

**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: 2018/62/90588/W

Site Address: Agricultural Building, Off St Georges Road, Scholes,
Holmfirth

Description: Alterations to convert agricultural building to dwelling

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: 15-Oct-2018

Officer Report

Site Description

Agricultural building off St Georges Road, Scholes, Holmfirth.

The application relates to a large agricultural building which comprises of three distinct adjoining elements; these are two equipment stores and a cattle shed. The equipment stores each have a pitched roof and one projects forward of the other. The cattle shed forms a lean-to structure and lies to the south east of the equipment store buildings.

Planning permission was granted in 1995 for the erection of two agricultural livestock buildings on land which includes the application site. Historic aerial photographs show that the cattle shed and the central equipment store were in situ in 2000 and the outer equipment store was erected sometime during or after 2002.

The equipment stores have a 1.3m blockwork wall with timber cladding above and metal cladding to the roof; there are metal gates to the front gable ends. The cattle shed is largely open sided with a 1.3m block wall to its side elevation and metal gate to the rear gable end.

There is an area of curtilage land associated with the building to the rear which has been used for the storage of materials. Access to the building is via an unmade drive which slopes down from the access track. There is a field to the west which slopes up towards the access track. To the north, south and east are open fields.

Description of Proposal

Alterations to convert agricultural building to dwelling. The dwelling would be two storeys.

The alterations relate to a cattle shed and the adjoining equipment store building. The other equipment store building is to be demolished.

The rear wall of much of the cattle shed (east elevation) would be rebuilt in a slightly different position to the existing. A new gable wall would be formed to the southern elevation of the retained buildings and new walling would also be required to the north and west elevations. Supporting information indicates that the new walls would be constructed of dyed and tumbled stone.

A new roof would be provided over the dwelling, constructed of light weight roof cladding and including roof lights. The ridge height of the main roof of the dwelling would match that of the equipment store building that is to be retained. The new lean-to roof at the rear of the dwelling would be lower than the existing cattle shed roof.

The internal floor level of the retained buildings would be lowered.

New window openings are to be formed including patio/bi-fold doors to the southern elevation and floor to ceiling windows in the east elevation. Two sets of garage doors and a front door with large glazed surround would be formed in the western elevation.

Access would be via the existing access track for the agricultural buildings; this access also carries a public footpath (HOL/122/60) and leads to some playing fields. Parking and turning space is provided within the site.

History of negotiations/amendments received

None

Relevant Planning History

- 2017/93058 Discharge condition 2 (materials) on previous permission 2017/92296 for prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – Details approved
- 2017/92296 Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – Details approved
- 2017/90402 Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – Details approved
- 2016/91282 Prior notification for proposed change of use of agricultural building to one dwelling and associated operational development – Withdrawn
- 2015/91608 Prior approval for proposed change of use of agricultural building to 1 dwelling - Withdrawn
- 2014/92654 Prior approval for proposed change of use of agricultural building to 3 dwellings and associated operational development – Refused on highway safety grounds
- 95/90572 Erection of two agricultural livestock buildings – Approved

Representations

Application advertised by site notice, neighbour letters and press advert.

One representation received in response to the publicity. This is from The Peak and Northern Footpaths Society who comment:

“Access to the site is via Holmfirth Footpath 122. This is not mentioned in the application. The path is very popular locally and any increase in vehicular traffic would spoil the amenity value of the path and lead to conflict between vehicles and pedestrians on this narrow lane”.

Holme Valley Parish Council comments – “Support the application subject to Highways”.

Consultation Responses

None

Policy

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 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 a Green Belt on the UDP Proposals Map and Green Belt on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 – Quality of design
BE2 – Design principles
BE11 – Materials
BE12 – Space about dwellings
T10 – Highway safety
D12A – Permitted development rights (in the Green Belt)

Kirklees Publication Draft Local Plan (PDLP):

PLP21 – Highway safety and access
PLP24 – Design
PLP57 - The extension, alteration or replacement of existing buildings (in 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 24th July 2018, 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 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Assessment

Background:

There have been a number of prior approval applications to convert the existing agricultural buildings into a dwelling. The most recent of these is application 2017/CLASS Q/92296/W, under which prior approval was given on 25th August 2017.

The current application is very similar to the approved development under 2017/CLASS Q/92296/W. The main difference is that the current proposal is slightly smaller than the approved development and requires part of the existing structure of the cow shed to be removed and replaced with new structural work to support the proposed dwelling. The proposals are therefore over and above what could be accepted under class Q of the GPDO 2015 (as amended). The footprint of the proposal has been reduced slightly at the rear of the dwelling and the height of the rear part of the dwelling has been lowered.

Impact on the Green Belt:

Paragraph 145 of the NPPF allows for 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.

Paragraph 145 of the NPPF allows for the re-use of buildings provided that the buildings are of permanent and substantial construction.

Policy PLP57 of the emerging Local Plan relates to the extension, alteration or replacement of existing buildings in the Green Belt. It states that such proposals 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.

Paragraphs 143 and 144 advises that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has described the development as conversion of agricultural building to form dwelling.

The scope of the proposed works, which involve new structural elements and new walls being formed, is significant in the context of an 'alteration' to a building and push the limits of what could reasonably be deemed to be an alteration in my opinion. Also, the works do not amount to an extension per se although the rebuilt elements at the back of the dwelling are tantamount to an extension in my view.

Having regard to the proposals in the context of the re-use of an existing building, the extent of the new build elements take it beyond what could be classed as a re-use of the existing buildings in my opinion. Conversely the proposals are not so extensive so as to amount to a replacement building either, although in any event the proposal would need to be in the same use as the existing buildings if this exception were to be applied - which it is not.

The proposals do not fall precisely into any of the exceptions set out in the NPPF and which are generally mirrored in PLP57 of the emerging Local Plan. Nevertheless, it is relevant to consider the planning history of the site and in particular the fallback position of the applicant, which could be considered to represent very special circumstances to allow the development.

When considering the weight to afford a 'fall-back position', the following tests should be applied;

- a) whether there is a fall-back use, that is to say whether there is a lawful ability to undertake such a use [evidenced by a prior notification approval].

- b) whether there is a likelihood or real prospect of such a use occurring [e.g. structural survey, comparable quotations/costs of each proposal, evidence that there is a reasonable prospect of the PD works taking place]; and
- c) c) if the answer to (a) and (b) is “yes”, then a comparison will be made between the impact between the proposed development and the fall-back use at application stage.

The proposed dwelling is very similar to the scheme permitted under the previous Class Q prior approval and in fact the footprint and massing of the proposal is less than the consented scheme as a result of the proposed works at the back of the dwelling where the footprint has been reduced slightly and the height of the rear part of the dwelling lowered. The amount of curtilage for the proposed dwelling is also directly comparable to the prior approval scheme and it is considered that there is a reasonable prospect of the fall back position coming forward if this current scheme is refused.

I consider the prior approval to be a genuine fallback position which would meet the tests set out above and I attach significant weight to this. The proposal would also have slightly less impact on the openness of the Green Belt because of the reduction in the building envelope. In the circumstances the development proposed would not materially harm the openness of the Green Belt in my view and I consider that this fallback position represents very special circumstance to allow the proposal. I do however consider that permitted development rights for extensions and outbuildings should be removed to protect the openness of the Green Belt.

The design of the dwelling is also very similar to the scheme permitted under the previous Class Q prior approval and given the applicant's fallback position I do not raise any significant concerns in this regard.

Tumbled natural stone and a lightweight grey roof cladding are proposed as the facing materials. These materials were approved under discharge of condition application 2017/93058 pursuant to the previous prior approval. Under the discharge of condition application a sample wall panel of stone was agreed along with a lightweight roof tile; the use of this roof tile was supported by information from a structural engineer that confirmed that the existing structure of the building was strong enough to support the loading from the proposed roofing material. The agent has advised that these materials are currently being used on the site.

The materials remain acceptable and a condition can be imposed requiring the development to be carried out in accordance with these materials.

The site plan shows that the existing boundary walls are to be retained. This will help to maintain a degree of openness and retain some of the existing character of the site.

In light of the above I consider the proposal to be an acceptable form of development in the Green Belt.

Isolated homes in the countryside:

The building lies outside of the defined settlement boundary of Scholes with no other immediate surrounding buildings. The dwelling would therefore be somewhat isolated. Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside except in certain circumstances. One of the circumstances is where a development reuses redundant or disused buildings and will enhance their immediate setting. The application buildings have been used for agriculture (as confirmed by the Class Q prior approvals) and so the development does not fall into this category, and nor does it fall within any of the other circumstances identified at paragraph 79. Nevertheless, considering the fallback position of the applicant I do not consider that there would be grounds to refuse the application on the basis of paragraph 79.

Residential amenity:

The site is not close to any other dwellings and so there would not be any overlooking issues.

The location of the site is within open countryside and lies a short distance outside of the settlement boundary of Scholes. As such, there would be little impact from any external noise sources to the proposed dwelling.

The application is considered to comply with Policies BE1 and BE12 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Highway safety:

The site is situated north off St George's Road with access via an existing access track and footpath (ref HOL/122/60) to the site.

St George's Road (C576) connects Totties Lane to Park Side and is subject to a 30-mph speed limit with street lighting along its length.

Access to the track off St Georges Street is via an 8m open access narrowing to a width of 3.2m down the length of the track.

The transport and highway impacts of one dwelling on the site have previously been found to be acceptable to Highways Development Management (HDM) and in highway terms the proposals are fundamentally the same as the previous prior approval.

An existing passing place and a turning head close to St Georges Road are included within the site boundary, as per the prior approval scheme. A condition requiring the retention of the turning head is recommended.

The internal layout of the site is also very similar and provides sufficient turning facilities to accommodate both refuse and emergency vehicle turning. There is also ample parking space within the site.

HDM have previously commented that visibility from the access track onto St George's Road is below standard, however in terms of traffic generation the existing use on the site generates vehicle movements onto the highway network and the proposed residential use is likely to generate similar amounts of vehicle movements.

The Peak and Northern Footpaths Society have raised concerns with any increase in vehicular traffic along the footpath. The amount of traffic from one dwelling would be modest and comparable to that generated by the established agricultural use. As such the impact of the development on footpath users would not be significant.

The application is considered to comply with Policy T10 of the UDP and PLP21 of the emerging Local Plan.

Other matters:

There are no flood risk or contamination issues associated with this site.

Having visited the site, the site has limited ecological value in my opinion. Works were taking place to the buildings at the time of my visit which would limit the potential for bat activity. Some biodiversity enhancement can be provided through a bird box on the dwelling.

No public representations have been received other than the comments from The Peak and Northern Footpaths Society which have already been addressed. Holme Valley Parish Council support the application subject to Highways.

To mitigate the impact on air quality it is recommended that an electric vehicle charging point is provided within the garage of the dwelling. This is in line with PLP24 of the emerging Local Plan, guidance in the NPPF and the West Yorkshire Low Emissions Strategy.

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: 2018/90588

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 Act 2004.

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, BE2, and T10 of the Kirklees Unitary Development Plan, PLP21 and PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

3. The new external walls of the development shall be faced in regular coursed tumbled natural stone as indicated on the approved photograph of the sample panel of walling and shall be retained as such.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

4. The roof of the dwelling shall be faced in Vieo Standing Seam Anthracite Grey roofing cladding and shall be retained as such.

Reason: In the interests of visual amenity and to ensure that the existing structure is capable of supporting the additional loading from the replacement roof and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the emerging Local Plan and guidance in the National Planning Policy Framework.

5. 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)) no buildings or structures included within Classes A, B, C and E of Part 1, Schedule 2 to that Order shall be carried out within the land edged red on the approved location plan without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the plot in the interests of the openness and visual amenity of the Green Belt and to accord with guidance in the National Planning Policy Framework and Policy PLP57 of the Publication Draft Local Plan.

6. The turning head facility as indicated on drawing number 2345 – LOC D shall be provided before the dwelling is first occupied and thereafter made available for use at all times by vehicles associated with the occupation of the dwellinghouse and shall be kept free from obstruction to such use and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the emerging Local Plan.

7. Prior to the development being brought into use, the approved vehicle parking areas 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; and thereafter retained.

Reason: In the interest of highway safety and to achieve a satisfactory layout, in accordance with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the emerging Local Plan.

8. A sparrow terrace nest box shall be provided on the exterior of the dwelling before the dwelling is first occupied. The nest box shall be located at least 3 metres above ground level on the north, east or west elevation of the dwelling and shall not be located directly above doors or windows. The nest box so provided shall thereafter be retained.

Reason: In the interests of enhancing biodiversity at the site and to accord with the requirements of Policy PLP30 of the emerging Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

9. An electric vehicle recharging point shall be installed within the garage of the dwelling before the dwelling is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To mitigate the impact on air quality and to accord with Policy PLP24 of the emerging Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 13.00hours, 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2345 – LOC D	-	19/2/18
Site Plan as Proposed	2345 - 11	-	19/2/18
Plans & Elevations as Proposed	2345 – 10G	-	19/2/18
Plans & Elevations as Existing	2345 - 01	-	19/2/18
Planning Statement	Feb 2018	-	19/2/18
Photograph of sample panel of natural stone walling	As inspected on site by Kirklees Council 3/11/17	-	3/11/17
Vieo roofing materials brochure	October 2016	-	13/11/17

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. The application was considered acceptable in its submitted form and therefore no negotiations were undertaken.

Report Dated: 15/10/18

