

**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: 2021/62/93500/W

Site Address: Meltham House Farm, Tenter Hill, New Mill, Holmfirth,
HD9 7HF

Description: Erection of agricultural building and demolition of
existing buildings

Recommending Officer: Lucy Taylor

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: 4th November 2021

Officer Report

Application: 2021/93500

Site: Meltham House Farm, Tenter Hill, New Mill, Holmfirth, HD9 7HF

Proposal: Erection of agricultural building and demolition of existing buildings

Site Description.

The curtilage of Meltham House Farm consists of a terraced farm house with a large yard and several agricultural buildings located to the rear. The farm house is set back slightly from the fronting highway of Tenter Hill and is constructed from stone with a tiled gable roof. A set of gates to the eastern side elevation of the farm house facilitate access to the yard and the agricultural buildings, which at present consist of an implement store, a store and maintenance shed, a hay and implement store, a pig sty, a bull pen, a boar pen, a store, stables and a sow pen – all of varying sizes and scales. The agricultural buildings are constructed from a variety of stone, block and profiled sheeting.

The wider vicinity of the site is especially rural, with the only surrounding dwellings the adjoining terrace properties located to the west. To the east of the site is Meltham House Lane.

The application site is located within the Green Belt and PROW footpath HOL/124/20 crosses the site.

Description of Proposal.

Planning permission is sought for the demolition of a number of existing buildings and the erection of an agricultural building.

The new agricultural building will be erected following the demolition of the existing bull pen, boar pen and hay and implement store – towards the northern rear boundary of the site. The replacement agricultural building will have a width of around 21 metres therefore, of a reduced width in comparison to the cumulative width of the previous agricultural buildings which measured 23.7 metres. In addition, the maximum height of the new agricultural building will be same as the maximum height of the existing agricultural building in its place, ~ 6 metres. The new agricultural building will have a varied height across its width, with other heights measuring 3.6 metres and 3.25 metres from external ground level.

The new agricultural building will be constructed from profiled sheets with a stone base and timber boarding to the side elevation, to provide ventilation to the livestock. The roof and doors will also be constructed using profiled sheeting.

The existing area of hard standing in the yard around the agricultural buildings will be retained following the erection of the proposed replacement agricultural building.

History of Negotiations.

No negotiations have taken place and no amendments were deemed necessary.

Relevant Planning History.

No relevant planning history.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, a site notice and within a newspaper as there is a public footpath crossing the site, collectively expiring on 15th October 2021 – one comment was received.

The comment was received from the Peak and Northern Footpaths Society and stated:

Holmfirth Public Footpath 124/20 passes through the site. The applicant should be advised not to obstruct or damage the path during or after development. The path should be kept safely open during any works.

Consultation Responses.

PROW (Footpaths) – no comments were received.

Holme Valley Parish Council – support the application.

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 application site is located within the Green Belt and has PROW footpath HOL/124/20 crossing it.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP10** – Supporting the Rural Economy
- **LP21** – Highway Safety and access

- **LP22** – Parking Provision
- **LP24** – Design
- **LP52** – Protection and Improvement of Environmental Quality
- **LP54** – Buildings for Agriculture and Forestry

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan (HVNP) has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, which will take place in November 2021, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The emerging Policies relevant to this application, following receipt of the independent Examiner's Report which are to be put forward to referendum, including key considerations from these Policies, are:

- **Policy 1** – Protecting and Enhancing the Landscape Character of Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 7** – Supporting Economic Activity
- **Policy 12** – Promoting Sustainability
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is located within two Landscape Character Areas, LCA7 and LCA8.

Landscape Character 7 – River Holme Wooded Valley:

Key landscape characteristics of the area:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristics of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

Landscape Character Area 8 – Settled Slopes of the Holme Valley

Key landscape characteristics of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

Key built characteristics of the area are:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, together with Circulars, Parliamentary 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 4** – Decision-Making
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 11** – Making Effective Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Assessment.

The following matters are considered in the assessment below: -

1. Principle of development and visual amenity
1. Impact on residential amenity
2. Impact on highway safety
3. Other matters

4. Representations
5. Conclusion

1. Principle of Development and Visual Amenity

Green Belt

The application site is located within the Green Belt on the Kirklees Local Plan. As such, planning law required that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise

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 151 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 149 and 150 of the NPPF.

One of the exceptions to 'inappropriate development' in paragraph 149 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 as a Livestock Shed and Hay and Implement Store, the proposal would therefore fall within one of the specific exceptions of paragraph 149 of the NPPF, and for the NPPF alone, would not constitute inappropriate development in the Green Belt.

In this case, Policy LP54 of the Kirklees Local Plan sets out the criteria against which proposals for agriculture and forestry in the Green Belt will be assessed, as detailed below. It is against this policy that the proposed agricultural building will be considered in detail. 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 demonstratable 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.

Policy 1 of the Holme Valley Neighbourhood Development Plan states that *‘all agricultural buildings in the Green Belt should comply with Kirklees Local Plan Policy LP54 and should have appropriate screening and landscaping. Buildings should use neutral colours and tones to reduce visual impact’*.

Assessment of Applicant’s Case

In this instance, the design and access statement states that the new shed will replace some of the existing dilapidated buildings, which have been stood and used for over 40 years. The statement also goes on to highlight that the new shed will be used for the storage of hay and farm implements at one level and livestock on the other, emphasising that there is currently very little indoor space for livestock.

The idea of creating increased indoor space for livestock can be further supported by LP10, supporting the rural economy, which states that an overall balance needs to be struck between providing local employment opportunities, promoting sustainable patterns of development and protecting the character of countryside and reflecting Green Belt purposes. This will be considered further below.

In this case, the proposed agricultural building is a replacement of existing agricultural buildings on site, which have clearly reached the end of their lifespan, and would be situated amongst several other agricultural buildings on site. It is therefore considered that the proposed building would not appear as an isolated feature in the landscape.

Turning to the design of the building, Chapter 12 of the NPPF states that *‘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.

The submitted plans show the building to essentially replace the existing dilapidated agricultural buildings on site, to be built in the same location and, on completion would be of a similar size/scale. In addition, given the current condition of the agricultural buildings in which it is to replace, this development is welcomed from a visual amenity perspective, improving the overall appearance of the site within both the immediate and wider spatial vicinity.

For reasons of replacing and been read alongside existing built form, it is considered that the development would not be an overtly prominent feature

within the landscape, nor would it materially detract from its Green Belt setting. In addition, the split-level form of the proposed agricultural building is concluded to appropriately address the topography of the site from a design perspective, by form, elevating any undue bulking and massing. Resultantly, despite been relatively large, the building will not appear incongruous or overly dominant in the general context of the site, for close or longer distance views.

The submitted plans show the building to be constructed primarily using profiled steel sheet, with a profiled steel sheet roof and timber boarding to one side elevation. Such materials are considered typical of an agricultural building, which are not uncommon features within the open countryside. In addition, this design and material has previously been established on site, with the agricultural building to be replaced built using these materials therefore, of a very similar, but improved, appearance visually. The inclusion of a 2.0 stone plinth to the new agricultural building increases harmonisation between the new building and the other existing built forms on site and within the wider spatial vicinity, including the stone agricultural buildings and the dwellings themselves. This would also harmonise with the landscape character areas of the emerging Holme Valley Neighbourhood Plan where isolated farmsteads are a feature of the area.

Given the above, it is acknowledged that the applicant has an established holding which part takes in various farming and livestock pursuits and, as stated within the Design and Access statement, requires the replacement of existing dilapidated built form for reasons of livestock welfare through the provision of increased indoor space; as well as for reasons of storage, including for hay and farming implements.

Taking this all into account consideration, it is concluded that there is a genuine need for the replacement agricultural building proposed and that the scheme is in line with Local Plan Policies LP10, LP24 and LP54 and the guidance contained within the National Planning Policy Framework. In addition, this analysis confirms that the scheme appropriately conforms with Policies 1 and 2 of the Holmfirth Neighbourhood Development Plan. This is subject to a condition that the profile metal sheeting is finished in dark green so that the building does not form an over prominent feature in the landscape. This colour has been agreed with the agent in writing.

1. Impact on Residential Amenity

Given that the replacement agricultural building will function under the use as the existing agricultural buildings on site, and that it is to be of a very similar size/scale meaning agricultural activity is unlikely to intensify by a great extent, the scheme is unlikely to give rise to any undue noise or odour concerns for nearby residents. It is noted that the livestock element of the building would be ventilated towards dwellings (Yorkshire boarding) but this is set amongst other buildings that would assist in dissipating odour. The relationship with other buildings would also assist in avoiding noise nuisance. The main doors would open to the west and not towards dwellings. The scale

of this part of the building, it is around 125 sq m in area, is small and commensurate with the holding size of 20 acres. The nearest neighbouring domestic curtilage are set approximately 21.5 metres away from the site of the proposed development and it being no closer than existing stables or pig sty. Taking all the above into account, the scheme is concluded to be in accordance with Policies LP24 and LP52 of the Kirklees Local Plan from both a noise and odour perspective.

In addition, given the significant extent of separation from the site of development and the nearby residential properties (including No.5 and No.4 Tenter Hill), as well as the replacement nature of the proposed scheme, it can be concluded that no detriment is posed to residential amenity with regard to overbearing, overshadowing or neighbouring privacy. For this reason, the scheme is concluded to abide by the requirements set out in Chapter 12 of the National Planning Policy Framework, Local Plan Policy LP24 and the Holme Valley Neighbourhood Development Plan.

2. Impact on Highway Safety

Given the replacement nature of the proposed scheme, it is concluded to pose no alterations to the existing parking arrangements on site, or to existing access routes to and from the property in conjunction with the adjoining highway of Tenter Hill. In addition, for the same reason, the scheme is also unlikely to generate additional amounts of traffic, over and above the existing situation on and around the site.

Therefore, the scheme will appropriate accord with Chapter 9 of the National Planning Policy Framework and LP21 and LP22 from the Kirklees Local Plan.

3. 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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood

Development Plan and Chapter 14 of the National Planning Policy Framework.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the NPPF.

PROW (Footpath)

The route of PROW footpath HOL/124/20 crosses the application site. Given the replacement nature of the proposed agricultural building, to be constructed in place of existing built form on site, its erection poses no detriment to the accessibility or use of this footpath crossing the site. Therefore, given that the proposed development at Meltham House Farm poses no prejudice to the function, continuity or implementation of this core walking route, the application is considered to appropriately abide with LP23 – Core Walking and Cycling Network. Notwithstanding this, an informative note will be included as a reminder that this route should not be blocked or obstructed – even during the course of development.

4. Representations

Following publicity of the scheme, one comment was received. The comment was received from the Peak and Northern Footpaths Society and stated: Holmfirth Public Footpath 124/20 passes through the site. The applicant should be advised not to obstruct or damage the path during or after development. The path should be kept safely open during any works.

An informative note to this effect will be included in the decision notice.

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93500

Officer Recommendation: Approve

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 preserve the openness of the Green Belt and to accord Policies LP1, LP2, LP21, LP22, LP24, LP52 and LP54 of the Kirklees Local Plan and Chapters 12, 13 and 15 of the National Planning Policy Framework.

3. The profiled metal sheeting to be used for the external walls and roof of the building hereby approved shall have a factory applied colour finish in dark green.

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 ensure the building harmonises with the wider landscape and to accord

Policies LP24 and LP54 of the Kirklees Local Plan and Chapters 12, and 13 of the National Planning Policy Framework.

Note: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Public Right of Way HOL/124/20 crosses the application site. This Public Right of Way shall not be interfered with or obstructed at any time before, during or after the construction period. For further information, please contact publicrightsofway@kirklees.gov.uk .

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Layouts and Elevations	01A	-	8.9.21
Proposed Layouts and Elevations	02B	-	8.9.21
Design and Access Statement	-	-	8.9.21

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. No amended plans were sought or submitted. The Agent was however asked to confirm the colour of the profiled metal sheeting. This is now included in a prescriptive condition.

Report Dated: 3.11.21

