

**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:	2021/62/94648/E
Site Address:	Lower Sowood Farm, Healey Lane, Briestfield, Dewsbury, WF12 0NT
Description:	Erection of extension and alterations to outbuilding to create dwelling forming annex accommodation associated with Lower Sowood Farm, Healey Lane, Briestfield, Dewsbury, WF12 0NT
Recommending Officer:	Lyle Robinson

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 31 MAY 2022

Officer Report

Site Description

The application site relates to a single storey detached building at the junction of two metalled tracks in the open countryside, south of the settlement of Dewsbury. The building currently on site is built of blockwork, with a timber lean-to element used for storage purposes. A large two storey dwellinghouse, Lower Sowood Farm, and its associated residential curtilage is sited to the north. Levels rise southwards with the lay of the land and the site has a sylvan character. The site is washed over by the West Yorkshire Green Belt.

Description of Proposal

This is an application for planning permission for an approx. 13m x 6.8m building, with an additional approx. 2.8m overhang at the south east facing side elevation. The building would be a conversion of an existing storage blockwork and timber structure. The proposed structure would reach some 3m in height from natural ground level, notwithstanding the overhang. The proposed building has been stated by the applicant to be intended for ancillary use of Lower Sowood Farm and this application incorporates the building within the site edged red of Lower Sowood Farm as part of the same planning unit.

This application is a re-submission of 2021/91792 which was refused as the proposal was within a discrete site edged red not including the host dwelling and thus was deemed inappropriate development in the Green Belt.

History of negotiations/amendments received

This planning application has been assessed on the basis of the drawings originally submitted with the current application.

Supplementary information was submitted of which was considered during the processing of the application.

Relevant Planning History

2021/91792 Erection of extension and alterations to outbuilding to create dwelling forming *Refused 26/NOV/2021*

2020/93521 Demolition of outbuilding and erection of single storey extensions *Approved 17/MAY/2021*

2003/94962 Erection of two storey extensions and alterations (Lower Sowood Farm) *Approved 15/JAN/2004*

Representations

Publicity is being taken in accordance with statutory requirements. In this instance neighbour letters have been sent out and a press advert and site notice issued with an expiry date of 22nd February 2021.

Two letters of objection have been received. The comments can be summarised as follows:

1. Impact on highways
2. Additional disruption
3. The site is located in the Green Belt and the property has already has many extensions permitted.

Consultation Responses

KC Highways – no objection

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 in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

LP 01 - Achieving sustainable development

LP 02 - Place shaping

LP 21 - Highway safety and access

LP 22 - Parking

LP 24 - Design

LP 52 - Protection and improvement of environmental quality

LP 57 - Extensions and alterations in the Green Belt

LP 59 - Brownfield Sites in the Green Belt

LP 60 - Re-use and conversion of buildings

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, 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 6 - Building a strong competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 15 - Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion/Planning Balance

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The NPPF makes clear at paragraph 149 that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions. One of these is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. As an ancillary outbuilding the building is capable in principle of being assessed as an extension to a building in the Green Belt. In any case though, the proposal is assessed as an extension to the existing outbuilding which, as it is within the site edged red and same planning unit as Lower Sowood Farm, is an outbuilding in connection with that dwellinghouse.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy LP57 of the KLP states that proposals for the extension of buildings will normally be acceptable provided that the original building remains the dominant element in terms of size and overall appearance.

The increase in volume in relation to the existing outbuilding after implementation of this planning application, if approved, would be as follows:

Original Volume: 183m³

Proposed Floorspace: 237m³ (+29.5%)

Figures approximate.

This is considered to be spatially proportionate. Visually speaking, given the single storey nature of the proposal and subservience in scale, the addition is proportionate and, thus, appropriate in the Green Belt in respect of local and national planning policy.

The new structure will be for the ancillary use of the main dwelling house. As such, a condition is necessary in order to ensure that any further harm to the Green Belt is mitigated.

The principle of development is thus acceptable in this Green Belt location.

2 – Impact on visual amenity and character of the area:

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed design is considered to be acceptable in respect of the character of the area. The form would be contemporary, and the materials palette would to some extent reference the existing timber. Whilst the increase in bulk would be obvious from eastern and western vantage points, the lay of the land and the overall flat roof profile of the building would render the proposal acceptable in design terms.

The development therefore would also be acceptable in terms of general visual amenity and would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The operational development or the use thereof once complete is not considered to precipitate any noise, overlooking or activity associated with its use which would cause undue disturbance to residential amenity in the wider area; given the space that would be retained about the site. Some 23m would be retained from the proposed north facing fenestration to the south facing façade of Lower Sowood Farm, which would have an intervening feature of the large wall between. This is considered to be acceptable in respect of the requirements of the Kirklees Housebuilders SPD in terms of distance guidelines.

All told therefore policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

The application proposal would not affect access or parking arrangements as the proposed use does not entail significant habitable accommodation. The nearby PROW would not be affected by the works. Access onto Healey Lane is retained as existing and off-street parking is shown to be provided to the frontage of the proposed annex.

The development therefore is concerned to be acceptable in terms of highway safety and parking and inconsistent with policies LP21 and LP22 of the KLP.

5 – 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 is for a building ancillary to a dwellinghouse. Further conditions attendant to the climate change agenda are on balance not considered necessary in this instance in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

6 – Representations:

2no. letter of objection received on the basis of construction traffic and Green Belt issues. The principle of development section of this report explains the principle of development in this Green Belt location. Matters relating to construction traffic are not considered material to the determination of this application for planning permission.

7 – Conclusion/Planning Balance:

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: 2021/94648

Officer Recommendation: Approve

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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, and to accord with Policies LP 21, LP22 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The outbuilding hereby approved shall remain ancillary to the dwellinghouse known as Lower Sowood Farm in perpetuity.

Reason: Having regard to the principle of development in this Green Belt location and to comply with policy LP57 of the Kirklees Local Plan and paragraphs 147 and 149 of the National Planning Policy Framework.

NOTE The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action

Plans Specification

Plan Type	Reference	Version	Date Received
Location Plan	1000	Rev A	16/DEC/2021
Building Volume Calculations	8100	Rev A	16/DEC/2021
Site and Drainage	2101		16/DEC/2021
Elevations	3000	Rev A	16/DEC/2021
Ground Floor Plan	2100	Rev A	16/DEC/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.