

**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: 2018/65/94180/W

Site Address: Stalley Royd Farm, Stalley Royd Lane, Jackson Bridge, Holmfirth, HD9 7HX

Description: Listed Building Consent for change of use of barn to a dwellinghouse, formation of new access, and for a new detached double garage for adjacent property

Recommending Officer: Farzana Tabasum

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 13-Aug-2021

OFFICER report

Site Description

The application red line as now amended forms almost a triangular shaped plot. The site comprises of a two storey stone barn with attached single storey lean, in the south east corner, attached to the host residential property on this farm complex known as Staley Royd Farm. There is also an existing outbuilding along the southern boundary which appears to be used for storage of machinery. The northern part of the site is an enclosed paddock and south west of the outbuilding also forms part of open land. I am not convinced these form part of the existing domestic curtilage. Land rises significantly in the northern direction. The site is currently accessed with an existing vehicular access from Stalley Royd Lane, which also serves the other buildings on this site.

Description of Proposal

Listed building consent is sought for the conversion of the existing redundant vacant barn to one 3 bedroomed dwelling. This would result the creation of new openings, primarily in the western elevation along with retaining and using the existing arched opening.

It is also proposed to insulate the existing roof and reuse the existing stone slates.

The revised site block plan also indicates the existing hardstanding area to be extended and use of the existing outbuilding for garaging of vehicles in association with the proposed dwelling. It is not intended to alter or replace the existing outbuilding.

History of negotiations/amendments received

The proposals have resulted in protracted discussions and negotiations to arrive at a satisfactory scheme for the conversion.

A number of requests were made during the course of the application for plans (both existing and proposed) which indicated accurate detailing.

The revised scheme would require significantly less works than the original submissions, which included significant engineering operations to create a new vehicular access, re- string of the wall along the highway and detached garage. It was not considered necessary to re- advertise the proposals as the revised scheme has omitted these elements and would utilise the existing vehicular access.

Revised plans received 11/08/21- these are essentially the same apart form the enlarged front roof light.

Relevant Planning History

2018/93917 – change of use of barn to dwelling house (parallel planning application) - recommended for C.F.P

2007/90845 - alterations to existing cottage (listed building) – Withdrawn

2007/92269 - alterations to existing cottage (listed building) – granted July 2007

2007/92270 - listed building consent for alterations to existing cottage – granted July 2007

Representations

Final publicity date expired 23rd January 2019. One representation received from the Peak & Northern Footpaths Society. Their concerns were in relation to the proposals directly affecting the public right of way no. 138 that was not mentioned in the supporting statement.

The revised scheme does not include a new vehicular access crossing the PROW nor any alterations in close vicinity of the PROW.

Holme valley Parish Council – made comment in support of the original submissions subject to retention of the PROW, alternative surfacing materials for the access road and building to be occupied by staff or dependants of the farm.

Response: The revised scheme would not affect the PROW or its users. Access road previously proposed now omitted and it would be unreasonable to tie the occupancy of the barn to a member of staff or a dependant of the farm as it is not proposed to be used in connection with an existing farm. Furthermore, the principal of conversion of building in the green belt is appropriate subject to the consideration of the relevant policies as set out below.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

Conservation Officer- no concerns to final revised scheme. Support subject to conditions

Building control – no comments to date

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is green belt on the Kirklees Local Plan. The barn is a listed curtilage building.

Kirklees Local Plan (KLP):

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP24 – Design
LP35 - 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) revised July 2021, 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 12 – Achieving well-designed places
Chapter 16 - Conserving and enhancing the historic environment

Assessment:

Effect on Heritage Assets:

Section 16 (1) of the Listed Buildings Act sets out the duty for the Local Planning Authority to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Policy LP35 of the KLP advises, 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. The following assessment takes into account these policies / guidance as well as other relevant policies of the KLP and guidance in the NPPF.

Impact on visual amenity & character of listed building:

The scheme as now revised would involve minor internal and external alterations which include for the provision of new openings. These would be mainly in the western elevation and the roof of the single storey part of the barn, to include roof lights. The proposals would also include extending the hardstanding area as shown on the revised site block plan. The conversion would provide an independent dwelling.

Although, Conservation Officers, advise a more open-plan ground floor layout would make better use of the available light, nonetheless, they are content with the revised scheme and the elevational treatment of the barn which is considered much more sensitive to the characteristics of the barn. This together with the retention of existing historic fabric (walls) and the arch opening would preserve the architectural significance of this listed building and addresses officer's concerns in relation to the initial scheme. The overall number of new openings is considered to be kept to a minimum, small in scale and of a size without significantly domesticating and comprising the characteristics of this traditional barn building.

It is therefore considered that the proposal will preserve significance of this vacant heritage asset but also bring it into a viable use and provide additional housing accommodation.

Turning to the external associated space, west, beyond the principal elevation, this currently provides an adequate hard standing area which currently serves all the buildings within this complex for vehicle parking/turnaround areas. It is proposed to extend the area of hard standing which would result in encroaching into an area currently cultivated as a vegetable patch and a small area of the existing paddock. I am of the opinion this small intrusion into the soft landscaped area, with the proposed hard surfacing treatment would ensure the setting of the listed buildings is not compromised.

To summarise the harm caused by the proposals is less than substantial as defined by the NPPF. In such cases, where less than substantial harm occurs, paragraph 202 of the NPPF requires that this harm is weighed against the public benefit accrued by the proposal. In this case, subject to the conditions suggested by the Conservation Officer the public benefit is the proposals would bringing back into use a vacant listed building, within minimal alterations and preserving the historic fabric of the building and increase the supply of housing, in accordance with Policy LP35 of the Kirklees Local Plan, guidance in the NPPF and Section 16 (2) of the Listed Buildings Act.

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: 2018/94180
Officer Recommendation: Grant LB consent
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

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, so as to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

3. Notwithstanding the details on the application form, all new and replacement window frames shall be of timber construction, with a painted finish and recessed back into the reveal by a minimum of 100mm, prior to the approved development being brought into use and thereafter retained in accordance with these details.

Reason: To ensure that the works conserve the character of the application building and the group of listed buildings to which the application building is attached to accord with Policy LP35 of the Kirklees Local Plan and with the aims of the National Planning Policy Framework.

4. All roof lights shall be of a conservation type and fitted so as to be flush with the plane of the roof before the converted barn is first occupied and thereafter in retained as such.

Reason: To ensure that the works preserve the character and appearance of the listed host building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

NOTE: Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: This application permission be read in conjunction with planning application permission 2018/93917.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2392 – LOC/3A		28/10/19
Existing site block plan	2393 – 11A		11/10/19
Existing floor plan and elevations	2393 - 33		20/12/18
Proposed site block plan	2393 – 32B		11/08/21
Proposed floor plans & elevations	2393 -35C		11/08/21
Preliminary Roost Assessment	BG12.344a, dated November 2018		20/12/18
conservation heritage statement			20/12/18

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. The case officer has worked proactively with the agent and secured revised plans which address officer's concerns and shared the above conditions with the agent. The decision is based on the revised plans and agreement of the agent to the conditions set out above.

Report Dated: 12/08/21