

**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: 2020/62/92106/W

Site Address: land at, Dunford Road, Hade Edge, Holmfirth, HD9 2SZ

Description: Erection of agricultural building

Recommending Officer: Neil 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 03-Dec-2020

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Officer Report

Site Description - land at, Dunford Road, Hade Edge, Holmfirth, HD9 2SZ

The site forms a piece of land which is part of a wider agricultural holding which at this parcel is 0.9 hectares in size. The applicant owns other land and rents other land as discussed in the main body of the report. This specific site is somewhat detached and forms an area of open grazing land bound by stone walls. Access to the site is via Dunford Road located to the west, which sweeps to the south. The closest building to the site is located to the north west at Catch Bar Farm, though this property is not associated with the application.

Description of Proposal

The application seeks planning permission for the erection of agricultural building. The proposed agricultural building would be 18.288 metres long by 12.192 metres wide with a maximum height of 5.7 metres. The building would be of a steel frame construction with concrete panels up to 1.2 metre with Yorkshire boarding above. Two gated openings would be provided at either end of the building. The roof would be covered in profiled grey fibre cement boarding with 10% translucent panels. To construct the building a small degree of land would need to be cut and filled to create a level site, with a maximum change in levels of 0.75 metres. A new crushed stone access would be formed in front of the building leading back to a new gated access that adjoins Dunford Road.

History of negotiations/amendments received

The agent addressed comments from the Highways officer with the submission of an amended plan.

Relevant Planning History

No relevant history

Representations

Final publicity date Expires: 12 October 2020, in total 1 comment was received.

A summary of the comments received is set out below:

- Dunford Road is a fast road and it will be important to consider how the newly formed access would impact on highway safety. Any gated access should allow vehicles to pull off the road to allow the gate to be opened.

Holme Valley Parish Council - The Parish Council supports the principle of the development but defers to Highways with regard to the access arrangements

Consultation Responses

The Coal Authority – No objection

KC Highways DM – after the submission of the amended plans no objection.

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 allocated in the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP10** – Supporting the rural economy
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP32** - Landscape
- **LP52** – Protection and improvement of local environmental quality
- **LP53** - Contamination
- **LP54** – Buildings for agriculture and forestry

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

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 6** – Building a strong, competitive economy (Supporting a prosperous rural economy)
- **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

The application seeks the erection of an agricultural building on a site located within the Green Belt. The impact of the development on the Green Belt will be a key consideration along with its impact the local landscape and character of the local area, residential amenity, highway safety and all other material planning considerations.

Green Belt

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.

Paragraph 145(a) allows the erection of new agricultural buildings. This is mimicked and expanded upon by LP54, which allows for the erection of new agricultural buildings 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.*

Consideration must first be given to whether the building is to serve a genuine agricultural use, as per LP54(a). This includes considering whether the applicant's operation is a genuine and functional agricultural use, followed by deliberation as to whether the building is fit for purpose and commensurate in scale to said operation.

The applicant has provided a supporting statement which details that the applicant owns 4.2 hectares of land in different parcels in and around Hade Edge and Hepworth, and rents 74.4 hectares across Farnley Tyas, Honley,

South Crosland and Lepton. The statement details that the applicant has 200 ewes, 70 grimmers and 150 lambs but also has 10 limousin cows and 10 limousin calves.

The building's location has been chosen due to its proximity to the applicant's home just outside of Hade Edge. The proposed building would be used for general agricultural purposes, but specifically to store feed and for some animal housing when necessary, mainly in the winter. Whilst the applicant does have access to buildings in Lepton, these are not owned by the applicant and only available in the winter months. The applicant considers that when the size of the overall holding is considered the building is relatively modest in size.

With regarding to specific requirements of Policy LP54 the agent has noted that the application site could be described as a somewhat isolated location. However they put forward that the specific requirements of the applicant should be considered, namely the size of the flock, the benefit that this has on the up keep of the surrounding countryside, the restriction on land owned by the applicant and its proximity to the applicant's home. Furthermore the separation from un-associated dwellings which ensure that there would be no amenity disturbance caused by the development.

Officers have considered the above points in detail and it is acknowledged that the applicant has a large flock of animals across significant areas of land within the district. This situation highlights that the business is well established for which the applicant gains full time employment from. Whilst there is access to some buildings in Lepton this is restricted to the winter months and these are separated from the applicant's home restricting ease of use and tasks undertaken. In light of these points it is considered the genuine need for the building has been demonstrated. With regard to its siting which is considered to be isolated, the points of the applicant are accepted. Other land owned by the applicant has similar restrictions and buildings would be considered to be isolated. The application site has the benefit of being close to the applicant's home which would have the benefit of tending to animals if housed in the building.

Whilst the building could be moved closer to the nearest property at Catch Bar Farm as the agent has detailed this would potentially impact on these occupiers amenity. The isolated position of the proposed building is therefore considered to be acceptable. With regard to appearance, the construction technique of a steel frame with the use of a concrete panel base and Yorkshire boarding above and a fibre board roof is typical of an agricultural building and is considered to be appropriate.

In light of the above assessment, the proposal is considered to be acceptable within the Green Belt and has been sufficiently justified.

Visual Amenity

General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the local area and protect amenity. The site is also located adjacent to open moor land and the impact of the building on the local landscape and is an important consideration, taking account of the requirements of Policy LP32.

As set out above, the design of the building is considered to be typical and appropriate for an agricultural building which would help it to sit comfortably within the wider local landscape where agricultural buildings are common.

The new access track would also change the character of the currently green field however given the location of the building is considered to be acceptable and would not be overly detached from the adjacent road, the track is considered to have an acceptable impact on visual amenity. As this would have simply a crushed stone surface it is likely that this would partly 'green over' in time and soften in appearance.

In conclusion the proposed building is considered to have an acceptable impact on visual amenity and the local landscape would accord with Policies LP24 and LP32 of the Local Plan.

Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*

The closest properties to the proposed building are Catch Bar Farm 85 metres to the north and Round Close Farm and Round Close Barn 115 metres to the west.

Given the separation distances between the dwellings and the building, the established agricultural use of the land which the building would be located on and design being built into the existing ground level, it is considered that the proposal would not have a detrimental impact on residential amenity.

Highway Safety

Turning to highway safety, Policy LP21 of the Local Plan has been considered. The policy seeks to ensure that new developments have an acceptable impact on highway safety. The application has also been assessed by the Highways DM Officer.

The proposed agricultural building would be accessed via a newly formed track across Dunford Road. The site is approximately 95 meters south of its junction with Round Close Road. Concerns were initially raised by Highways DM requesting that any gates to be installed were set back from the back

carriageway to allow vehicles to pull off the road before opening the gate and allow for sightlines when exiting. An amended plan was submitted meeting the requirements of highways, and these works will be conditioned along with ensuring that the first 10 metres is hard surfaced to ensure that no debris from the agricultural holding is dragged onto the highway. Given that works would adjoin the highway a note will be added to the decision notice detailing that permission does not extend to these works and separate highway approval would be required.

The proposed arrangements are considered to be acceptable and would ensure that the proposal would not have a detrimental impact to highway safety. The development would comply with Policy LP21 of the Local Plan.

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 will strengthen a local food producing business. This is preferable to importing food, which has a larger environmental impact. Given the scale of the development, this is considered acceptable justification to demonstrate no harm to the climate change agenda.

Biodiversity

The site of the building and access track are considered to be of low ecological value given its open grassed nature and the use of the building in association with agriculture would ensure that the impact is considered to be acceptable.

Coal Mining Legacy – The site is located within the High Risk Coal Mining Area and an Coal Mining Risk Assessment has been submitted and assessed by the Coal Authority who raise no objection to the proposal and do not propose any conditions.

Representations

In total 1 comments has been received. A summary of the comment received is set out below:

- Dunford Road is a fast road and it will be important to consider how the newly formed access would impact on highway safety. Any gated

access should allow vehicles to pull off the road to allow the gate to be opened.

Response: The impact of the development on highway safety has been considered above and amended plans were submitted to ensure that the impact was acceptable ensuring that vehicles would have space to pull off the highway before opening the gate or exiting.

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 – Full Conditional Permission

Decision Authorisation - Delegated Powers

Application Number: 2020/92016

Officer Recommendation: Full Conditional 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 so as to ensure the satisfactory appearance of the development on completion, to protect the character and appearance of the Green Belt and to accord with Policies LP24 and LP54 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Before the hereby approved development is first brought into use the approved gated access from Dunford Road shall be set back 10 metres from the edge of the carriageway as detailed on Dwg. No. 20/335/03b. The gates shall be hung to swing inwards only. The area from the carriageway edge and the gated access area shall laid out with a hardened and drained surface to prevent debris being brought onto the highway.

Reason: In the interests of highway safety to ensure that there is sufficient space to allow vehicles pull off the highway before entering the site and sufficient sight lines are provided and to ensure that an appropriate surface is provided to prevent debris from being brought onto highway. To accord with the requirements of Policy LP21 of the Local Plan.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	20/335/01a		20/8/2020

Plan Type	Reference	Version	Date Received
Existing Block Plan	20/335/02a		20/8/2020
Proposed Block Plan	20/335/03b		16/10/2020
Proposed Floor Plans and Elevations	20/335/04a		20/8/2020
Planning Statement	20/335		20/8/2020
Coal Mining Risk Assessment	YG 0184-20		20/8/2020

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. The case office secured an amended plan to improve the access arrangements with Dunford Road.

Report Dated: 2/12/2020