

**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: 2020/62/91777/E

Site Address: 68, Cliffe Lane, Gomersal, Cleckheaton, BD19 4EU

Description: Installation of windows to gable end of dwelling and formation of collecting area adjacent to existing manege

Recommending Officer: Josh Kwok

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: 07-Aug-2020

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Officer Report

Site Description

This application relates to no.68 Cliffe Lane, Gomersal. It consists of a two storey brick built end terraced property, a garden and hardstanding area to the front and a manege and timber hut to the side. The boundary treatments comprise field fencing and mature vegetation.

The site and its surroundings were once a single agricultural unit but subsequently subdivided with few former agricultural buildings converted and extended to form new dwellings. The hamlet is surrounded by farmlands, which contribute to the open rural character prevailing in this locality.

Description of Proposal

Planning permission is sought retrospectively for installation of windows and formation of a collecting area adjacent to the existing manege. Details of the proposal are outlined in the following.

- Three windows on the ground floor and two windows on the first floor
- Land directly adjacent to the application property to be leveled to create a flat surface for the collecting area
- The collecting area to be enclosed by low level stone walls with timber post and rail fencing on top.

History of negotiations/amendments received

No amendments sought on this occasion.

Relevant Planning History

2007/95399 – Change of use and alterations to convert existing agricultural building into 3 no. dwellings (Egypt Farm, Cliffe Lane) – Approved

Representations

This application was publicised by site notice, neighbour letter and news advert, which expired on 30-Jul-2020. As a result of this publicity, no representations have been received from occupants of the neighbouring residential properties.

Consultation Responses

KC Conservation & Design Team – no concerns with the proposed development

KC Environmental Health Service (Strategic Waste) – no objection of the works as proposed.

KC Environmental Health Service – no objections to permission being granted for this development

KC PROW Team – consulted but no comments received

KC Highways DM Team – we consider the application acceptable on highways ground

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 falls within the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 23** – Core walking and cycling network
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contamination and unstable land
- **LP 56** – Facilities for outdoor sport, outdoor recreation and cemeteries
- **LP 57** – Extension, alteration or replacement of existing buildings
- **LP 58** – Garden extensions

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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

As noted earlier in this report, the application site falls within the Green Belt in the KLP. Therefore, the development proposal needs to be considered in respect of the Green Belt policies in KLP and chapter 13 of the NPPF. In this case, the proposal is for alterations to the existing building to create several windows in the gable wall and formation of a collecting area. It could benefit from exception c of paragraph 145 and exception b of paragraph 146 of the NPPF as long as it does not result in disproportionate additions over and above the size of the original building, not conflict with the Green Belt purposes and preserve its openness. This is mirrored in policy LP57 of the KLP, which sets out the assessment criteria for extension but also alteration and replacement of existing buildings.

As the application property has not been extended before, the size of the existing building could be taken as the size of the original building in respect of paragraph 145 of the NPPF and policy LP57 of the KLP. Concerning the new windows, they would not materially increase the size of the original building nor would they dominate its overall appearance. Consequently, this element of the proposal is considered acceptable from a Green Belt perspective.

In terms of the collecting area, it would involve some engineering works to create a flat surface and erection of fencing surrounding it. This area is

intended to be used in conjunction with the existing manege directly adjacent to it and therefore could also be considered part of an outdoor sport and recreational facility for the purpose of policy LP56 of the KLP and paragraph 145(b) of the NPPF. In this instance, officers are satisfied based on the submitted information that the engineering works by virtue of their scale and relationship with the surrounding development would not harm the openness and the purposes of the Green Belt. Furthermore, the collecting area could be deemed an appropriate outdoor sport and recreational facility that is not larger than reasonably required for the proper functioning of the existing manege. It would satisfy the policy requirements in LP56 of the KLP and paragraph 145 of the NPPF.

To avoid domestication of the Green Belt through garden extension, a condition should be imposed to require that the collecting area hereby approved shall be used in conjunction with the existing manege and not be converted into a domestic garden of no.68 Cliffe Lane at any time without prior approval of the local planning authority in writing. This would be consistent with the aims of policy LP58 of the NPPF.

Subject to the condition recommended above, the development concerned would conform to policies LP56, LP57 and LP58 of the KLP and chapter 13 of the NPPF. It could be supported in terms of Green Belt.

2 – Impact on visual amenity:

The proposed development would be modest in size compared to the application property and land associated with it. As such, the scale of development is considered acceptable in visual amenity terms. The new windows would be of the same design and material as the existing windows of the host property. No visual amenity issues would arise from this development.

The collecting area is proposed to be enclosed by low level stone walls with timber post and rail fencing above. These boundary treatments would be appropriate in the context of the application site and its immediate surroundings. Based on the site visit observations and the information provided in this application, it is concluded that the proposal would be satisfactory in terms of visual amenity, complying with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposal would not give rise to any residential amenity issues as there are no properties immediately adjacent to the southern aspect of the application site. The collecting area and windows would not be visible from the adjoining terraced properties or the barn conversions further afield. In terms of odour, this is not considered unduly detrimental to the occupants of the application property as there is already a manege in the vicinity. The erection of a collecting area associated with this manege is unlikely to cause a greater impact than the current situation in terms of odour. The Council's

Environmental Health Service has confirmed that it has no objections to the proposed development.

In all, the development under consideration would be appropriate from a residential amenity perspective. It would accord with policies LP24 and LP52 of the KLP and chapter 15 of the NPPF.

4 – Impact on highway safety:

The proposal would neither intensify the current use of the application property nor would it affect the parking arrangement of the site. Hence, there would be no highway safety and parking issues arising from this proposal. The development would conform to policies LP21 and LP22 of the KLP.

5 – Other matters:

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 is a small scale domestic development to an existing dwelling. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Listed building setting

The access of the application property is close to no.64 Cliffe Lane, which is a grade II listed building. However the property itself is at least 32m away from this building. Additionally, the alterations as proposed would not be visible from this building nor would it adversely affect its setting. Acknowledging these factors, it is felt that the proposal would not diminish the significance of the listed building or conflict with policy LP35 of the KLP and chapter 16 of the NPPF.

PROW

There is a public footpath immediately adjacent to the external rear wall of the application property as well as the adjoining terraced properties. However, these properties have their own private access along Cliffe Lane. Besides, the works concerned have now substantially completed. No obstructions to the public footpath were observed in the site visit. Given that, the proposal would be in line with policy LP23 of the KLP.

Ecology

The site is located within a bat alert layer. Following a site visit, there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Land contamination and stability

Since the application site is close to a historic landfill, the Council's Environmental Health Service has been consulted concerning this development proposal. It is stated in the consultation response that the methane levels are below the lower explosive limit. Furthermore, given the nature of development proposed it is considered unlikely that the detected level of methane would present a hazard. As the development has already completed, it is not necessary insert any condition or footnote on this occasion.

The proposal would fall within a development high risk area as identified by the Coal Authority. However, officers are satisfied based on the site visit observations and the submitted information that the development concerned would not involve significant intrusive ground works. Consequently, it would be exempted from the requirement of Coal Mining Risk Assessment in accordance with the Coal Authority Exemption List. There would be no major issues in terms of land stability. Overall, the development concerned would be in compliance with policy LP53 of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received from occupants of the neighbouring residential properties following the statutory publicity.

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.

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: 2020/91777

Officer Recommendation: Approve

Conditions and Reasons

1. The collecting area hereby approved shall be used in conjunction with the existing manege shown on the approved site plan and shall not be converted to a domestic garden of the application property, no.68 Cliffe Lane, Gomersal, at any time without prior approval of the Local Planning Authority in writing.

Reason: To avoid domestication of the Green Belt through garden extension and to accord with Policy LP58 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. 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.

NOTE: Public footpath SPE/73/40 is an access to and adjacent 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 by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing plans and elevations	WACL-MWA-XX-XX-DR-A-0003-S2_P1		15-Jun-2020
Block plan site layout as previously approved	WACL-MWA-XX-XX-DR-A-0002-S2_P1		15-Jun-2020
Collecting area	WACL-MWA-XX-XX-DR-A-0005-S2_P1		15-Jun-2020
Proposed plans and elevations	WACL-MWA-XX-XX-DR-A-0004-S2_P1		15-Jun-2020
Location plan	WACL-MWA-XX-XX-DR-A-0001-S2_P1		15-Jun-2020
Supplementary information (collecting area)			31-Jul-2020

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. No amendments are sought on this occasion as the development is considered acceptable in its submitted form.

Report Dated: 05-Aug-2020