

**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: 2021/62/91607/W

Site Address: Shaley Farm, Shaley, Sandy Gate, Scholes,
Holmfirth, HD9 1RY

Description: Extension to 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: 14-Jun-2021

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Officer Report

Site Description

Shaley Farm, Shaley, Sandy Gate, Scholes, Holmfirth, HD9 1RY

Shaley Farm is a working farm which also seeks to breed sheep and cattle. The site also comprises of commercial stables and has a planning permission for a cattery. There are residential properties within the site which are associated with the farm. The site is accessed to the north off of Sandy Gate in Scholes.

The existing building is constructed from concrete panels, Yorkshire boarding and a concrete based profile sheet roof.

Description of Proposal

The application seeks planning permission for the extension to agricultural building.

The proposed agricultural store is to measure approximately 10.5m x 11.9m, with an approximate ridge height of 5.1m. Materials include Yorkshire boarding and concrete based profile sheeting, all to match what currently exists at the site.

History of negotiations/amendments received

Amendments were requested to the originally submitted red line boundary. The boundary has been amended to include only the proposed extension within the red line, with the rest of the land owned by the applicant shown in blue.

Relevant Planning History

85/03977 – Formation of vehicle access. Approved 4th October 1985.

88/01608 – Extension of farm building for silage store and stock yard. Approved 27th May 1988.

2009/92071 – Erection of agricultural shed. Approved 10th September 2009.

2010/92426 – Erection of agricultural workers dwelling. Approved 26th June 2012.

2012/91150 – Erection of a medium scale wind turbine Endurance E3210 50kW 24.6m to Hub and 34.2m to blade tip. Approved 19th November 2012.

2012/92210 – Erection of agricultural workers dwelling. DOC approved 22nd August 2012.

2012/93983 – Discharge of condition 4 on previous planning permission no. 2012/91150 for erection of a medium scale wind turbine Endurance E3210 50kW 24.6m to Hub and 34.2m to blade tip. DOC approved 8th January 2013.

2019/90761 – Erection of extension to agricultural building. Approved 1st May 2019.

2019/93910 - Removal of Condition 7 (occupancy) on previous permission 84/00612 for erection of bungalow. Pending decision.

2020/90708 – Change of use of part of building to form cattery to house a maximum of 10 cats. Approved 3rd July 2020.

2020/91045 – Erection of extension to agricultural building to form stables and formation of ménage. Approved 28th August 2020.

2021/91019 – Erection of 6 stables for commercial use. Pending consideration.

Consultation Responses

KC Environmental Health: Comments received 10th June 2021. No objections to the proposals subject to conditions and informatives.

KC Highways Development Management – Comments received 9th June 2021. No objection to the proposals.

Parish/Town Council

Holme Valley Parish Council – Support.

Local Ward Members

N/A.

Representations

Final publicity date expires:

Neighbour Letters – Expired 31st May 2021.

Press Notice – Expired 28th May 2021.

Site Notice – Expired 18th May 2021.

No representations have been received to date.

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 and the Holme Valley Neighbourhood Plan Area. There is a PROW located to the east of the site however, given the location of the proposals amongst the existing agricultural and residential buildings it is not considered that the proposals would impact on this public right of way.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP10 – Supporting the Rural Economy**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP54 – agricultural buildings**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**

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) 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) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 2) Impact on highway safety
- 3) Other matters
- 4) Conclusion

1 - Principle of Development and Impact on Visual Amenity:

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 paragraphs 145 or 146 of the NPPF.

In this case, the proposed agricultural store is an extension to an already existing agricultural shed and stables on a working farm. Paragraph 145 of the NPPF states that extensions to existing buildings need not be inappropriate in the Green Belt provided that they do not result in disproportionate additions to the size of the original building. Policy LP57 of the Local Plan clarifies in this case that the original building must remain the dominant element both in terms of size and appearance. The proposed agricultural store is to measure approximately 10.5m x 11.9m, with an approximate ridge height of 5.1m. Whilst it is acknowledged that this would be an extension somewhat large in scale and size, that would be visible from Sandy Gate, it is in officer's opinion that the extension would not be considered to be disproportionate to the existing agricultural building of which it will extend out from. The proposed extension will be lower in height than the existing agricultural building and smaller in width. Thus, the original building would remain the dominant element. The proposed agricultural store is considered to be proportionate to its proposed use and would be viewed in the context of a working farm and the backdrop of a larger building. It is therefore considered to be unobtrusively located and acceptable in this instance.

Officer note: It is important to acknowledge that there is another application currently pending consideration at this site (ref: 2021/91019), this application seeks to erect 6 new stables off of the existing agricultural shed and stables and would infill the gap between the existing stables and the proposed agricultural store should these applications both be approved. Nonetheless, it is considered that given the drop in ridge height, and the reduced width of both the proposed agricultural store in this application, and the proposed stables under application reference 2021/91019, the original agricultural shed

would still remain the dominant element and therefore the proposals would be considered to be subservient additions in this instance.

In terms of materials, the proposed extension would comprise of Yorkshire boarding and concrete based profile sheeting. These are all considered to be typical of these types of buildings and therefore are deemed to be acceptable in this instance.

Whilst it is acknowledged that there would be some visual impact from the new extension, the proposals are considered to be proportionate and would not appear as an uncommon feature within the rural landscape. For these reasons it is considered that the agricultural store would have an acceptable impact on visual amenity and would accord with national and local Green Belt policy, therefore it is in officers opinion that the proposed development is appropriate within the Green Belt by exemptions of LP57 and paragraph 145 of the NPPF.

To conclude, the proposal represents appropriate development within the Green Belt, by LP57 and Paragraph 145. Furthermore, it would not cause other harm to the Green Belt. Accordingly, the principle of development is acceptable, and proposals are also considered to have an acceptable impact on visual amenity in accordance with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

2 - 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'.

The nearest residential dwelling is to be located approximately 60m away from where the proposed agricultural store is to be located. It is therefore considered that there are no concerns in regards to overlooking, overshadowing, or the proposals appearing overbearing in nature. Furthermore, given the separation distance between the neighbouring property and the proposals it is not considered that there would be a significant impact in terms of noise or odour disturbance. The Council's Environmental Health Officer was consulted, and they raised no objections to the proposals subject to conditions and informatives.

Whilst the proposals will seek an increase in vehicle movements to the site within close proximity to adjacent neighbouring properties, highways officers considered the increase to be minimal and that it would not have a detrimental impact on the highway or existing users of this highway.

Given the above, it has been considered that the proposal would not have an unacceptable impact on residential amenity and therefore would be in accordance with Policies LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - 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 current proposals seek to construct a farm storage building to the end of the stables proposed in application 2021/91019. Highways officers were consulted on the proposals and raised no objections as it is not expected that the scheme would have an impact on the highway as the farm machinery is already on the farm and stored in the open. The location of the storage room is away from the access to the highway and is not in a location where it would be able to be used for parking for the commercial aspects of the farm. 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.

4 - 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.

5 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/91607

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 Policy LP24 of the Kirklees Local Plan.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

NOTE: Public footpath Holmfirth 116 is the 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

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination – Technical Guidance for Developers Landowners & Consultants – (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 08:00 to 18:00 hours Mondays to Fridays
- 08:00 to 13:00 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Site and Location Plans	02	F	7 th June 2021

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. Amendments were requested to the originally submitted red line boundary. The boundary has been amended to include only the proposed extension to the agricultural building within the red line, with the rest of the land owned by the applicant shown in blue.

Report Dated:

14/06/2021

