

**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: 2018/62/90188/E

Site Address: Dry Hill Farm, Dry Hill Lane, Denby Dale,
Huddersfield, HD8 8YN

Description: Change of use and alterations to existing agricultural
barn to form dwelling

Recommending Officer: Sarah Longbottom

DECISION – CONDITIONAL FULL 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.

Julia Steadman

AUTHORISED OFFICER

Date: 10-Jul-2018

Officer Report

Site Description

The site consists of modern agricultural buildings in varying degrees of condition, located on the northern side of Dry Hill Lane, Denby Dale. The application relates to a modern barn at the southern end of the site, closest to the road.

Description of Proposal

Permission is sought for the change of use and alterations to the existing agricultural barn to form a dwelling.

The barn is to be converted to a four bedroom dwelling, with associated external alterations.

Openings are to be inserted within three elevations incorporating sliding shutters. The existing fibre cement roof would be removed and replaced with a profiled metal roof, whilst new Yorkshire boarding timber cladding would replace that which exists at present.

Vehicular access would be taken off Dry Hill Lane to the west of the building, providing a parking and turning area. Areas of private amenity space would be provided to the east and south of the building.

Prior approval (Class Q) was granted in February 2017 for the change of use of the building to dwelling. This involved the change of use to a three bedroom dwelling utilising half the footprint of the existing building. The appearance of the development was similar to that currently proposed, with the exception of the roofing material.

History of negotiations/amendments received

None undertaken

Relevant Planning History

2018/90187 – Change of use, erection of extensions and alterations to existing agricultural barn to form dwelling – pending consideration

2016/93148 – Outline application for erection of 7 dwellings - refused

2016/93033 (**SAME BUILDING**) - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – approved

2016/91863 – Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – approved

2016/90950 – Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – withdrawn

2016/90866 - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – withdrawn

2015/93255 – Outline application for erection of 8 dwellings – withdrawn

2014/93557 - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – approved

2001/92858 – Erection of Dairy – approved

Representations

The application was publicised by site notice and neighbour notification letter. No representations have been received as a result of site publicity.

Denby Dale Parish Council: Object - *“The building is in an elevated position. In the interest of visual amenity and to protect the character of the Green Belt, the materials approved in the previously approved planning application should be adhered to”*

Consultation Responses

No specific consultations were undertaken however at the time of the previous Class Q Notification, the following responses were received:

KC Building Control: No objections - *“The building is a reinforced concrete frame with infill blockwork and fibre cement roof, appears serviceable and capable of re-use”*

KC Environmental Services: Suggests that applicant considers the impact of noise on the development and recommends conditions with respect to sustainable transport and contaminated land.

KC Highways DM: No objections

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 located within the Green Belt on the UDP Proposals Map and also on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **BE1** – General Design Principles
- **BE2** – Quality of Design
- **BE12** – Space about buildings
- **D11** – Extensions to buildings in the Green Belt
- **D12a** – Removal of permitted development rights
- **T10** – Highway Safety
- **G6** – Land Contamination

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 7** – Efficient and effective use of land and buildings
- **PLP 21** – Highway Safety and Access
- **PLP 22** - Parking
- **PLP 24** – Design
- **PLP 57** – The extension, alteration or replacement of existing buildings
- **PLP 60** – The re-use and conversion of buildings

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.

- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Conserving and enhancing the natural environment

Assessment

The application site is located within the allocated Green Belt on the UDP proposals map. Chapter 9 of the NPPF is therefore of relevance and relates to protecting Green Belt land.

Paragraph 87 of the NPPF sets out that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF, under paragraphs 89 and 90, does specify certain forms of development that can be considered as not inappropriate in the Green Belt, this includes “the re-use of buildings provided that the buildings are of permanent and substantial construction” (bullet point 4 of para.90), provided that they preserve the openness of the Green Belt and do not conflict with the purpose of including land in the Green Belt.

The building which is the subject of this application has previously received prior approval for change of use and operational development and at that time was deemed capable of re-use by KC Building Control. Whilst no structural survey has been submitted to accompany the current application, it is considered that there has been no change in circumstances with respect to the condition of the building since prior approval was granted in 2017 and as such, the building is still capable of re-use.

Impact on Visual Amenity and openness of the Green Belt

In addition to National policy set out in chapters 7 and 9 of the NPPF, Policies BE1 and BE2 of the UDP set out the design principles which new development should adhere to, to ensure that it is in keeping with the surrounding context. The design of buildings should respect any traditional character the area may have and attention should be paid to the choice of materials and elevational detail, including windows, doorways and roof style.

The building which is the subject of this application is located to the front of the wider site and whilst not directly adjacent to the road, would be visible from Dry Hill Lane to the south west.

From a visual amenity consideration, the building operations include installing new large window openings which will have timber shutters on them. The openings are random in their position which maintains the agricultural feel of the building and the timber shutters add a contemporary aspect to the rural nature of the area.

The materials proposed would be blockwork walls to match the existing building which will then be clad in timber panels. The existing building has a timber upper section therefore the introduction of timber as a main material would not be out of place in the locality with respect to the appearance of modern agricultural buildings, although not commonly found in large expanses on residential properties.

The curtilage of the proposed development includes an area of land to the east of the building, the access and turning facilities (to the south and west) and the access track. The vast majority of this 'curtilage' is either the access track or the parking facilities associated with the dwelling and are therefore not considered to be curtilage as set out within the regulations. Taking this into account, the curtilage would be no larger than the land area occupied by the part of the agricultural building to be converted. This is consistent with the extent of curtilage put forward at the time of the 2016 Prior Approval and is considered acceptable in principle.

It is noted that this appearance is similar to that accepted at the time of the Grant of Prior Approval. Given the comparison in design and layout between the current application and previous prior approval, it is considered that the principle of such a design has been previously established, and therefore the proposals are considered to be acceptable and in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP 60 of the PDLP and Chapter 9 of the NPPF. It is considered necessary to remove permitted development rights for extensions, additions and alterations to ensure that this arrangement is retained in order to protect the openness of the Green Belt.

Impact on Residential Amenity

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings

Habitable room windows would be located within the north east, south east and south west elevations of the building. As such, these would overlook either the adjacent agricultural land, Dry Hill Lane itself or the remainder of the farm complex. It is noted that Prior Approval has been granted for change of use of another agricultural building to dwelling to the east, and work has commenced on this, however an adequate separation distance would be retained between this and the application property. On this basis, there would be no adverse impact on the amenity of future occupiers of either development.

The National Planning Policy Framework (NPPF) states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

KC Environmental Services were consulted on the previous Prior Approval application and whilst not objecting to the proposal, advised that the applicant should take into account the noise impacts of the development. The application building is located on an existing, albeit mostly redundant farm complex with a large dairy further to the north east. Officers consider that in

this instance, the building which is the subject of the application is located an adequate distance away from the Dairy so as not result in a detrimental impact upon residential amenity, and it would not be reasonable to attach a 'pre-commencement' condition to any approval for a noise report to be undertaken and specify measures to be undertaken to protect the amenity of future occupiers.

For the reasons set out above, Officers consider that the proposals would have no significant detrimental impact upon the residential amenity of existing or future occupiers, and as such would accord with Policies BE1, BE2 and BE12 of the Kirklees UDP, Policy PLP 24 of the PDLP as well as chapter 11 of the NPPF.

Impact on Highway Safety

Access to the development is via an existing track located to the west of the main Dry Hill Farm complex. Whilst this does serve the wider site, it is not the main access into the development (this is more centrally positioned). The proposed access has good sight lines onto Dry Hill Lane and though it is not surfaced, it is typical of an agricultural track and has clearly been used as a vehicular access for some time.

As such, there are no concerns, in principle, with the proposed access as it would not result in any significant intensification of this access. The submitted details replicate those previously assessed and considered to be acceptable by KC Highways DM. There would also be sufficient parking for residents as well as turning facilities.

With this in mind, Officers consider that the proposal is acceptable with regard to any transport and highway impacts associated with the development, in accordance with Policy T10 of the UDP, in addition to Policies PLP 21 and PLP 22 of the PDLP.

Other Matters

Land Contamination

The NPPF states that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land instability including pollution arising from previous uses. Within their consultation response, KC Environmental Services have raised no concerns with specific regard to land contamination, they do however request the standard condition to be attached regarding the reporting of any unexpected contamination.

Subject to this condition, the application would comply with current planning policies relating to contamination.

Coal Mining Legacy

The site is located within a High Risk Area as defined by the Coal Authority and whilst the application is accompanied by a Coal Mining Risk Assessment, in this instance the Coal Authority does not object to the application as the alterations to the building will not require significant foundations or earthworks. As such, the imposition of a footnote on the Decision Notice is considered proportionate, should permission be granted.

Air Quality

KC Environmental Services have previously requested the imposition of a condition requiring the provision of an electric vehicle charging point. Whilst the context for this is acknowledged, this was not a requirement of the previous application ref: 2016/93033 or 2016/91863 relating to another building on the same site, and therefore it is considered that it would be unreasonable to impose such a condition on this approval.

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: 2018/90188

Conditions and Reasons

Officer Recommendation: Conditional Full Permission

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 and BE2 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance contained within the National Planning Policy Framework.

4. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance contained within the National Planning Policy Framework.

5. The development shall not be brought into use until all areas indicated to be used for parking, access and turning within the development from Dry Hill Lane (which shall include the areas to be used for the turning of service and emergency vehicles) on the submitted plans have been laid out with a hardened and drained surface 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 any successor guidance. 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) these areas shall be so retained, free of obstructions and available for access and turning as specified on the submitted plan thereafter.

Reason: In the interests of amenity and traffic safety and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policies PLP 21 and PLP 22 of the Kirklees Publication Draft Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A-E of Schedule 2 of Part 1 to that Order shall be carried out within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies BE1, BE2 and D12a of the Kirklees Unitary Development Plan, Policy PLP 57 of the Kirklees Publication Draft Local Plan and guidance contained within Chapter 9 of the National Planning Policy Framework.

NOTE All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00 hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE There are no details available relating to means of foul sewage disposal. The preferred option is that the development is connected to mains sewage. If this is not a viable option the second preferred option is sewage treatment package. The applicant is made aware that if a sewage treatment package is needed then a separate planning permission would be required.

NOTE This approval relates to the change of use and alterations to the building to form dwelling. It should not be inferred that this permission extends to include demolition works except for those indication on the approved plans, or extensive rebuilding. Should it become apparent that this would be the case, Planning Services should be contacted before carrying out any works.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan, existing floor plans and elevations	109/00-01	A	30.01.18
Proposed site plan, Floor Plans and Elevations	109/00-13	E	30.01.18

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. No amendments were sought as the proposals were acceptable in their submitted form.

Report Dated: 09.07.18