

**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: 2018/62/93906/E

Site Address: 4-5, Mazebrook, Drub, Cleckheaton, BD19 4BT

Description: Demolition of barn/workshop and erection of detached dwelling with attached garage

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: 12-Feb-2019

Officer Report

Site Description

The application site comprises a large two storey and single storey detached barn constructed of rendered blockwork and timber located to the north east of Grade II listed residential properties located on a shared access known as Mazebrook, off Drub Lane, Gomersal. The barn has an L-shaped layout, enclosed by fencing within a sloping field. A public right of way runs along the shared access.

Description of Proposal

Permission is sought for the demolition of the barn/workshop and erection of detached dwelling with attached garage. This would have an L-shaped layout, and constructed of natural stone with grey stone slate roof.

The red line boundary of the application site includes a private driveway and parking/turning area to the front of the building, in addition to an area of amenity space to the rear. The site would be enclosed by dry stone boundary walling to all boundaries.

History of negotiations/amendments received

Through the course of the application, the case officer raised concerns with regard to the impact of the development on the openness of the Green Belt. Consultation responses also raised a requirement for amended/additional information. On this basis, the agent provided the following:

- Amended Elevations indicating amended roof pitch
- Proposed Street Scene
- Additional information relating to proposed sewage treatment plant
- Amended sight lines in accordance with KC Highways DM consultation response

Relevant Planning History

2017/94339 - Certificate of Lawfulness for existing use for a mixed use of agriculture and domestic storage/workshop – granted

2015/94077 – Conversion of barn to dwelling – approved

2013/91870 – Conversion of barn to one dwelling – approved

97/90091 – Change of use of barn to dwelling – refused (inappropriate development; unsuitable access and insufficient information relating to the external appearance of the development (appeal dismissed)

Representations

The application was publicised by site notice, neighbour notification and press advert.

No representations have been received as a result of site publicity.

Councillor Andrew Pinnock initially raised concerns regarding the principle and scale of the development and asked to be kept informed during the application process.

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 Highways Development Management: No objections following receipt of amended plans.

KC Environmental Services: Following receipt of additional information, recommend imposition of condition.

KC Public Rights of Way Unit: No objections subject to imposition of footnote.

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, its published modifications and Inspector's final report dated 30 January 2019 are 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 (UDP):

- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- NE9 – Retention of mature trees
- T10 – Highway Safety
- R13 – Public Right of Way and Access Areas

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Presumption in favour of sustainable development
- PLP 2 – Place shaping
- PLP 3 – Location of new development
- PLP 7 – Efficient and effective use of land and buildings
- PLP 21 – Highway safety and access
- PLP 22 – Parking
- PLP 24 – Design
- PLP 33 - Trees
- PLP 35 - Historic Environment
- PLP 57 – Extension, alteration or replacement of existing buildings 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 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
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment**Principle of Development:**

Permission is sought for the demolition of the existing barn/workshop and erection of a two storey detached dwelling with attached garage. The proposed layout plan also indicates the proposed domestic garden forming the curtilage of the proposed dwelling.

Paragraph 145 of the NPPF advises that the Local Planning Authority should regard the construction of new buildings as inappropriate within the Green Belt, unless it falls within one of the exceptions set out within Chapter 13 of the NPPF. Para. 145 (g) allows the limited infilling or the partial or complete redevelopment of previously development land, whether redundant or in continuing use, which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority

The existing building to which the application relates is considered to be located on 'previously developed' land as set out in Annex A of the NPPF by virtue of a Certificate of Lawfulness having been granted for the mixed use of the existing building for agriculture/domestic store/workshop. Notwithstanding this, the proposal also involves the change of use of land to domestic curtilage. Para 146 (e) is also relevant to the proposed development as it allows for the material change in the use of land subject to the proposal preserving the openness of the Green Belt and it not conflicting with the purposes of including land within it.

In addition to the above, the application site benefits from an extant permission for the conversion of the barn to dwelling. This included a similar access arrangement and extent of domestic curtilage and is a material consideration in the assessment of the current application.

On the basis of the above circumstances, the principle of the proposed development is considered to be acceptable, subject to an assessment of all other matters set out below.

2 – Impact on visual amenity and the openness of the Green Belt:

The site is located within the village of Drub, on the southern side of Drub Lane. The north side of Drub Lane has seen some recent development in the form of several replacement dwellings, whilst the south side of Drub is less densely populated and 'Mazebrook' is the last group of buildings to be found on this side of Drub Lane. The group of buildings are relatively screened by a row of deciduous trees, set down from the road. The barn which is the subject of this application is located closer to Drub Lane and is situated between the road and a group of Listed Buildings. The site is more visible from the road than the listed buildings. Given the location of the barn between these buildings and taking into account the built up character of development on the north side of Drub Lane, the site is not considered to be isolated as such and it is considered that the character of the area has been altered somewhat in recent years.

The curtilage of the property would be demarcated by a boundary treatment in the form of dry stone boundary walling, which, it is considered, would constitute physical limits to the site and prevent the encroachment of the development into the adjacent field. However, the previously approved scheme also included the provision of a boundary hedge to the rear boundary which, it is considered, would have been more appropriate from a visual amenity perspective. It would be possible to impose a condition requiring details of boundary treatments to ensure an acceptable mixture of treatments and their retention to this effect, in the same respect as a condition removing permitted development rights for the erection of extensions and outbuildings.

The design of the proposed development is considered to be appropriate in this semi-rural context, whilst the proposed materials to be used in the development (natural stone and slate tiles) would be sympathetic to the materials of construction of adjacent dwellings, resulting in an improvement in visual amenity. Through the course of the application, the applicant has submitted additional information and amended plans to demonstrate the parameters of the previously approved development in relation to the current proposals:

- The height of the building is the same as the previously approved scheme;
- The proposed footprint of the development is 9% less than that of the existing barn;
- Reduction in roof pitch from 30 to 27.5 degrees.

Taking the above into account, and subject to the imposition of appropriate conditions with respect to materials, boundary treatments and removal of permitted development rights, the proposal is considered to have no detrimental impact upon visual amenity or the openness of the Green Belt.

The proposals would accord with Policies BE1 and BE2 of the UDP, in addition to government guidance contained within Chapter 13 of the NPPF

3 – Impact on setting of Listed Buildings:

The application site is located close to a group of Grade II listed buildings including a 17th century detached farmhouse which is constructed of stone and has an L shaped plan. Close to the farmhouse is a row of 19th century cottages which are separately listed. There is also a barn and further cottages which were removed from the designated list in 1983 due to the extensive alterations which had taken place.

The application building is sited approximately 34m to the north east of the listed buildings.

There is an extant permission for the conversion of the barn which is a material consideration in the assessment of the current application. At the time of the previous application, the proposed re-use and adaptation of the barn to form a dwelling was not considered to have a detrimental impact upon

the setting of the listed buildings. Amendments had been previously secured with respect to the design of the proposed dwelling.

The current proposal, whilst having a different layout, and introducing a staggered roof form, would retain an agricultural appearance. The proposed fenestration of the building is considered to be appropriate to the context of the building, with an ad-hoc arrangement and areas of blank walling which are characteristic of an agricultural building. The use of good quality natural walling and roofing materials would result in a high quality development which would respect the setting of the nearby listed buildings and make a positive contribution to local character and distinctiveness.

In accordance with para.196 of the NPPF, the proposal is considered to lead to less than substantial harm to the significance of the heritage asset (listed buildings). Whilst the public benefit of the proposal would be limited (i.e. the provision of one additional dwelling and short term employment for the construction industry), the principle of a dwelling in this location has been previously established and is a material consideration in the assessment of this application.

In summary, the proposals are considered to accord with Policies BE1 and BE2 of the UDP, Policy PLP 35 of the PDLP and government guidance contained within Chapter 16 of the NPPF.

4 – Impact on residential amenity:

The building is located a significant distance from the adjacent residential properties, and does not have a direct relationship with these properties. Due to this separation, the proposed development would not result in overlooking or have an overbearing impact, as a result of its orientation to the north of the listed buildings.

The proposals would accord with Policies BE1, BE2 and BE12 of the UDP and Policy PLP 24 of the PDLP.

5 – Impact on highway safety:

The proposed development would be accessed off an existing driveway which serves several residential properties. This also carries Public Footpath (PROW) Spen 65.

There is sufficient off-street parking within the application site to accommodate parking requirements in line with the Council's parking policy. In addition, there is an existing bin presentation point adjacent to the highway to accommodate bin collections as required. Finally, an additional plan has been submitted through the course of the application demonstrating adequate sight lines at the junction with Drub Lane.

Subject to the imposition of conditions and a footnote relating to the PROW, the proposals are considered acceptable from a highway safety and efficiency

perspective, in accordance with Policies R13 and T10 of the UDP and Policies PLP 21 and PLP 22 of the PDLP.

6 – Other matters:

Ecology

A bat survey was submitted with the application (produced in relation to the previous applications) which confirmed that the building had very little bat roost potential with no bats roosting in the building, however to enhance the biodiversity of the site, para.5.3 of the survey recommended the inclusion of bat roosting opportunities in the form of ridge tile access points. The inclusion and retention of such features can be controlled by condition and would ensure that the proposals comply with the aims of Chapter 15 of the NPPF.

Trees

A band of protected trees runs along the road boundary, however these are a substantial distance from the building and their relationship with the development would not affect their vitality or viability, in accordance with Policy NE9 of the UDP and Policy PLP33 of the PDLP.

Foul Drainage

The applicant proposes a package treatment plant as part of the proposals, and details of the specific details of this have been provided to KC Environmental Health for comment. Whilst raising no objections to the principle of such a method of foul drainage, they have queried whether a permit would be required from the Environment Agency. The applicant understands that this would not be the case, however the imposition of a condition would need to include clarification of this prior to occupation of the dwelling. The applicant has been made aware of this.

Sustainable Transport

In accordance with the West Yorkshire Low Emission Strategy Planning Guidance, the proposal is regarded as a minor development. In such cases, there is a requirement for the installation of one electric vehicle charging point. This can be secured by condition and would ensure that the development accords with the Council's sustainability objectives.

There are no other matters considered relevant to the determination of this application and no representations received from any members of the public in response to the statutory publicity for the application.

7 – 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.

The proposed development is considered to be an acceptable form of development within the Green Belt which would have no greater impact on openness than the existing development, nor would it have a detrimental impact upon visual or residential amenity or highway safety.

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: 2018/93906

Officer Recommendation: Approve

Conditions and Reasons/Reason for Refusal

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 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, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

3. Details of external materials to be used shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling hereby approved. The development shall be constructed in accordance with the approved materials and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy BE2 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework.

4. 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) no development included within Classes A to F of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: The site is located within the Green Belt where new development is severely restricted, in accordance with Chapter 13 of the National Planning Policy Framework.

5. All areas indicated to be used for parking on the approved plans shall be 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 before the development is brought into use. 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) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plans.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the site is appropriately drained 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 submitted plans, details of all boundary treatments, including the use of native planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the new dwelling. The works shall be carried out in complete accordance with the approved details and shall be retained thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory completion of the development to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP35 of the Kirklees Publication Draft Local Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework.

7. Notwithstanding the submitted plans and information, two bat roosting opportunities shall be installed within the building before occupation and shall thereafter be retained in accordance with paragraph. 5.3 and Appendix II of the bat survey produced by Whitcher Wildlife Ltd Wildlife Consultants (ref: 130803) dated 08 August 2013.

Reason: In the interests of the biodiversity of the site in accordance with Chapter 15 of the National Planning Policy Framework.

8. The residential curtilage shall be restricted to the area outlined in red on the submitted location plan (0001B).

Reason: So as to protect the openness, character and appearance of the Green Belt, in accordance with government guidance contained within Chapter 13 of the National Planning Policy Framework.

9. Prior to occupation of the dwelling, one electric vehicle charging point (with a minimum of 16A of continuous current) shall be provided and thereafter retained.

Reason: In the interests of sustainable transport and to accord with policy guidance within the National Planning Policy Framework.

10. Where a package treatment plant is required, prior to occupation of the dwelling, an Environment Agency (EA) permit shall be produced, or if no permit is required, written confirmation from the EA that a permit is not required shall be submitted to the Local Planning Authority. The package treatment plant to serve the development shall be installed in accordance with the submitted details set out in email correspondence dated 22 January 2019 and 06 February 2019 received from Marcus Walsh Associates, and thereafter retained.

Reason: To ensure satisfactory foul drainage in accordance with Policy PLP 24 of the Kirklees Publication Draft Local Plan and government guidance contained within Chapter 15 of the National Planning Policy Framework.

NOTE: Public bridleway Spenborough 45 is the access to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way Unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 225575.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	0001	B	29.11.18
Existing Site Survey	0002	P1	29.11.18
Existing Barn Plans and Elevations	0003	P1	29.11.18
Proposed Plans and Elevations	0004	B	16.01.19
Proposed Site Layout	0005	B	16.01.19
Proposed Long Sections	0006	A	16.01.19
Street Scene	0007		23.01.19
Supporting Planning Statement			29.11.18
Bat Survey	130803		29.11.18

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. Through the course of the application, amended plans and additional information was requested and subsequently received and considered to be acceptable.

Report Dated: 11.02.19