

FAO Mr Simon Taylor
Ms Rebecca Drake

Please find attached comments regarding the above mentioned regarding which I would be grateful if you would consider in coming to a decision.

I have only just become aware of the application in the absence of any local notice. I understood that notices would normally be affixed to local telegraph poles for example but in this instance no neighbour has had sight of such. There is evidence that something has been affixed to the nearby telegraph pole but no trace of any attachment. Given the possibility that notices may be vandalised so interfering with due process you may wish to review the ways in which you notify interested parties.

sincerely

Mr S Taylor
Head of Strategic Investment
Investment & Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

17 November 2018

Dear Mr Taylor

**Re: Planning Application Number 2018/93486
Demolition of existing outbuildings and erection of extensions and alterations to existing garage to create dwelling (Green Belt, Registered Small-Holding)**

I refer to the above property which was the subject of an earlier successful planning application 2013/62/92121/E.

Corn Mill Bottom (CMB) has a heritage going back centuries. For many years this small rural hamlet with its well balanced mix of sympathetic properties has provided an important visual amenity not only to local residents but also to the multitude of regular visitors, walkers and riders, intent on enjoying a truly rural rustic setting faithful to its historical roots. The balance of residential and rural/agricultural provides a unique setting.

Work is currently in progress at 3 Corn Mill Bottom further to approval of planning application 2017/93294. Local residents shared concerns about that application mainly regarding the perceived detrimental impact on the visual amenity that is Corn Mill Bottom and the sense that the size of the planned extension was disproportionate and would therefore adversely affect the delicate local balance. Nevertheless the application was approved and at the time of writing the much larger newly extended gable end of the property is now taking shape and will take front and centre prominence within the settlement.

I would like to draw the council's attention to a number of anomalies and concerns regarding the abovementioned Application Number 2018/93486 which I believe could have a material bearing on the outcome of the planning application and refer to NPPF guidelines and/or Kirklees policy guidelines where relevant.

Kirklees Policy PLP 7

Efficient and effective use of land and buildings

To ensure the best use of land and buildings, proposals should encourage the re-use or adaptation of vacant or underused properties

The owner has decided to totally reject the earlier carefully thought out successful planning application on the subject property which respected and was sensitive to the existing infrastructure and the broader visual amenity, and including its Green Belt status, and instead is looking to substantial demolition of the existing infrastructure. I recommend that the application be refused on the grounds that it totally fails to address this important Kirklees policy requirement.

Kirklees Policy PLP 2

Place shaping

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places

Promote the re-use of existing buildings

Given the current ongoing development at 3 CMB I feel it is incumbent on all interested parties to make every effort to ensure that no further development is undertaken which will diminish the unique character of Corn Mill Bottom. Based on the earlier planning approval 2013/62/92121/E regarding the subject property and the ongoing development of 3 CMB under planning application 2017/93294, and assuming that the 2017/93294 decision was taken with the earlier 2013/62/92121 decision in mind, I would argue that remaining entirely faithful to the original decision on 2013/62/92121 is the only way in which the local character can be fully protected and on which basis I recommend that the application be refused. Given that the application does not properly promote the full use of existing buildings I recommend that the application be refused on that basis also. On a less important point I note that the application fails to adhere to the materials and finish conditions contained in the earlier approval, which appear to have been dismissed along with most other features of the earlier approval, and which can only be interpreted as trying to wreck the planning departments much better informed earlier efforts.

Kirklees Policy PLP 24

Design

Proposals should promote good design by ensuring:

the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between high levels of sustainability through:

The re-use and adaptation of existing buildings, where practicable

The proposal does not effectively address any of the above requirements as it is entirely inconsistent with the locality and landscape and accordingly detracts from it; it doesn't resonate with it in any meaningful and positive way. The proposal disregards any merit in adapting existing buildings preferring instead the environmentally unfriendly and wasteful option of demolition. The proposed design, presumably anticipating potential concerns about building mass and height, appears to leave itself open to greater flood risk by being partly below ground level, and because of that also looks oddly proportioned and at odds with the local amenity.

Kirklees Policy PLP 35

Historic environment

Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness.

In terms of design, profile and some choice of materials and finishes the proposal is at odds with the local well established and quite historic environment, representing as it does an important part of Kirklees heritage, even if not formally recognised as such. Unfortunately this application does not share the same concern for this policy as the earlier successful application and on that basis should be rejected.

Kirklees Policy PLP 57

The extension, alteration or replacement of existing buildings

Proposals for the extension, alteration or replacement of buildings in the green belt will normally be acceptable provided that the design and materials used should be sensitive to the character of the green belt setting.

The proposed design and finishes are not sympathetic to the rural location and green belt setting.

Kirklees Policy PLP 27

Water management - Flood risk

Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed.

The earlier successful application was approved on the basis of an acceptable flooding review. My main concern here is regarding the integrity of the bridges the importance of which cannot be underestimated at least in terms of a vital part of the access to CMB. The main CMB bridge has already experienced damage from the heavy commercial traffic to and from Mr Walker's property which he appears to use as a base for his commercial building operations, at least from time to time. Damage sustained has not been repaired and there is absolutely no evidence of regular maintenance to either bridge as alleged misleadingly in the report. Having said that I feel that the risk assessment report is to an extent self justifying and may be designed simply to dismiss earlier assessments and with the primary purpose of undermining the earlier approved proposal.

Kirklees Policy PLP 32

Landscape

Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the setting of settlements and buildings within the landscape.

As outlined in the comments above I do not think that this proposal takes serious account of this policy.

Non-compliance with Government guidance

Government Planning Policy Statement PPS1, Paragraphs 17 – 19: *The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources.*

Government Planning Policy Statement PPS3: Housing, Paragraphs 13-14: *Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. LPAs should encourage development that creates places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.*

By virtue of the arguments laid out above I suggest that these Government Policy Statements have not been fully observed in this application.

Noncompliance with NPPF guidelines regarding Green Belt development

Critically, the applicant relies on Paragraph 145 of the NPPF allowing the 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, arguing that that important condition is satisfied. As outlined above I would argue that the development fails to meet that condition and that by virtue of its mass, height and various design characteristics, it adversely affects the openness of the Green Belt. Rather than being sympathetic to the environment it appears much more appropriate for a modern estate, and as such is bound to compromise the openness of the green belt and on that basis I ask you to reject the application. As the application admits there is no definition of *openness* in this context. However the argument forwarded that the decision as to whether this proposed design has a greater impact on openness needs to be assessed by also considering the need for a good quality design of a quality similar to the properties in the immediate area is in my view not sustainable and in any event the quality of design is in itself a subjective thing. The further argument that one should consider the reduction in the footprint of the buildings and the reduction of hardstanding and introduction of garden space in assessing the degree of openness is marginal and also of questionable merit. And if reduction in footprint say was to be considered then equally the much higher building volume and height would have to come into the equation, which effect would more than neutralise any favourable factors.

Contrary to the applicants assertion the proposed design is not in accordance with the character and appearance of the local area and certainly does not improve the appearance of openness on the site whether by reducing the floor area occupied by built form or by introducing garden spaces where there is currently hard-standing. And on top of that the applicant acknowledges the harm caused to the Green Belt by the increase in volume in the proposed design.

NPPF Guidelines: density of development

The application should be reviewed in the context of the whole of CMB including the extended 3 CMB once completed. Notwithstanding concerns expressed about the 3 CMB development the hamlet is now more or less in a relative state of harmony and equilibrium, with an appropriate mix of properties and sizes and the right residential/rural/ agricultural balance and an appropriate sense of openness. Any further development out-with the present configuration would represent over-development, adversely affecting that balance, creating density issues and inevitably impacting on general residential amenity and Green belt openness. In short the hamlet cannot accommodate a development of the proposed type without detriment to the character of the neighbourhood and the residential amenity of neighbours.

Summary

We believe that the proposed development would demonstrably harm the character and appearance of Corn Mill Bottom and the unique amenities it offers to local residents. Rather than complementing and respecting the character and amenity of neighbouring properties it would detract from the pleasant and safe environment on which basis we feel it runs contrary to the letter and spirit of Kirklees planning policies and strategies. It does not respect local context and, in particular, the character, scale and proportions of surrounding buildings, and would be entirely out of character for the area, to the detriment of the local environment. The neighbouring properties are of longstanding dating back to the Georgian era, with corresponding features, and together represent a quite historic legacy of Kirklees industrial past. The proposed dwelling is a two storey detached house, partly sunk into the ground in an attempt to lower the profile and thereby address a potential objection about building mass and loss of amenity, resulting in an irregular profile with visible proportions at odds with

neighbouring detached properties. The proposed dwelling requires the demolition of property which has previously been the subject of a successful application for refurbishment which the present owner has to date chosen not to execute; as I understand it that remains a viable option. The proposal would demonstrably harm the amenities enjoyed by local residents including the right to enjoy a sympathetic residential environment and on which basis we urge you to reject this ill-considered proposal. The owner bought the site with perfectly good planning approval for refurbishment of the various buildings which he now seeks to demolish and replace with something entirely different and in our view very unsatisfactory as outlined above. It would appear that his original stated plan to continue using the adjacent areas for agricultural purposes has already given way to extensive commercial use in support of his main construction company activities, with all the attendant problems for the neighbourhood.

The proposal requires the majority of the existing building to be substantially demolished which together with associated ground development will have a significantly negative and damaging visual impact on all of the immediate surrounding area, to the detriment of an historically important rural outlook, and a very important part of our local and national heritage.

The applicant makes a withering and entirely uncomplimentary and in my view unjustified analysis of what he refers to as the 'extant' planning approval. The earlier approved design was clearly regarded as appropriate and sympathetic to the environment unlike the new proposal which will look contrived and entirely out of place. The 'critical mass' of the hamlet having already been increased by the 3 CMB development, there is simply no room for other than the earlier approved design. In fact there is no evidence that the applicant has taken due regard of the 3 CMB development and its relationship with any future development which I think is critical to preserving what even the applicant recognises as "a pleasing cohesiveness to the area and epitomises a quintessential English hamlet surrounded by extensive woodland and greenery." Contrary to the applicant's assertion that CMB is no place for bungalows, a single storey dwelling already exists in the shape of Barn Cottage which by virtue of its low profile and sympathetic structure and use of materials provides a valuable contribution to CMB. This is one of a number of inaccurate and misleading assertions within the application. The proposed design appears to draw inspiration more from other current developments some distance removed from CMB (to which attention is drawn in the application) rather than CMB itself and its own unique character. Mr Walker purchased the property on the basis of the then extant approval and perhaps should not have presumed that he had a right to significantly vary that to his personal satisfaction. I think the original approval may have seen the property as a basis for sympathetic affordable housing rather than a platform for the grand incongruous scheme offered by this application. As a longstanding resident and taking into account all of the immediate environment I can assure you that in terms of impact on the local environment the original approval is far more attractive than the application in question which is so dismissive of all previous efforts. The applicant's desire for a remarkable building with architectural merit, and his interpretation of that, runs contrary to the needs of the local environment better satisfied by the much more sympathetic and appropriate original approval.

Yours Sincerely,