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Planning Development

By Email Only

Kirklees Council
Planning – Development Control

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FAO Katie Chew

SUPPLEMENTAL OBJECTION TO PLANNING APPLICATION FOR THE ERECTION OF 2 DETACHED DWELLINGS ON LAND AT MIDDLE BURN FARM, BURN ROAD, BIRCHENCLIFFE, HUDDERSFIELD

LPA REF: 2021/92091

Dear Madam,

Further to our initial letter of representation dated 25th June, we would like to respond on behalf of our clients in connection with the recently submitted Heritage Statement (HS) by The Urban Glow.

The report summarises the significance at Page 6 by stating “The application site itself therefore represents a modest element of remaining land that currently only contributes in a neutral/ minor positive manner to the significance and setting of the house.” The report concludes at Page 21 that “.....the building of houses on the site will only cause negligible (no) harm”.

In contrast, as we have previously quoted from the 2014 appeal decision (attached for ease of reference), the Inspector dismissed a single storey dwelling on the western part of the front garden and fundamentally disagreed with this assessment, noting that ‘*very discernible changes would occur to the setting of the listed building.*’¹ The Planning Inspector also noted that, ‘*despite being only single storey, it would interrupt and partially block views of the listed building across the front garden from Burn Road.*’²

It is considered that given the proposed scale, massing and built form of the proposed development, the overall impact and harm caused to the setting of the listed building would be greater than that assessed by the Council and Inspector in the 2014 case, as that related to a *single* storey dwelling.

In 2016, development was rejected once again for the western portion of the site. In the Committee Report, it was noted by the Planning Officer that, ‘the large front garden of Middle Burn Farm provides

¹ Appeal APP/Z4718/A/14/2224453 paragraph 16

² Appeal APP/Z4718/A/14/2224453 paragraph 15

a very open aspect to views of this listed building from numerous directions and the proposal would therefore erode some of this openness. Any new buildings on the site would become part of the building's setting and influence and how it is experienced.'³

In its response to the latest proposals, the Conservation and Design department have judged the harm to the setting of Middle Burn Farmhouse to be 'substantial' in accordance with the NPPF.

In this regard, Paragraph NPPF 195 requires such a substantial harm to be demonstrated to be necessary to achieve "substantial public benefits that outweigh that harm or loss".

The submitted HS, whilst not accepting the harm is 'substantial', nevertheless acknowledges 'less than substantial' and therefore accepts that in accordance with NPPF paragraph 202 - as a minimum - this harm needs to be weighed against the public benefits of the proposal.

These public benefits are set out at Page 18 and include the following. Our client's views on these public benefits are included in turn below.

1) Capping off the Harron homes development

Response: The HS appears to try and make the argument that the development provides the opportunity to help reinstate something of the agricultural character of Reap Hirst Lane, because the modern development nearby has allegedly caused harm to the setting of the heritage assets. However, any harm caused by modern development does not justify further harm by developing existing open land closer to, and more important to, the setting of the listed buildings. In our client's view, this is illogical and would not in any way provide a public benefit in this case.

2) Felling conifer hedge

Response: By felling the conifer hedge, the HS appears to be suggesting that the more direct, superior view of Middle Burn farmhouse should be replaced by an inferior, more oblique one. Our client considers this to be a public disbenefit, as opposed to a benefit. Furthermore, this matter could not be reasonably conditioned in accordance with the statutory tests for imposing planning conditions at paragraph 56 of the NPPF.

3) Improvements to Middle Burn farmhouse

Response: Such improvements, even if the offer was genuine, are not within the control of the application before the Council and again, could not be reasonably conditioned in accordance with the statutory tests for conditions.

4) Assisting with housing target

Response: The inspector in the 2014 appeal case rejected the idea of housing supply for one or two dwellings as having any discernible impact on housing supply. Moreover, in 2014 the Council did not have a five year housing supply, whereas now it does. Consequently, even less weight can be afforded this matter.

³ Committee Report 2016/90524 paragraph 10.34

in summary, our client does not consider the public benefits listed by the applicant are in fact public benefits, and nor do they outweigh the harm to the significance of the relevant heritage assets, particularly acknowledging that national planning policy affords “great weight” to heritage asset conservation, irrespective of the degree of harm.

As such, our client remains of the view that planning permission should be refused in this case.

Yours faithfully,

Nick Willock MRTPI MRICS

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