

**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:** 2019/62/93949/W

**Site Address:** Land off, Black Sike Lane, Holmfirth

**Description:** Erection of extension to agricultural building

**Recommending Officer:** Alice Huxley

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 29-Jan-2020**

## **Officer Report**

### **Site Description**

Land off, Black Sike Lane, Holmfirth.

The site is set within a valley located within a rural area that is allocated as Green Belt Land in Holmfirth and occupies an agricultural building that comprises of a livestock area, hay store and implement store.

### **Description of Proposal**

Erection of extension to agricultural building.

The proposal seeks to erect an extension off the south-west elevation of the existing agricultural building to create a handling pen/bale store and two enclosed pens. The extension would have a length of approximately 17 metres, a width of approximately 5 metres, an eaves height of approximately 3 metres rising to an overall height of 4 metres.

Proposed materials consist of, coursed natural stone and concrete block work walls, a profiled steel sheeted mono-pitched roof, timber boarded stable doors and galvanised steel gates.

### **History of negotiations/amendments received**

No amendments were sought in this instance.

### **Relevant Planning History**

2012/92632 – Discharge of condition 3 on previous permission 2011/90875 for erection of agricultural building – *approved*.

2011/90875 – Replacement agricultural building – *conditional full permission*.

91/00474 – Erection of agricultural building for accommodation of livestock – *conditional full permission*.

### **Representations**

#### Final publicity date Expires:

Site notice expires on 10<sup>th</sup> January 2020. No neighbour letters were sent as there are no properties located within close proximity to this site.

No representations were received.

#### Parish/Town Council comments:

Holme Valley Parish Council – supports development.

### **Consultation Responses**

*K.C Trees* – no objections.

## **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 27<sup>th</sup> February 2019).

The site is allocated as Green Belt land on the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity and Geodiversity**
- **LP 54 – Buildings for agriculture and forestry**
- **LP 57 – 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 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 2 – Achieving sustainable development**
- **Chapter 12 – Achieving well-designed places**
- **Chapter 13 – Protecting Green Belt Land**
- **Chapter 15 – Conserving and enhancing the natural environment**

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

## Principle of development:

The site is located within an area allocated as Green Belt on the Kirklees Local Plan and as such, national policy in the NPPF Chapter 13 which relates to protecting Green Belt Land is relevant.

Chapter 13 of the NPPF states that *'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*

*Exceptions to this [include]:*

- a) buildings for agriculture and forestry'*

Policy LP54 of the Kirklees Local Plan expands on the national policy with regard to buildings for agriculture and forestry and suggests that *'proposals for new buildings and forestry will normally acceptable provided that:*

- a) the building is genuinely required for the purposes of agriculture or forestry;*
- a) the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;*
- b) there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and*
- c) the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.'*

In addition to this, Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings and in the case of extensions, these will normally be acceptable provided that *'the original building remains the dominant element in terms of size and overall appearance'* and *'the proposal does not result in greater impact on openness.'*

The agent/applicant has confirmed in the Design and Access statement that the proposed extension would be used to accommodate an area that can be used as a holding pen/bale store and two segregated sheep pens. At present, there is no facility on site for isolating individual sheep and the proposed holding pen/bale store would provide more flexibility for handling livestock and additional storage for bales. As such, the proposal is considered to be appropriate development within the Green Belt in accordance with Chapter 13 of the NPPF, and LP54 of the Local Plan as the application has demonstrated that the building is genuinely required for agricultural use and the building is clearly sited in close association with the existing agricultural building.

In the 2011/90875 application, the original agricultural building (that was granted permission in the 91/00474 application) was replaced with an agricultural building roughly 50% larger. It is noted the extension proposed in this application adds approximately 30% of cubic capacity to the replacement agricultural building and as such, taking into account the replacement building along with the proposed extension, this would result in roughly an 80%

increase in cubic volume from the original building (91/00474). Notwithstanding this, although the proposed extension would result in disproportionate additions over and above the original agricultural building (91/00474), it is considered that the replacement building that exists now would still remain the dominant element in terms of size as a result of the proposed extension. Furthermore, the proposed extension would be positioned adjacent to two retaining walls within the existing yard area therefore would not encroach any further onto open Green Belt Land not within the yard. This would accord with LP54b. For the reasons above, it has been considered that the proposal also complies with LP57 of the Kirklees Local Plan and therefore is subject to the assessment of impacts on visual and residential amenity as well as highway safety and any other impacts that may arise.

### **Impact on visual amenity:**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

*‘124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 and LP54d all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

*‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape..’ and ‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

In terms of visual amenity, the design of the extension is considered to harmonise well with the host building as it would incorporate materials used in the construction of the existing agricultural building. The proposed extension would have a mono-pitched roof with profiled steel sheeting. The north-west and south elevations adjacent to the retaining walls would be finished in coursed local natural stone and the enclosed pens would be constructed from concrete blockwork. Timber boarding would also be placed above the open front of the extension on the south-east elevation. Furthermore, the use of existing materials ensures that the visual amenity of the area and the Green Belt is protected and as such is acceptable in terms of design.

With regards to scale, as previously mentioned, the proposed extension would add approximately 30% of cubic capacity to that of the host building and it is

noted that the extension would also be set down from the existing building. For these reasons, the proposed extension is considered to be subservient to the host building in terms of size and as such, is acceptable in terms of visual amenity.

### **Impact on residential amenity:**

Section B and C of LP24 states that alterations to existing buildings should:

*‘...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*

In terms of residential amenity, it is recognised that there are no neighbouring properties/buildings within 80 metres of the applicant site and as such, given the nature of the proposal as well as location of the site, it has been considered that the proposal would not cause any undue harm to these properties. The development complies with LP54c.

### **Impact on highway safety:**

The proposed development relates to the erection of an extension to an agricultural building in which the Design and Access statement has confirmed that there will be no change to the site access from the highway. As such the provision of parking would remain unchanged and therefore, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

### **Other matters:**

#### Biodiversity

It is recognised that the site is located within a bat alert area. Despite this, the existing dwelling appears to be well sealed and unlikely to have any bat roost potential.

#### Trees

K.C trees were informally consulted and it is noted that the site is adjacent to protected woodland areas to the north and south. Notwithstanding this, the proposed extension would not encroach any closer to the protected trees than the existing hardstanding yard area and would sit within the retaining walls. Additionally, the applicant has confirmed that the protected trees located to the north and south as well as other trees on site will remain as undisturbed as part of the development.

#### Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy

includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Policy LP24 (d) of the Kirklees Local Plan emphasises that *'proposals should promote good design by ensuring...high levels of sustainability, to a degree proportionate to the proposal'*

The proposed materials that would be used are typically used in the construction of an agricultural building. The incorporation of environmentally friendly and durable materials would ensure that the proposed development would be long lasting. Additionally, the applicant has confirmed that no trees will be disturbed as part of the development. As such, it has been considered that the proposal promotes good design that ensure high levels of sustainability.

### **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:** 2019/93949

**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.

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, to retain the openness of the Green Belt and to accord Policies LP24 and LP54 of the Kirklees Local Plan and Policies within Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type                             | Reference   | Version | Date Received |
|---------------------------------------|-------------|---------|---------------|
| Location Plan                         | 4227-01-01  | 1       | 05/12/2019    |
| Block Plan                            | 4221-01-02  | 1       | 05/12/2019    |
| Existing Grouped Plans and Elevations | 4227-02-01  | 1       | 05/12/2019    |
| Proposed Grouped Plans and Elevations | 4227-03-01a | 1       | 05/12/2019    |
| Design and Access Statement           | -           | 1       | 05/12/2019    |

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. There was no reason to contact the agent or applicant as the details were acceptable as submitted.

**Report Dated:** 29/01/2020

