

3.8m giving a footprint of 56m². By contrast the floor area of the proposed annex measures approximately 15m x 6.0m giving a footprint of 90m². This is an increase of 34m². The footprint of the proposed development therefore exceeds the footprint of the existing development, which is contrary to Policy LP59. Furthermore, the height of the building proposed would be increased from 3.1m to 3.5m. This, along with the increase in footprint, would result in a building with a much greater volume than the existing.

Moreover, the proposed use of the building for residential is a more intensive use than the existing use of the building as stables. The domesticated design of the building and the additional paraphernalia that is likely to be associated with its use would be of detriment to the Green Belt setting.

As such, it is argued that the proposed development would have a greater impact on the openness of the Green Belt than the existing development. The proposals are therefore inappropriate development within the Green Belt and do not comply with clause (g) of paragraph 149 in the NPPF.

Paragraph 147 in the NPPF states that, *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* The applicant has not provided any 'very special circumstances' that would outweigh the *'potential harm to the Green Belt by reason of inappropriateness.'*¹

It is also noted from the Location Plan that the red line boundary extends beyond the existing stables. However, when the main house was granted planning permission for its conversion from a barn to a new dwelling in 1998 (LPA ref: 98/92544), the red line boundary, and therefore the residential curtilage, only extended just beyond the main house and did not include the stables or the adjacent land.

Despite historical Google Earth images appearing to show that the land in question has been unofficially domesticated over the years since the barn conversion, it is considered that this land should not be included within the red line boundary of this application, unless the applicant is proposing a lawful change of use of this land to extend their domestic curtilage as part of the proposals.

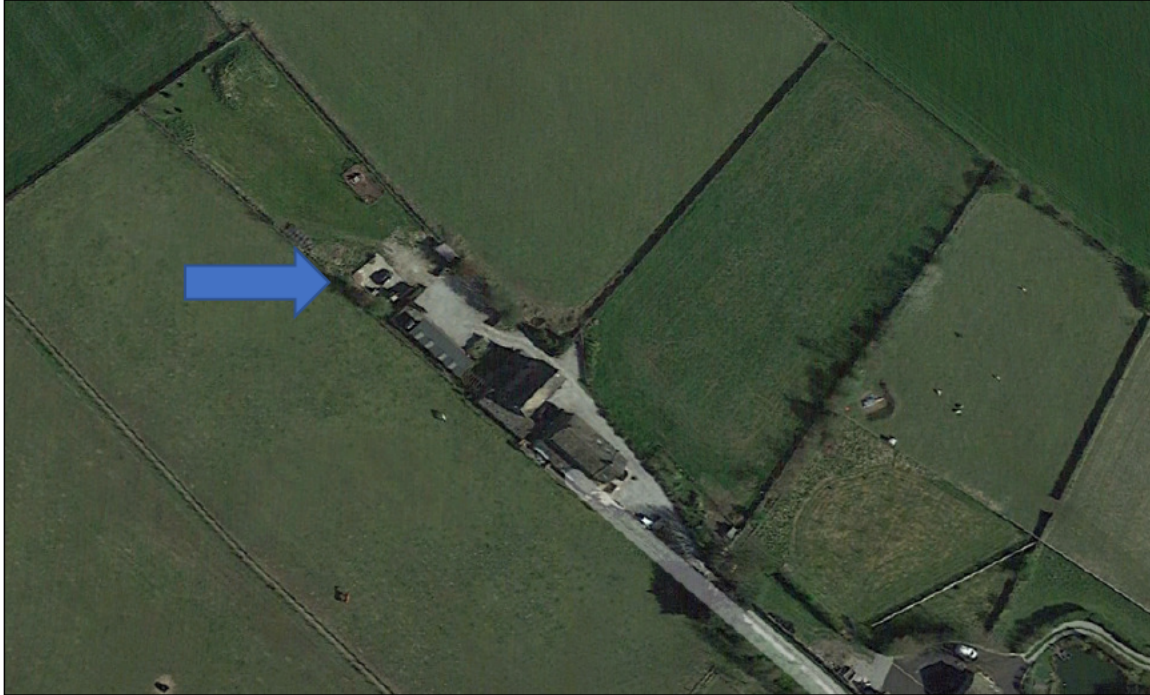
Policy LP58 in the Local Plan (Garden Extensions), states that, *'Proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted.'*

Paragraph 19.28 of the Local Plan goes on to state that, *'The change of use of land in the Green Belt is always inappropriate and will not be acceptable unless very special circumstances exist that outweigh the harm to the Green Belt by reason of inappropriateness. As one of the principal purposes of the Green Belt is to maintain openness it follows that the enclosure of land inside a garden will have a detrimental impact and is therefore harmful to the purposes of including land within the Green Belt.'*

Like the proposed annex, there does not appear to be any 'very special circumstances' that would justify a garden extension in this instance. The property itself is situated at the end of a narrow lane/drive and is completely surrounded by open fields and countryside. As such, the garden extension could in no way be considered as infill or the rounding-off of an area of land. Domestic gardens quite often include areas of hardstanding, garden furniture, children's play equipment, sheds, greenhouses, boundary walls and fencing etc, all of which would result in unacceptable harm to the openness of the Green Belt in this instance.

¹ NPPF 148

In addition, the applicant also owns the land directly north-west of the application site, edged in blue on the Location Plan. If approval is given for an extension to the original domestic curtilage, what is stopping the applicant from encroaching into this area of land in the future causing even further harm to openness? ² Again, it would appear from current Google Earth images (see below) that an area of hardstanding has already been constructed on this land without planning permission.



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Given the above, the proposed development as a whole is considered to be inappropriate development in the Green Belt with regards to both national and local Green Belt policy. The principle of development is therefore unacceptable in this case, and it is felt that on that basis the application should be refused.

The proposed annex

The proposed plans show that the annex would comprise of one bedroom, one bathroom, a store, a living room and an integral garage. However, the size and the location of the store adjacent to the living room, suggests this could easily be converted into a kitchen. If the store is genuinely proposed to be a store, why is there a need for an internal door? The same could be said of the integral garage. The applicant claims the garage would be used by the applicant and would not be for grandparents staying in the annex. ³ Again, if this is the case, why the need for an internal door?

Given the ambiguity regarding the type of accommodation proposed within the annex, our clients are concerned that the annex would not be used as ancillary residential accommodation for the enjoyment of the main house but would instead be used as separate primary living accommodation. Should the store be converted into a kitchen, the proposed annex would be fully self-contained providing all of

² NPPF paragraph 138 – Five purposes of the Green Belt

³ Design and Access Statement page 2

the facilities necessary for independent day-to-day living. Furthermore, the access to the annex is entirely separate from the access to the main house.

It is requested that the Council obtain further clarification on this as the applicant's need for the annex may not be as great as is first implied. This information is considered to be crucial when determining the merits of the case.

Cases such as *Uttlesford DC v Secretary of State for the Environment and White [1992]* make it clear that a fact and degree judgment must be made on the specific circumstances of the case. The courts have determined that the key issue is whether a separate planning unit has been created. If an outbuilding with its living accommodation is part of the same land unit as the dwelling house and provided that the planning unit remains a single-family occupation, continues to function as a single household, no material change of use is involved. However, where this is not the case and separate primary living accommodation can be identified, it is likely a separate planning unit has been created and hence planning permission would be required.

If it concluded that the proposed annex is likely to form an independent residential unit, there are additional planning and highway implications of the proposed development which would require careful consideration.

Impact on Highway Safety

The lane leading to the applicant's property currently serves the applicant's house plus four other properties. The length of the lane is approximately 250m long from the junction with Bradshaw Road to the proposed annex. The lane is narrow in width and does not allow for two cars to pass one another. Cars are therefore required to reverse, in some instances, relatively long distances, if they meet another vehicle on the lane. There is no shared turning area at the end of the lane for vehicles and as such delivery vans for example, already use our client's land to park and turn around on, which is far from ideal.

The proposed annex/additional dwelling would increase the volume of traffic using the lane. Even a minor increase in traffic along the lane is likely to have a significant impact in terms of increased prospects of meeting other vehicles and therefore having to reverse long distances. This would create additional congestion and safety issues on the lane for vehicles and pedestrians and would in turn result in a further nuisance for existing residents.

It is felt the lane is simply inadequate to support any further residential development that would increase its use. The proposed development would, in our view, have a detrimental impact on highway safety and therefore contrary to paragraph 110 in the NPPF and Policy LP21 (Highways and accesses) in the Local Plan.

Procedural Issues

The description of the development on the Kirklees website states, '*Erection of extensions and alterations to stables to create dwelling forming annex associated with Leather Hall Barn, Bradshaw Road, Honley, Holmfirth, HD9 6RJ.*'

We do not consider this description accurately reflects the proposed development and should therefore be altered. The applicant's Design and Access Statement clearly states the development would involve the removal of the existing stable block, which would then be replaced with a new

structure with new foundations to form self-contained accommodation.⁴ No extensions or alterations to the existing building are therefore proposed.

In addition, as discussed above, it is considered that the change of use of land to extend the residential curtilage should also form part of the description if the area of land in question is to be included within the red line boundary.

It is therefore respectfully requested that the Council amend the description as soon as possible as this has huge implications on how the application is perceived and considered, particularly in relation to Green Belt policy.

Given the reasons outlined above, our client deeply feels the applications should be refused.

Yours faithfully,

⁴ Design and Access Statement pages 2 & 3