

**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: 2020/62/94149/W

Site Address: Snape View, Bradshaw Road, Holmfirth, HD9 3RD

Description: Erection agricultural building

Recommending Officer: Katie Chew

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: 22-Jan-2021

Officer Report

Site Description

Snape View, Bradshaw Road, Holmfirth, HD9 3RD

The application site relates to a holding located to the north west of Upperthong. The applicants currently own 5.7 acres and have a rental agreement up to October 2025 for some adjacent fields, bringing the total holding to 19.2 acres. The holding is currently used to breed and rear sheep and food production. The field boundaries in this area comprise of dry stone walls.

The site is accessed to the south off Bradshaw Road which is an adopted C road.

Description of Proposal

The application seeks planning permission for the erection of an agricultural building.

The agricultural building is to measure approximately 10m x 14m, with a ridge height of 4.1m.

The materials proposed to be used within the agricultural building include vertical Yorkshire timber boarding and an agricultural metal profiled roof.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

2018/92423 – Variation of condition W12 on previous application 2016/94310 for prior approval for change of use of agricultural building to one dwellinghouse and associated operational development. Approved 24th September 2018.

2016/94310 – Prior approval for change of use of agricultural building to one dwellinghouse and associated operational development. Approved 23rd February 2017.

2006/91324 – Outline application for erection of agricultural workers dwelling. Withdrawn 19th May 2006.

Representations

No representations have been received to date.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, the application did not require a site notice, or to be advertised within the press. Given the location of the proposals, neighbour notification letters were also not deemed to be necessary in this instance.

Consultation Responses

KC Highways Development Management – Comments received 17th December 2020. Highways raise no objections to the proposal.

KC Environmental Health – Comments received 18th December 2020. It is not considered that there is to be any significant environmental health impacts with this development. Therefore, Environmental Health have no objections to permission being granted for this development.

Parish/Town Council

Holme Valley Parish Council – Comments received 18th January 2021. Support the proposals.

Meltham Town Council – No comments have been received within the statutory timescales.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within the Green Belt.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP10 – Supporting the Rural Economy**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP52 – Protection and Improvement of Local Environmental Quality**
- **LP54 – Buildings for Agriculture and Forestry**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 6 – Building a strong, competitive 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

Principle of Development:

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Policy LP54 of the Kirklees Local Plan sets out the criteria against which proposals for agriculture and forestry in the Green Belt will be addressed, as detailed below. It is against this policy that the agricultural building will be first considered. The wording of this policy states that '*proposals for new buildings for agriculture and forestry will normally be acceptable, provided that:*

- a. *The building is genuinely required for the purposes of agriculture and forestry;*
- a. *The building can be sited in close association with other existing 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.*

Paragraph 19.11 continues stating that when proposals for new agricultural buildings are received the local planning authority will scrutinise the history of the holding to ascertain whether any agricultural or other suitable building has recently been severed from the holding or converted into another use.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'... these are set out within paragraphs 145 and 146 of the NPPF.

One of the exceptions to 'inappropriate development' in paragraph 145 is the erection of a building to be used for agriculture or forestry. In relation to determining whether or not an agricultural building is inappropriate, the NPPF does not set out any limiting criteria in relation to size or other matters. As the proposal is for an agricultural building to be used for secure dry storage for farm machinery and implements, animal feed and bedding materials, shelter for the sheep during the winter months and to provide shading during the summer, and provide somewhere safe for lambing to occur and for any quarantined and sick animals to recover, the proposal would therefore fall within one of the specific exceptions of paragraph 145 of the NPPF, and for the NPPF alone, would not constitute inappropriate development in the Green Belt.

A. Is the building genuinely required for the purposes of agriculture

Local Plan Policy LP54 (a) requires buildings to be genuinely required for the purposes of agriculture. Within the policy justification of Local Plan Policy LP54 paragraph 19.10 highlights that the construction of buildings for agriculture is not considered to be inappropriate in the Green Belt although they must be genuinely required in connection with an agricultural enterprise for which the need can be demonstrated. It will also depend on the extent and type of the holding in question and will be unlikely to apply to hobby farms. Hobby farms are usually defined as those where the enterprise is not the applicant's main, principal or fulltime occupation or business.

Local Plan Policy LP10 relates to supporting the rural economy. Within the policy justification of LP10 paragraph 7.30 states that an overall balance needs to be struck between providing local employment opportunities, promoting sustainable patterns of development and protecting the character of the countryside and reflecting Green Belt purposes. This will be considered further below.

B,C,D – Location of proposed building and design

The proposed building would be sited adjacent to the farmer's dwelling which is located to the west of the application site. It is therefore considered that the proposed building would not appear as an isolated feature in the landscape.

In terms of residential amenity, this is discussed in more detail further into the report however, it is concluded that the proposal would not cause detrimental harm to the residential amenity of any nearby residents.

The materials proposed would be typical of an agricultural building which are not uncommon features within the open countryside. The design of the building is simple and linear, which also typical of agricultural buildings. The building would have a ridge height of approximately 4.1m and would be viewed against the existing residential dwelling to the west. It is therefore considered that the proposals would not be an overly prominent feature within the landscape, nor would it materially detract from its Green Belt setting.

Given the above, it is acknowledged that the applicant has a moderate holding with a significant flock of sheep and therefore this type of proposal would not be deemed to be supporting 'hobby farming'. Additionally, within the submitted Design & Access Statement it is outlined that the proposed building is required for the welfare of the farmers animals and the safety of their machinery and implements. Taking this all into consideration it is considered that there is a genuine need for the agricultural building proposed and that the proposals are in line with Local Plan Policies LP54 and LP10 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

As highlighted previously the site is located within the open countryside, with the majority of this holding visible from either Bradshaw Road, Wolfstones Road or Thick Hollins Road. This being said, there are a number of agricultural buildings dotted around the immediate vicinity and whilst the proposal would not form part of a cluster of existing buildings, it would be

located adjacent to the farmers dwelling which is located to the west. It is therefore considered that the proposed building would not appear as an isolated feature in the landscape.

It is noted that the application site is located on top of a sloping hill, and that the proposed building is to be large in scale and size, although this is not uncommon for a building which is of this use and in this location. It is also important to note that the proposed building would be stepped back from the public highway (Bradshaw Road) by approximately 61m, and therefore should not have an overbearing impact on the highway.

The materials to be used within the building include vertical Yorkshire timber boarding and an agricultural metal profiled roof. It is considered that these materials and the proposed design are typical of an agricultural building in this location.

Given the above, it is considered that the proposed agricultural building would not appear as a prominent and isolated building within the landscape and that the building is agricultural in appearance which is considered appropriate given the rural context of the site. The design and materials used within the new agricultural building are simple, functional and appropriate to the use and needs of the building. The development is therefore considered to be appropriate in size, scale and design in this location, and that it does not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with local plan policies LP24 and LP54 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Given the nature of the proposals and the location of the application site, the nearest residential dwellings (other than the applicant's home) are located approximately 216+ metres away. This large separation distance is considered to be sufficient to ensure that the proposals would not cause undue harm to the amenities of any residential properties in terms of loss of light, loss of outlook, loss of privacy or overlooking, or the creation of an overbearing effect. Furthermore, it is considered that the proposed use of the building would no result in undue harm to neighbouring properties in terms of noise or odour.

It is therefore concluded that the proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policies LP24 and LP54 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposals seek to utilise the existing access which is gained from the access track leading up from Bradshaw Road. Given the nature of the proposals the Council's Highways department were consulted on the proposals, they raised no concerns as the access is already existing. It is also considered that there would be no additional trips on the local highway network due to the new agricultural building. It is therefore concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

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 large environmental impact. Given the scale of the development, this is considered acceptable justification to demonstrate no harm to the climate change agenda.

There are no other matters for consideration.

Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development

plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be approved.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/94149

Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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, and to accord Policies LP24 and LP54 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	10 th December 2020
Proposed Elevations & Plans	-	-	20 th January 2021
Proposed Elevations & Plans	-	-	20 th January 2021
Site Plan	-	-	21 st January 2021
Seasonal Adaptable Layout	-	-	21 st January 2021
Seasonal Adaptable Layout	-	-	21 st January 2021
Holding at Bradshaw Road Owned/Rented	-	-	3 rd December 2020
Site Plan	TQRQM20313201933606	-	3 rd December 2020
Rented Hey Meadow – Supporting Information	TQRQM20331091405738	-	3 rd December 2020
Design and Access Statement – Supporting Information	-	-	3 rd December 2020
Letter from Donaldson's Vet – Supporting Information	-	-	18 th December 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 preapplication 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 were sought in this instance as the proposals were considered to be acceptable upon submission.

Report Dated:

22/01/2021

