

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Planning (Listed Buildings and Conservation Areas) Act 1990 (as
amended) – SECTION 16**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED
BUILDING CONSENT**

Reference No: 2018/65/92987/W

Site Address: The Barn, 9, Moor Cottage Close, Netherton,
Huddersfield, HD4 7LF

Description: Listed Building Consent for formation of new window
openings

Recommending Officer: Craig McHugh

DECISION – GRANT LISTED BUILDING CONSENT

**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.**

Nigel Hunston

AUTHORISED OFFICER

Date: 12-Dec-2018

Officer Report

Site Description

The grade II listed building comprises Moor Cottage (no.9 Moor Cottage Close) and The Barn (no.7 Moor Cottage Close). They originated in the late 18th century or early 19th century as a laith house comprising a farmhouse and attached barn in a linear arrangement running north to south, with the barn at the north end.

The farmhouse was later extended to the south with a double-pile range in the mid-19th century before being extended and altered to create a villa in the early 20th century. The barn was also extended in the early 20th century with a range project eastwards at its northern end (now demolished). Two masonry openings remain, one glazed, one blocked, which probably once connected with the extension. The Barn is of simple vernacular style constructed of coursed local stone, with a stone slate roof. Most openings have ashlar surrounds. Permission was granted in 2003 to convert the barn to residential use.

Up until the early 20th century Moor Cottage was surrounded by farmland set some 300 metres away from Netherton village. By 1965 Moor Cottage was surrounded by suburban development and in the late 20th century Moor Cottage Close itself was developed, changing the character of the building's setting considerably.

Significance

Moor Cottage and the Barn illustrate the once agrarian nature of Netherton and its subsequent development into a substantial settlement. Following its conversion, The Barn retains much of its character as an agricultural building with a limited number of openings including large barn door openings on opposite sides of the building demarking the area where threshing of cereal crops would have taken place.

Description of Proposal

Insertion of a new window within an existing blocked door opening to the front. Formation of one new window opening to the existing cloakroom wc and alteration of the timber panel infill to the barn opening to provide more light and ventilation to the rear.

History of negotiations/amendments received

The initial proposals have been amended as follows to better conserve the significance of the building.

Insertion of a new window within an existing blocked door opening to the front – the initial proposal sort to raise the lintel height to match the adjacent opening. The difference in lintel heights has been retained to preserve evidence of how the building has evolved over time.

Formation of one new window opening to the existing cloakroom wc – the initial proposal was for a 'mock sash' top hung casement to match others at the property. This has been amended to a sliding sash window to accord with those previously approved.

Alteration of the timber panel infill to the barn opening to provide more light and ventilation– the initial proposal had an overly domestic character to it and has been amended to better relate to the existing doors within the barn door opening.

Relevant Planning History

2003/93491 - LISTED BUILDING CONSENT FOR CONVERSION AND EXTENSION OF ATTACHED STORAGE BUILDING TO FORM 1 DWELLING AND ERECTION OF DETACHED GARAGE – CONSENT GRANTED

2003/93490 - CONVERSION AND EXTENSION OF ATTACHED STORAGE BUILDING TO FORM 1 DWELLING AND ERECTION OF DETACHED GARAGE (LISTED BUILDING) - CONDITIONAL FULL PERMISSION

Access Considerations

None

Consultation Responses

Officer report has been compiled by the Conservation and Design Officer.

Public/Members Response

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 1/08/2018

Publicity expiry date: 10/08/2018

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.

Kirklees Unitary Development Plan:

Relevant policies:

- BE1 – Design principles

Kirklees Publication Draft Local Plan (PDLP):

- PLP 35 Historic environment

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 16 (Conserving and Enhancing the Historic Environment)

Assessment

Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their

setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has engaged an agent to prepare their heritage statement, this falls short of the tests set out in Paragraph 189. However, in this case no further information is required beyond that contained in the planning history and obtained through a site visit. The proposal is minor in nature and will not impact on the limited archaeological interest the building may hold.

The significance of The Barn is summarised above, the impact of the proposal on significance is low resulting in one new external opening and alterations to relatively recent building works, the building will still retain its agricultural character. The applicant's proposal, and further negotiation with them, has minimised the impact of the proposed alterations on the listed building as far as is practically possible. The level of harm is therefore minimal and less than substantial.

Paragraph 190 of the NPPF requires that the Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal, consider the impact of a proposal on a heritage asset, avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the NPPF requires that the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

The proposed alterations are to allow more daylight and ventilation into the building, the level of justification is reasonable for the minimal harm caused.

Conclusion

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The level of harm to the affected heritage assets will be minimal, the public benefits of the proposal including making the property more useable as a dwelling, better ventilated and reducing energy use for lighting will be equally minimal.

Therefore it is felt that the Section 16(2) of the Act has been met along with paragraph 196 of the NPPF.

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 – Grant Consent

Decision Authorisation - Delegated Powers

Application Number: 2018/92987

Officer Recommendation: Grant Consent

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Front Elevation	CH1068-04 Rev 3		03/12/2018
Rear Elevation	CH1068-05 Rev 3		03/12/2018

For approvals

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. Negotiations have taken place over impact on the character of the listed building and the significance of the proposed alterations. These discussions led to the amended plans which accurately mirror those negotiations and are felt to be acceptable.

Report Dated: 12/12/2018

