

**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: 2020/62/91025/E

Site Address: 152, Latham Lane, Cleckheaton, BD19 4AR

Description: Alterations and erection of extension to roof height of redundant stables to create dwelling forming annex accommodation associated with 152, Latham Lane, Cleckheaton, BD19 4AR

Recommending Officer: Louise Bearcroft

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.

Paul Dowd

AUTHORISED OFFICER

Date: 28-Sep-2020

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Site Description

152 Latham Lane, Gomersal is a detached dwelling located in the south-eastern corner of its site, behind which is a former stable block of blockwork construction with a corrugated metal roof. The site is bounded to the north by a wooded banking, beyond which is the M62 Motorway. To the south-east of the site are a collection of residential dwellings and barns/workshops known as Field Head Farm, and to the west is Latham Lane, which carries Bridleway SPE/14/40. The site is located within the Green Belt in the Kirklees Local Plan.

Description of Proposal

The application seeks permission to alter and extend the existing stable block to create annex accommodation associated with 152 Latham Lane.

The proposed alterations include the cladding of the existing blockwork building, with stone to the front elevation and render to the sides and rear. It is proposed to remove the corrugated metal roof to the former stable block and erect a new pitched concrete tiled roof, with two dormers to the front and two to the rear. Openings are proposed in the front and side elevations of the remodelled building at ground and first floors, including a garage door.

No alterations are proposed to the existing access arrangements, although an area of hardstanding is proposed to join the existing driveway to the proposed integral garage.

History of negotiations/amendments received

Officers negotiated with the applicant to secure:

- Details of existing and proposed volume calculations
- Request plans missing from the submission
- Confirm the necessity for the proposed integral garage

Relevant Planning History

2004/93642 – Demolition of agricultural building/stables and erection of 7 no dwellings – Withdrawn

2005/93595 – Erection of 4 no dwellings with integral garages – Refused

2007/95318 – Erection of one detached dwelling – Conditional Full Permission

2010/93330 – Change of use and alterations to convert existing stable block to guest annex – Conditional Full Permission

2011/92161 – Erection of ground floor extension to form orangery, bedroom and link to existing granny annex and formation of bedroom over garage – Refused

2012/90318 – Erection of single storey orangery to rear of property – Conditional Full Permission

Representations

The application was advertised by neighbour letter, site notice and press notice with the final publicity expiring 30th June 2020. As a result of this publicity no representations have been received.

Consultation Responses

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

- **K.C Highway Services** – No objections
- **K.C Environmental Services** – No objections

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 located within the Green Belt in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP21** – Highways and access
- **LP24** – Design
- **LP28** – Drainage
- **LP53** – Contaminated and unstable land
- **LP60** – The re-use and conversion of buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 2 – Achieving Sustainable Development
- 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

Assessment

Principle of Development

The site is located within the green belt in the Kirklees Local Plan and chapter 13 of the National Planning Policy Framework (NPPF) and policy LP60 of the Local Plan is relevant.

Paragraph 146 of the NPPF identifies forms of development that are not inappropriate in the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction, and that the proposal preserves openness and does not conflict with the purposes of including land within the Green Belt.

Policy LP60 of the Kirklees Local Plan states proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where:

- a. The building to be re-used or converted is of a permanent and substantial construction
- b. The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas, such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings
- c. The design and materials to be used, including boundary and surface treatments, are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety

Paragraph 19.36 of the Local Plan states *“It follows that if a building is already there re-using it either for the same use or for a new use should not have a detrimental impact on the openness of the Green Belt. Proposals which intensify use or extend an existing footprint to the extent that openness is compromised will not normally be permitted”*.

The former stable block is of permanent and substantial construction, and the footprint of the building will not be extended, other than an insignificant increase around its perimeter for the purpose of cladding the building with a mix of stone and render. The most significant alteration is the proposed removal of the existing metal roof and the erection of a concrete tiled pitched roof, together with the construction of dormers to the front and rear elevations. The existing building measures 14.2 metres long by 11 metres wide, with a total overall height of 3.5 metres. The building as altered would be 6.2 metres high. The applicant was asked to provide details of the existing and proposed volume calculations which are as follows:

- Volume of the existing building is 535m³
- Volume of the proposed unit is 691m³
- Volume increase is 156m³ (29% increase)

A previous planning application (ref 2010/93330) granted approval for conversion and alteration of the stable block into annex accommodation. Whilst this permission is no longer extant, it is a material planning consideration for what has been deemed acceptable on this site. This permission granted a volume increase of 26%, accepting that the size of the existing stable building dictates the overall size of the annex building. Taking this previous approval into account, it is considered the increase in massing would, on balance, not have a detrimental impact on the openness of the Green Belt. Its location to the north-east of the dwelling, and north-west of the existing collection of buildings which form Field Head Farm, would mean the building is well screened from Latham Lane and the dense planting and boundary with the M62 Motorway would screen the building from wider views, ensuring the development has an acceptable impact on visual amenity. Furthermore, as an annex building it does not require a separate access and private amenity space, which could have a further impact on openness. The principle of changing the use of the former stable block into an annex building is considered acceptable in accordance with Policy LP60 of the Kirklees Local Plan and chapter 13 of the NPPF.

It is acknowledged that the proposed layout of the building, which includes an integral garage, is akin to an independent dwelling. However, the agent has confirmed it is the intention of the applicant to use the new garage to house their own vehicles, and no objections are raised to the proposed scale. Furthermore, as per the previous application it can be conditioned that the use of the building be ancillary to the enjoyment of the host dwelling house. Any proposed future use of the building as an independent dwelling, would then be assessed appropriately as part of a planning application.

Highway Safety Issues

Policy LP21 of the Kirklees Local Plan states new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. Highways Development Management (HDM) note that given the previous approval, and the fact that the existing driveway and garage provides enough off-street parking for both the existing dwelling and the proposed annex, HDM raises no objection, subject to the inclusion of a condition to ensure that the building remains ancillary to the enjoyment of the host dwelling house.

Impact on Visual Amenity:

Policy LP24 of the Kirklees Local Plan states that 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. Policy LP60 states the design and materials to be used for the conversion of buildings, including boundary and surface treatments should be of a high quality and appropriate to their setting.

The proposed alterations include the cladding of the existing blockwork building with stone to the front elevation and render to the sides and rear. It is proposed to remove the corrugated metal roof and erect a new pitched concrete tiled roof with two dormers to the front and two to the rear. Additional openings are proposed in the front and side elevations of the remodelled building at ground and first floor, including a garage door. It is considered the design of the building and the proposed construction materials would be in keeping with neighbouring properties within the surrounding area and no objections are raised in respect of the impact on visual amenity. No significant alterations are proposed to the existing access arrangements, although an area of hardstanding is proposed to join the existing driveway to the proposed integral garage. This is a relatively small area and would preserve visual amenity.

Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan states proposals should provide a high standard of amenity for future and neighbouring occupiers. The existing building is located to the rear of 152 Latham Lane and is well screened. The insertion of windows into the ground and proposed first floors of the annex building would not have a detrimental overlooking impact to any neighbouring properties. The windows inserted in the front elevation of the annex building would look towards the garage of No.152, and the windows in the side elevations would front onto the adjacent barn and the curtilage area of the dwelling, both of which are considered acceptable. The proposal would, therefore, have an acceptable impact on residential amenity.

Impact on Public Right of Way

The site is accessed by Latham Lane which carries Bridleway SPE/14/40. The route of this public right of way is shown on the Council's mapping system to continue through the site. The proposed alterations to the building do not affect this right of way, and the proposed access arrangements will remain unchanged. There would, therefore, be no detrimental impact on the public right of way.

Representations

No representations have been received.

Other Matters

The proposal is to drain surface water to mains sewer. However, as this is an existing building, it is considered acceptable.

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.

The proposal will bring back into use an empty building, whilst proposing an extension to facilitate its uses as an annex. In this instance, however, the building would be used in connection with 152 Latham Lane and it is not necessary to condition the provision of an electric vehicle charging point.

Representations

No representations have been received.

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2020/91025

Officer Recommendation: Conditional Full Permission

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 to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP24, LP28, LP53 and LP60 of the Kirklees Local Plan as well as Chapters 2,12, 13,14 and 15 of the National Planning Policy Framework.

3. The annex building hereby approved shall be subservient to the use of the host dwelling 152 Latham Lane, Gomersal. The use of the building shall be ancillary to the enjoyment of the host dwelling house and shall at no time be sold or rented as a separate residential unit.

Reason: In the interests of protecting the openness of the green belt from further development associated with provision of a separate access and amenity space, and in the interest of highway safety, and residential amenity and to accord with Policies LP21, LP24 and LP60 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

4. The annex building shall be constructed of natural stone to the front elevation, render to the side and rear elevations and concrete roofing tiles in accordance with the material specifications stated on the plans and in the supporting documents.

Reason: In the interest of visual amenity and to accord with policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan			01.04.20
Existing Plan and Elevations	20/34		01.40.20
Proposed Block Plan, Ground Floor Plan and Elevations	20/34		24.09.20

Plan Type	Reference	Version	Date Received
Proposed First Floor Plan and Elevations	20/34	B	01.04.20
Design and Access Statement	20/34		01.40.20

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 has, 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. Officers negotiated with the applicant to secure details of existing and proposed volume calculations, request plans missing from the submission and to confirm the necessity for the proposed integral garage.

Report Dated: 24th September 2020