

19,025 The Mistal, Fixby.

Statement of Very Special Circumstance

19 Dec 2019

ENJOY
DESIGN

Prepared by:
Enjoy Design Ltd
The Old Brewery
Leeds
LS2 7ES

E: info@enjoy-design.co.uk
T: 0113 242 3622



About

Due to the proposed development being situated within the Green Belt and not adhering to any of the exceptions identified in paragraphs 145 and 146 of the NPPF, a case for very special circumstances is required.

The purpose of this document is to provide the local planning authority with relevant information to demonstrate why it would be rational to support this application.

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) 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; 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.
146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
147. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Extract from the NPPF, 2019.

Extant Permission

Along with two other farm buildings, the Mistal was granted permission for reuse and conversion into a residential dwelling. The two farm buildings were successfully completed, leaving the Mistal with an extant permission.

Since 2006, the Mistal has fallen into significant disrepair and is unsuitable for reuse. The logical approach is to demolish and rebuild using the existing stone plus new to match.



The Mistal existing condition of disrepair.

Planning (Listed Buildings and Conservation Areas) Act 1990

LISTED BUILDING CONSENT

Application Number: 2006/65/92745/W2

To: PARKER BEEVERS
(JUDITH PARKER)
BROCKVILLE
CLIVE ROAD
SPOFFORTH
HARROGATE, HG3 1AT

For: THORNHILL ESTATES LTD

The KIRKLEES COUNCIL hereby give notice that LISTED BUILDING CONSENT has been granted for the execution of the works referred to:-

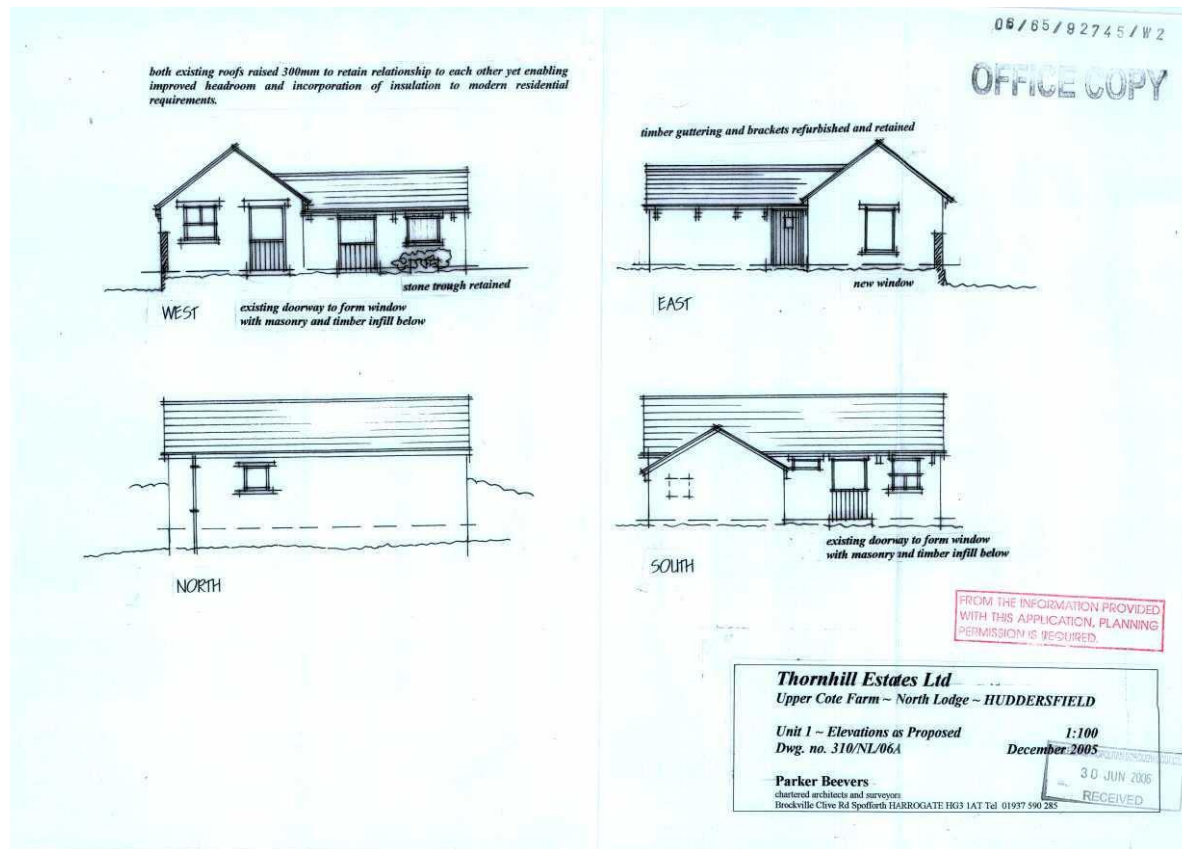
LISTED BUILDING CONSENT FOR DEMOLITION OF OUTBUILDINGS AND REUSE OF REDUNDANT FARM BUILDINGS AND NEW EXTENSIONS TO FORM 3 RESIDENTIAL UNITS AND CAR PORT

At: NORTH LODGE, UPPER COTE FARM, COTE LANE, OFF NEW HEY ROAD, FIXBY, HUDDERSFIELD

In accordance with the plan(s) and applications submitted to the Council on 30 June 2006 subject to the condition(s) specified hereunder:-

- 1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
- 2) Notwithstanding the details shown on the approved plan a full scheme for all new external joinery (windows and doors) shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include elevations drawn to 1:20 and sections at 1:5 scale.
- 3) The development hereby permitted shall not begin until details of all new windows, which shall be timber and single glazed, without trickle vents and inset from the face of the wall in the traditional manner, have been submitted to and agreed in writing by the Local Planning Authority. The new windows shall be carried out in accordance with approved details and retained thereafter.

2006 permission.



Extant permission elevations.



Application elevations.

Scale & Design

For the most part, the proposed application utilises the design of the extant permission, and works within the form and scale of the existing building.

The primary differences are that the proposal has a small increase in footprint to the East and a large, contemporary window to the North. Both of these elements have been justified within the D&A statement and in summary enable an improved quality of living.

Both the proposal and extant permission increase the eaves and ridge height by circa 300mm to enable adequate headroom and insulation, whilst retaining a subservient nature to the surrounding buildings.



Existing aerial of the Mistal within its setting.



Proposed attractive soft landscaping.

Enhancing the Setting

The existing Mistal has fallen into significant disrepair and as a result detracts from its setting.

The proposal will restore the Mistal and create a high quality dwelling that sympathetically responds to its setting through its form and materiality.

High quality traditional detailing is proposed, such as wrought iron guttering and timber windows/doors.

Previously identified differences to the extant permission (footprint increase and window) are purposely positioned to the East where they will have minimal impact on the setting of the adjacent listed North Lodge Farm House.

Soft landscaping to the South and West will introduce native shrubs and provide an attractive green buffer between buildings.

Summary

The proposal is a sympathetic rebuild of the existing building that follows, to the most part, the extant permission. A permission, that in the Mistal's current condition, is not practical to pursue. The proposal, when completed, will significantly enhance the setting of its surroundings by creating a high quality dwelling utilising existing and matching components and materials. It is therefore rational for this application to be supported and meet the criteria needed for very special circumstances.

Prepared by:
Enjoy Design Ltd
The Old Brewery
Leeds
LS2 7ES

E: info@enjoy-design.co.uk
T: 0113 242 3622

ENJOY
DESIGN