

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No: 2021/70/92298/E

Site Address: Dry Hill Farm, Dry Hill Lane, Denby Dale,
Huddersfield, HD8 8YN

Description: Variation of condition 2. (plans) on previous
permission no. 2018/90187 for Change of use and
alterations to existing agricultural barn to form dwelling

Recommending Officer: Liz Chippendale

DECISION – VARIATION OF CONDITION 2 APPROVED

**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: 20-Aug-2021

Officer Report

Background

Planning permission was granted for the change of use and alterations to an existing barn to form a dwelling under planning reference 2018/90187 on 10th July 2018.

Site Description

The site comprises of a large farm complex and contains several redundant agricultural buildings of typical, modern construction (open concrete frame, block walls with timber panels above).

The subject barn is located to the rear of the complex in the north-west corner of the site, which is accessed via the farm or by a separate access along the western boundary.

The surrounding area is characterised by open countryside interspersed by sporadic development of agricultural uses and associated development.

Description of Proposal

The application seeks permission to vary condition 2 (plans and specifications) on the previous permission reference 2018/90187 for the change of use and alterations to an existing barn to form a dwelling

The original condition reads as follows:

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 with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework

Proposed alterations:

South-Western elevation

- Window opening at first floor altered to rectangular shape with 4 no. doors.
- Ground floor central opening altered to 5 no. full length openings.
- Additional opening created to East of elevation at ground floor.
- Full length window to Western corner which wraps around to North Western elevation.

North-Western elevation

- Position of entrance centralised
- Garage door opening removed and replaced with window opening

North-Eastern elevation

- Existing canopy proposed for vehicle parking
- 2 no. first floor windows to serve storage room
- Additional window at ground floor to serve bathroom

South-Eastern elevation

- Window openings removed and single entrance door created with small window.

Internal layout

- *Removal of garage to create snug and bathroom*
- *Reconfiguration of ground floor layout*
- *Additional room at first floor to create storage room*

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

2018/90187	Change of use and alterations to existing agricultural building to form dwelling Conditional full permission
2017/91267	Outline application for demolition of existing farm buildings and erection of 5 detached dwellings Refused
2016/91863	Prior approval for change of use of agricultural building to one dwellinghouse and associated operational development Details approved
2016/90866	Prior approval for change of use of agricultural building to one dwellinghouse and associated operational development Withdrawn
2015/93255	Outline application for 8 dwellings Withdrawn

Representations

The application was advertised by neighbour notification letter, which expired on 15th July 2021.

No representations were received.

Denby Dale Parish Council: no objections.

Consultation Responses

No specific consultations were undertaken.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 unallocated within the Kirklees Local Plan proposals map.

Kirklees Council has recently adopted its Supplementary Planning Guidance (SPG) for house extensions. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and The National Planning Policy (NPPF) which require development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPG will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 24 – Design
- LP 51 – Protection and improvement of local air quality
- LP 60 – The re-use and conversion of buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF, published 20th July 2021, 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 14 – Meeting the challenge of climate, flooding and costal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development

Section 73 of the Town and Country Planning Act 1990 allows for the variation or removal of a condition of a previous permission.

The principle of development for the change of use and alterations of the agricultural building to form a dwelling was approved by way of full conditional permission reference 2018/90187.

Permission was originally granted under Class Q for the prior approval for change of use of agricultural building to one dwellinghouse and associated operational development (2016/91863). At the time of this permission and the subsequent permission reference 2018/90187 the building was considered capable of re-use to function as a dwelling house except a replacement roof covering.

It was clear at the officer site visit (dated 25th June 2021) that the original blockwork walls had been removed, leaving only the original frame standing and a small section of new blockwork. Therefore, the original permission is questioned, which was for the conversion of an existing building within the Green Belt.

Officers consider that although more of the original walls have been removed than originally anticipated, as the original frame remains in situ, the structural integrity of the building remains intact.

Paragraph 137 of the NPPF states that *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence”*. As the original frame remains in-situ, the completed building, although with new walls and roof (new roof approved under 2016/91863) the building will be limited to the scale of the frame in terms of height and massing. Therefore, the impact on the openness of the Green Belt will be as originally approved.

As such, it is considered that the principle of development remains established by way of the previous application. This assessment will deal with the merits of the proposed variations.

Impact on visual amenity and openness of the Green Belt

KLP policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by the NPPF, which sets out that, amongst other things, decisions should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 130 of the NPPF).

The proposed alterations to the conversion are considered acceptable with regards to scale and design. The proposed openings retain the large openings, which would be characteristic of an agricultural building. The building forms part of an existing cluster of agricultural buildings, which are serviced via an existing track and hardstanding area surrounding the buildings.

The dwelling is set back significantly into the site from Dry Hill Lane and, therefore, it is not visible from within the street scene. The timber panelling will be retained as approved under application 2018/90187.

For the reasons outlined above, the proposed alterations are considered appropriate from a visual amenity perspective with no impact on the openness of the Green Belt. The proposal, therefore, complies with policies LP24 of the KLP and chapter 12 of the NPPF.

Impact on residential amenity

There are considered no further impacts on residential amenity due to the amendments over and above the level of residential amenity enjoyed by neighbouring dwellings, as originally approved. The proposal is, therefore, considered to comply with policy LP24 of the KLP and chapter 12 of the NPPF.

Impact on highways safety

The proposal removes the integral double garage. However, parking is proposed to the west of the building, under the existing canopy roof. As such, the level of parking at the site is retained. Therefore, the proposal is in accordance with policies LP21 and LP22 of the KLP.

Other matters

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

Representations

No representations were received.

Condition review

As this application is a Section 73 application to vary conditions, it is necessary to re-impose all those conditions, which remain relevant. As the KLP had also been adopted since the original application, the reasons for all conditions have been reworded to reference the relevant local plan policies.

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 it is, therefore, recommended for approval.

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2021/92298

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22, LP24 and LP60 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy 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.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP52 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

3. 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 the whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP52 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking, access and turning within the development from Dry Hill Lane (which shall include the areas to be used for the turning of service and emergency vehicles) on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding

the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for access and turning as specified on the submitted plan thereafter. **Reason:** In the interests of amenity and traffic safety and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policies LP21 and LP22 of the Kirklees Publication Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A-E of Schedule 2 of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the application site shown on the approved plans at any time. **Reason:** In the interest of visual amenity and to preserve the openness of the Green Belt, in accordance with Policies LP24 and LP60 of the Kirklees Local Plan and Chapter 12 of the NPPF.

NOTE All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE There are no details available relating to means of foul sewage disposal. The preferred option is that the development is connected to mains sewage. If this is not a viable option, the second preferred option is sewage treatment package. The applicant is made aware that if a sewage treatment package is needed then a separate planning permission would be required.

NOTE This approval relates to the change of use and alterations to the building to form dwelling. It should not be inferred that this permission extends to include demolition works except for those indication on the approved plans, or extensive rebuilding. Should it become apparent that this would be the case, Planning Services should be contacted before carrying out any works.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Proposed elevations	2160-D-20-007	-	09.06.2021
Proposed ground floor plan	2160-D-20-005	-	09.06.2021
Proposed first floor plan	2160-D-20-006	-	09.06.2021

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 has, 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. As the submitted information was considered acceptable, no additional or amended information was sought.

Report Dated:

19.08.2021