

**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:	<b>2022/62/90206/W</b>
Site Address:	Carter Plantation Farm, Thick Hollins Road, Meltham, Holmfirth, HD9 3XD
Description:	Erection of agricultural workers dwelling
Recommending Officer:	Stuart Howden

**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:** 21 September 2022

## **Officer Report**

### **Site Description**

Carter Plantation Farm, Thick Hollins Road, Meltham, Holmfirth, HD9 3XD

The site comprises an area of mainly soil with some patches of grass ~280 metres to the west of Thick Hollins Road, and within the open countryside. To the north east of the site is relatively large and modern agricultural building, and this is set down from the site, and this appears to be due to excavation works associated with the construction of this building. The site is accessed via a long unmade straight track off Thick Hollins Road which runs past the Carter Plantation (which is to the north of the track) and serves the aforementioned agricultural building. A stone boundary wall sits on the west and south boundaries of the site

The site is within the Green Belt. The site is not within close proximity to a conservation area or any listed buildings.

### **Description of Proposal**

Planning permission is sought for the erection of an agricultural workers dwelling. This is displayed as a one and a half storey dwelling which is roughly rectangular in form, but with a front protruding element continuing the roof slope. Within the front protruding element, a zinc clad shed dormer is proposed. The dwelling is proposed to be a maximum of ~18.3m by ~13m, with a ridge height of ~6.9m and an eaves height of ~3.3m. The dwelling is proposed to be finished in natural stone under a stone slate roof. The floor plans display 3 bedrooms within the dwelling, which are all quite sizeable.

The first section of track into the site is proposed to be surfaced concrete or tarmac. A refuse collection area is displayed to be adjacent the highway, with a refuse storage area to the rear of the dwelling. A driveway is proposed to the front of the dwelling.

### **History of negotiations/amendments received**

Officers raised concerns that the scale of the building was not proportionate/commensurate for its intended use, therefore sought reductions in the scale. Amended plans were submitted thereby addressing these concerns.

Further information was requested in relation to bin storage and collection, as well as private water supply, and Officers were satisfied with the responses provided from the applicant's agent on this matter.

Lastly, Officers sort to remove the excavated turning area to the north east of the site and the hard surfacing of the whole track from the scheme given the

impact upon the openness of the Green Belt and due to the former matter not being covered in the red line plan or description of development. The applicants' agent provided amended plans addressing this concern.

## **Relevant Planning History**

### Carter Plantation Farm

2008/94472 – Erection of agricultural building and access track – Withdrawn on 9<sup>th</sup> March 2009.

2009/93118 – Erection of agricultural building – Approved on 23<sup>rd</sup> December 2009.

2012/92478 – Prior notification for erection of extension to agricultural building – Details Approved on 2<sup>nd</sup> September 2012

2014/92528 – Erection of agricultural building – Approved on 12<sup>th</sup> October 2014.

2014/92529 – Erection of agricultural workers dwelling – Withdrawn on 7<sup>th</sup> October 2014.

2015/90927 – Erection of farm workers dwelling – Approved on 14<sup>th</sup> September 2015. Condition 4 of this permission outlined that the occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture. Whilst this dwelling has not been constructed, it is argued in the submission that this permission is extant as development commenced within the three year time period set out in condition 1. This will be explored later.

## **Representations**

Final publicity date Expires:  
Site Notice – 16<sup>th</sup> March 2022

No comments received.

Although amended plans and additional information has been received, this reduced the bulk of the building, as well as provided clarity on access, waste storage and collection and water supply, therefore it was not considered necessary to re-consult.

## **Consultation Responses**

The below is a summary of consultation responses, with full responses available to view on the Council's Planning Webpage:

Meltham Town Council: Object on the grounds that there is no Business Plan to support the development for a building of that size for an agricultural

worker, given the size of the business. The National Park Planning Authority require a Business Plan to support an application such as this, and although the site is not in the National Park area, it is adjacent to it and the development would impact on the National Park.

Additionally, as the application does not justify the reason for the large property, it is inappropriate development in the Green Belt, and appears to be an abuse of the planning system.

KC Environmental Health: Prior to determination, the applicant is required to demonstrate that a suitable, sufficient and wholesome drinking water supply can be provided.

KC Highways Development Management: No objections in principle.

KC Trees: No objections.

## **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 27<sup>th</sup> February 2019).

The site is within the Green Belt.

## **Kirklees Local Plan (LP):**

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Transport
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 32** – Landscape
- **LP 33** – Trees
- **LP 34** – Conserving and Enhancing the Water Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land
- **LP 55** – Agricultural and Forestry Workers' Dwellings

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 9** – Promoting Sustainable Transport
- **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

**Other Material Considerations:**

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021).
- Kirklees Climate Change Guidance for Planning Applications (2021).

**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

**1 – Principle of development:**

**1.1 – Sustainable Development**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and

environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

The site is located within the Green Belt on the Kirklees Local Plan and the submission notes that the proposal is for an agricultural worker. Thus, in relation to the principle of the proposal, Policy LP55 of the Kirklees Local Plan regarding the construction of agricultural workers dwellings is specifically relevant in addition to policies contained in Chapter 13 of the NPPF, as well as paragraph 80a of the NPPF (isolated homes in the countryside).

## 1.2 – Principle of Isolated Home

### *Policy Context:*

Paragraph 80 of the NPPF states that: *“Planning policies and decisions should avoid the development of isolated homes in the countryside.”* However, this paragraph sets out there are certain circumstances where such homes may be acceptable, one such exception being:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

In relation to the Kirklees Local Plan, Policy LP55 relates to ‘agricultural and forestry workers’ dwellings’ and it states the following

1. *“Proposals for new dwellings associated with agriculture or forestry will normally be acceptable where:*
  - a. *there is both an essential and permanent need for the new dwelling based on the functional requirements of the enterprise it is intended to serve;*
  - b. *the new dwelling is suitably located for the purpose for which it is intended;*
  - c. *there is no other suitable accommodation available in nearby settlements, no available existing dwelling on the holding and no suitable existing building on the holding available for conversion to residential use that would meet the demonstrated need;*
  - d. *it can be clearly shown that residential accommodation is required to establish an agricultural or forestry business in the Green Belt.*
2. *Where there would be no other justification for such accommodation, consideration will be given only to the grant of planning permission for*

*the siting of a mobile home or other suitable form of temporary accommodation for a maximum of three years. If at the end of this period viability cannot be demonstrated the temporary accommodation would be expected to be removed and the site restored, unless there is clear evidence that a permanent need will be established within a period to be agreed with the local authority;*

- 3. A satisfactory mechanism will be put in place to secure the long term control of the dwelling by the business and of any other dwelling that meets the need of the business. Occupancy of the dwelling in question (and of any other dwelling that meets the need of the business) will be restricted to persons solely, mainly or last working in agriculture or in forestry.*
- 4. Any proposals for a new dwelling deemed disproportionate in scale to the enterprise it is intended to serve or inappropriately sited or designed in terms of impact, including the treatment of land around it, will not be acceptable. Consideration will be given to the removal of permitted development rights for the extension of any dwelling so approved where it is felt that extension could risk rendering the dwelling disproportionate to the holding and so unlikely to remain available for future occupation by an agricultural worker.*
- 5. In all cases the history of the enterprise will be scrutinised and where fragmentation has occurred to sever land from agricultural dwellings or from buildings that could have been converted to residential use a new dwelling will not normally be permitted.”*

Government guidance used to provide tests for such permanent dwellings too (PPS7), but this guidance was superseded, however it set out the following:

- There is a clear functional need.
- The need relates to a full-time worker on the farm.
- The agricultural activity has been established for three years, has been profitable for at least one of those years and is currently financially sound with a clear prospect of remaining so.
- The functional need could be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

An agricultural workers' dwelling was granted permission at the site on 14<sup>th</sup> September 2015 on a relatively similar footprint to the dwelling proposed under this application, but this has not been constructed, but the applicants' agent has argued within the Design and Access Statement that this permission is still extant due to the permission be implemented by virtue of the laying of the foundations. Whilst it is clear that foundations were laid, it has not been established through a lawful development certificate that this was within three years of the date of that permission. That being said, satellite imagery appears to show such foundations in place in late 2018 therefore it

may be the case that the foundations were laid within time for this permission to be extant.

The Design and Access Statement notes that at the time of the previous application the applicants owned the farm jointly with family members. The Statement goes on to note that the farm is currently being transferred to the applicants' sole ownership, and that the dwelling now proposed is being redesigned from what has been approved to better provide for the applicant and their family.

The report will go on to consider the proposal based on the relevant aspects of the Policy and guidance contained above.

*Whether there is a functional need & the need relates to a full time worker:*

The Design and Access Statement sets out that the site is an established cattle and sheep farm, owned and operated by the applicants. Of note, under the 2015 application for a dwelling on a relatively similar footprint, it was accepted by Officers that there was an established sheep and cattle farm surrounding the site owned by the applicant, with the Officer report stating the following:

*"From the information it is acknowledged the primary enterprise is sheep production, with approximately 400 ewes lambing each year producing lambs which are stated to be either sold for breeding or meat purposes. In addition to the large sheep flock, the applicant is stated to have a herd of over 50 suckler cows which calve all year round. It is stated the applicants' intention is to expand the suckler cows by an additional number of 25 bulling heifers, increasing the suckler cow numbers to excess of 75.*

*It is also noted that two applications have previously been granted for agricultural buildings, one of which appears to have been erected on site that was approved under application 09/93118 and according to the agent the prior notification granted under application no. 12/92478 is to be implemented and completed this year. In light of the above it is evidenced that the enterprise is being developed and as a consequence there does appear to be an established farming operation. The information submitted describes, in detail, the operations currently being carried out in association with this farming enterprise on land that is stated to be either grass or woodland which provides both for grazing and foraging of livestock together with the labour requirements on this farm."*

Whilst limited information has been provided in relation to current farming operations, having visited the site, Officers consider that there is an established farming operation. Of note, since the last approved application, a large agricultural building has also been constructed within close proximity to the site (NE) under 2014/92528.

In addition to this, the previous Officer report for a dwelling at the site noted that:

*“In support of this a breakdown of the livestock and based on the labour requirements alone, details of the total number of ‘man days’ required per animal are given, which are equated to 386per annum. On the basis of the above and given there is clearly an anticipated increase and continuation of the established farming enterprise I am of the opinion the functional requirement of an agricultural worker to be on site is met...”*

*To conclude, evidence is submitted that the enterprise incorporates breeding cattle and sheep and as a consequence, owing to the agricultural need and welfare of the livestock and the information submitted, a 24 hour round the clock presence is required on site and that there is a functional need that a full time worker should be located on the farm unit.”*

As noted, Officers currently still consider there to be a large well-established farming operation owned by the applicants. Further to this, the owners of the farm business (applicants) include one of the applicants of the previously approved application, and the farm is now noted as being transferred to the applicants’ sole ownership. Officers, on the whole, are satisfied that there has not been a significant change in circumstances since the approval of 2015/90927 which would mean that there is no longer an established functional need for an agricultural workers’ dwelling or that the dwelling is no longer for a full-time worker.

In line with Policy LP55(3), a condition can be attached outlining that the occupancy of the dwelling in question will be restricted to persons solely, mainly or last working in agriculture or in forestry should permission be granted.

*Financial viability:*

It was noted under the Officer report for the 2015 application that the farm had been in operation for a number of years and appeared to be profitable. Nearly 7 years has passed since then, and the farm would be under the same ownership as one of the previous applicants. Within this time, Officers see no reason to believe this farming enterprise is no longer economically viable. It should also be noted that the previous permission at the site is potentially extant, and if so, an agricultural workers’ building could be developed at the site on a relatively similar footprint to the proposed dwelling under this application.

*Suitability and availability of existing dwellings:*

It appears no such study has been undertaken by the applicant’s agent in relation to this current application. However, as stated by the Officer in the previous application for a dwelling at the site, it was considered that that there was a 24 hour round the clock presence required on site and that there was a functional need that a full time worker should be located on the farm unit. There is not considered to be a significant change in circumstances since the determination of this previous application which make Officers consider

otherwise to date. Further to this, and as noted above, it may also be the case that the agricultural workers' building approved in 2015 is extant and therefore could be developed at the site on a similar footprint to the proposed dwelling under this application.

*Appropriateness of siting and scale:*

The application initially proposed a larger agricultural dwelling, but it was considered that this was not a size which was commensurate with the established functional requirement. Of note, bedrooms were of excessive size which increased the bulk of the building. The revised plans have resulted in the loss of a bulky two storey gable element, and whilst still larger in volume compared to the previously approved dwelling at the site, the increase in scale is not considered to be significant. The roof height would be modestly increased to achieve accommodation in the roofspace, whilst the footprint would not be discernibly larger. The scale of the dwelling is therefore not considered to be disproportionate to the enterprise it is intended to serve. The dwelling is to be sited away from Thick Hollins Road, and adjacent to an established farmyard with agricultural buildings so as not to be isolated, and would have a relatively similar siting to the already approved dwelling at the site. The siting is therefore considered to be acceptable.

However, should permission be granted, permitted development rights will be removed for any extensions and additional buildings within the red line boundary which defines the residential curtilage for the proposed dwelling, so as to avoid undesirable new structures prejudicing the openness of the Green Belt.

In summary, it is considered that there is an essential and permanent need for the new dwelling based on the functional requirements of the enterprise it is intended to serve, and that the new dwelling is suitably located for the purposes it is intended for, as well as of an appropriate size.

### 1.3 – Principle of Development in the Green Belt

#### *New Dwelling*

Paragraph 149 of the NPPF states that local planning authorities (LPAs) should regard the construction of new buildings as inappropriate in the Green Belt. 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. Paragraph 148 of the NPPF notes that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The erection of an agricultural workers dwelling does not fall within any of the exceptions outlined in Paragraph 149 of the NPPF and as such is inappropriate development.

In addition to this, by virtue of being a 1 ½ storey dwelling located in open countryside there is clearly harm to the openness of the Green Belt and there would be conflict with one of the purposes of including land within Green Belts (safeguarding the countryside from encroachment). This would add to the harm by reason of inappropriateness.

As set out in Paragraph 148 of the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

Taking into account the points above in Section 1.2 of this Officer Report it is considered that there is sufficient evidence to justify very special circumstances for the dwelling on a permanent basis for use by someone employed in agriculture full time. That is to say, it is considered that there is an essential and permanent need for the new dwelling based on the functional requirements of the enterprise it is intended to serve. In order to ensure that this isolated home in the Green Belt remains for use associated with the farming operations it is necessary to restrict the occupation of the property to an agricultural worker. In addition, the scale is considered appropriate to its associated use and as such the permitted development rights for further extensions and domestic outbuildings will be removed by condition so as to protect the openness of the Green Belt. Further to this, the amount of hard surfacing serving the dwelling, including the parking area, is not considered to be unreasonable and would allow for sufficient on-site parking. This very special circumstance argument outweighs the identified harm caused by the development.

#### *Access into the site*

Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:

- b) engineering operations.

This relates to the hard surfacing of the first part of the access track. Given the relatively small area covered, that this would be adjacent to an existing highway and that this part is already used as a track which is not grassed over, Officers consider that this element would not cause harm to the openness of the Green Belt or conflict with the purposes of including land in Green Belts. Thus, the proposed hardened access is considered to constitute appropriate development.

Given the above, subject to condition, it is considered that the proposal would comply with Policy LP55 of the Local Plan and Chapters 5 and 13 of the NPPF. For the purposes above, the principle of the development could therefore be acceptable, subject to an assessment of other considerations material to this application. This will be undertaken below.

## **2 – Impact on visual amenity:**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

In respect of Principles 5 (development relating to building line) and 15 (relating to roofline) of the Housebuilders Design Guide, these principles are not considered to be relevant to the assessment of this application.

In terms of siting, the proposed building is within open countryside by virtue of its intended use. Whilst the dwelling would be located on land with a slight gradient, due to the topography of surrounding land, some 5m below the level of the Thick Hollins Road which is approximately 280m from the siting of the dwelling, the proposed dwelling would be partially screened by the adjacent agricultural land, tree plantation and existing stone walls. It would also not appear isolated in the open countryside by virtue of it being closely sited to

existing agricultural buildings. The size of the dwelling, appearing 1 1/2 storey in nature with accommodation in the roofspace, is considered to be commensurate to the extent of the holding. The scale (and location) of the building will help to mitigate its prominence within the landscape and consequently the impact on the Green Belt. However, permitted development rights will be removed for any additional buildings within the red line boundary which defines the residential curtilage for the proposed dwelling, so as to avoid undesirable new structures prejudicing the open character of the landscape and openness of the Green Belt.

Thus, subject to a condition relating to materials, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality or the character and appearance of the area. The proposal is therefore in accordance with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF, as well as Principle 2 of the Housebuilder Design Guide SPD

### **3 – Impact on residential amenity:**

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

#### Neighbouring properties

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

There are no neighbouring properties in close proximity to the site and therefore it is considered that would be no undue impacts on the residential amenity of other properties.

#### Future Occupiers

Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

With regard to the amenity of future occupants of the premises from noise and odours associated with a farming enterprise being within such close proximity, in this instance, the proposal is for the erection of an agricultural workers dwelling which would be associated with the existing agricultural buildings which are currently on site. As such, it is not anticipated that there would be any concerns raised by these future occupants from either noise or odours being generated from the farming enterprise.

Further to this, the dwelling would have a floor area that would exceed the minimum recommended total for such a dwelling as outlined within the Nationally Described Space Standards. Whilst a relatively small external private amenity area in relation to the dwelling proposed, this would help to reduce the impacts upon the openness of the Green Belt and it is noted that the purpose of the dwelling is a functional one too. Thus, given the above, it is considered that the occupiers of this particular dwelling would benefit from an adequate standard of amenity.

It is therefore considered that the proposal would not cause detrimental harm to residential amenity. The proposal is therefore in accordance with Policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the NPPF in relation to residential amenity, as well as Principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

#### **4 – Impact on highway safety:**

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Principle 19 of the Housebuilders Design Guide states that: *“Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.”*

The proposal is for a 3 bedroom dwelling, and the Kirklees Highways Design Guide advises 2 off road parking spaces for such dwellings. The site plan demonstrates that the parking area to the front of the dwelling could

accommodate at least 3 parking spaces and such an arrangement is considered acceptable.

Kirklees Highways Development Management initially noted that although the scheme does not raise any insurmountable issues in terms of highways safety, they requested details of bin storage and collection on a plan as well as surfacing details of the area to be used for emergency vehicle turning. Following this, a plan was submitted displaying details of bin storage (to the rear of the house) and collection (adjacent the highway), and this plan noted that the existing track from Thick Hollins Road would be surfaced with two strips of concrete or tarmac within a grassed track, with the first section of track to be surfaced concrete or tarmac. Whilst this addressed the comments of the highway officer, Officers had concerns with a tarmac/concrete track running for ~280m in open countryside in the Green Belt therefore requested that only the first section of the track was surfaced (to prevent gravel and detritus entering the public highway), and an amended plan reflecting this was submitted. Officers consider that that track is well established and compacted so on balance this approach is considered acceptable. Such an approach was also accepted for the previous permission at the site for a dwelling.

Officers are satisfied, having visited the site, that there is currently reasonable space to turn an emergency vehicle on land under the ownership of the applicant.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF, as well as Principles 12 and 19 of the Housebuilder Design Guide SPD.

## **5 – Other matters:**

### Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity.

There are no trees in the immediate vicinity of the proposed area of development. The closest trees are the protected woodland which runs adjacent to the access road into the site. It is no longer proposed to upgrade this part of the access track running past the trees.

The Council's Tree Officer has noted that the road is well established and compacted so bridging of the root protection zones would not need to be a consideration during the development. The Tree Officer notes that if the proposal were to go ahead there may have to be consideration given to the tree canopy height along this access road. If high vehicles e.g., wagons carrying roof trusses were being used there may be a requirement to crown lift the trees in order to get those vehicles in without causing damage to the

trees. The Tree Officer has stated that should this need to be facilitated there would be a requirement to submit an appropriate works to trees application.

The Tree Officer has raised no objection to the proposal and Officers concur with the Tree Officer that the proposal would be unlikely to harm trees of high amenity value/protected trees.

### Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Principle 9 of the Housebuilders Design Guide sets out that proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development

The site is considered to be of low ecological potential mainly forming rough soil with patches of land, with some development already taken place. It is therefore considered that harm to protected species is unlikely. However, given the siting of the plantation within relatively close proximity to the proposed dwelling, it is considered that to achieve net gains a bird box could be conditioned.

Subject to such a condition, the proposal is considered to be in accordance with Policy LP30 of the KLP and Chapter 15 of the NPPF, as well as Principle 9 of the Housebuilders Design Guide SPD.

### 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.

Principle 18 of the Housebuilders Design Guide SPD states that: *“New proposals should contribute to the Council’s ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.”*

Due to the nature and scale of the scheme, it is not considered necessary to request a sustainability and energy statement. However, it is considered necessary and reasonable to request that at least one electric vehicle charging point is provided within the parking area serving the dwelling to try and aid with reducing carbon emissions. It should be noted that mostly natural materials are proposed for the dwelling and that measures to combat climate change will also be required in relation to building regulations.

### Water Supply

KC Environmental Health has stated that the proposed development is in a rural location and in close proximity to properties which rely on alternative sources of water for their drinking water supply. KC Environmental Health go onto note that it is therefore important that the proposed development does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute as a potential risk to human health. KC Environmental Health also want it to be demonstrated that an adequate wholesome supply of drinking water can be achieved at the proposed development for the future occupiers. KC Environmental Health have requested this information prior to the determination of the application.

It is assumed that there is a suitable source of water for the agricultural building which houses livestock in close proximity to the proposed siting of the dwelling. Nonetheless, it is considered that the matter of water supply is covered by other regulations/regimes therefore Officers do not consider that it would be reasonable to refuse an application on such grounds or request details as a condition. Such a concern was also not raised under the previous application at the site for a dwelling.

### Contamination

KC Environmental Health has noted that the site is not on land identified as contaminated on Council mapping systems, however groundworks are proposed therefore they recommend a condition relating to unexpected ground contamination to protect the amenity of site operatives and future users of the site. This could be conditioned should permission be granted.

## **6 – Representations:**

Meltham Town Council (MTC) has objected to the application on the following grounds:

- **MTC:** No Business Plan to support the development for a building of that size for an agricultural worker, given the size of the business. The National Park Planning Authority require a Business Plan to support an application such as this, and although the site is not in the National Park area, it is adjacent to it and the development would impact on the National Park.

*Officer Response: The proposal does not fall within the Peak District National Park and is over 800 metres away from it. Given the particular nature of this case which is discussed in more detail in the assessment above, it is not considered that business plan is required to make the development acceptable in principle.*

- **MTC:** The application does not justify the reason for the large property, it is inappropriate development in the Green Belt, and appears to be an abuse of the planning system.

*Officer Response: The impact of the proposal upon the Green Belt is discussed in the above assessment, the scale of the dwelling has been reduced from that first submitted.*

## **7 – 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2022/90206

**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, and to accord with Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP32, LP33, LP34, LP43, LP51, LP52, LP53 and LP55 of the Kirklees Local Plan, Chapters 2, 4, 5, 6, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework and Guidance contained within the Council's adopted Housebuilders Design Guide SPD.

3. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working in the locality in agriculture, or in forestry or a dependant of such a person residing with him/her or a widow/widower or surviving civil partner of such a person, and to any resident dependants.

**Reason:** The dwelling would be an isolated dwelling within the Green Belt where the erection of new buildings, subject to certain exceptions is inappropriate. Very special circumstances have been submitted that demonstrate that the development is required to meet the needs of the agricultural operations and therefore the occupation is restricted to meet this need, and the future needs of other agricultural workers. This is to protect the openness and special character of the Green Belt and the character and appearance of the rural landscape in accordance with Policies LP24, LP32 and LP55 of the Kirklees Local Plan and Paragraph 80a and Chapter 13 of the National Planning Policy Framework.

4. The dwelling hereby approved shall be constructed using natural stone and stone roof slates as specified in Drawing 21086D-02-P04 received on 12<sup>th</sup> April 2022, and shall be retained as such thereafter.

**Reason:** In the interests of visual amenity and to ensure the development reinforces local distinctiveness in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2 and 13 the Council's adopted Housebuilders Design Guide SPD.

5. A bird box shall be incorporated into wall of the dwelling hereby approved; the box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground. The

bird box shall be provided prior to first occupation of the dwelling hereby approved and shall thereafter be retained.

**Reason:** To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework, as well as Principle 9 of the Council's adopted Housebuilders Design Guide SPD.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area 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.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the 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:** So as to protect future occupants of the development from any land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Prior to the first use of the dwelling hereby approved, the first section of access track off Thick Hollins Road shall be surfaced with concrete or tarmac in accordance with Drawing No. 21086D-03-P04 received on 8<sup>th</sup> September 2022, and shall be retained as such thereafter.

**Reason:** In the interests of highways safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

8. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and parking areas associated with the dwelling hereby approved (displayed in a light brown colour) on Drawing No. 21086D-03-P04 received on 8<sup>th</sup> September 2022 are 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 parking thereafter.

**Reason:** In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Chapters 9, 12 and 14 of National Planning Policy Framework, as well as Principle 12 of the Council's Housebuilders Design Guide SPD.

9. Prior to the first occupation of the dwelling hereby approved, one electric vehicle recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

**Reason:** In the interest of supporting low emission vehicles and to accord with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Council's adopted Housebuilders Design Guide SPD and Chapters 9 and 15 of the National Planning Policy Framework.

10. The domestic curtilage to the dwellinghouse hereby approved, shall not extend beyond the red site boundary line shown on plan reference: Drawing No. 21086D-03-P04 received on 8<sup>th</sup> September 2022.

**Reason:** For the avoidance of doubt as to what it being permitted and in the interests of protecting the openness, character and visual amenity of the Green Belt and to accord with Policy LP55 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the protection of the openness, character and amenity of the Green Belt, to protect the character and appearance of the rural landscape and to accord with the requirements of Policies LP24, LP32 and LP55 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

**NOTE:** Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

**NOTE:** Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

**NOTE:** All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) 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 13.00hours, 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 can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form	-	-	21 <sup>st</sup> January 2022
Location Plan and Proposed Site Plan	21086D-03	P04	8 <sup>th</sup> September 2022
Proposed Floor Plans and Elevations	21086D-02	P04	12 <sup>th</sup> April 2022
Topographical Survey	21086D-01	P01	21 <sup>st</sup> January 2022
Design and Access Statement dated 19 <sup>th</sup> January 2022 by ADP	21086	-	21 <sup>st</sup> January 2022

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. Following concerns and queries by Officers, plans and additional information was submitted during the processing of this application, and this overcame the concerns of Officers.

**Report Dated:** 21.09.2022