11/12/17
Proposed Ground floor plan/Site plan	3183 (0-) 09	Rev B	2/2/18
Proposed First Floor Plan	3183 (0-) 11	Rev A	2/2/18
Proposed Elevations – House & Barn	3183 (0-) 12	Rev A	2/2/18
Proposed Elevations – Outbuildings	3183 (0-) 13	Rev A	2/2/18
Bat Survey Report	7th Dec 2017 MEC/BAT/2017/116/1	-	11/12/17
Planning Supporting	Project 3183	-	11/12/17

Plan Type	Reference	Version	Date Received
Statement & Heritage Statement	Nov 2017		

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments secured to make the development acceptable in terms of the impact of the extensions on the listed building and to mitigate the impact on the Green Belt.

Report Dated: 22/2/18