



PEACOCK+
SMITH

Beneficial Estates Ltd
Former Old Stone Yard, Shelley

Planning Statement

April 2022

Peacock + Smith Limited
Central House
47 St Paul's Street
Leeds
LS1 2TE

T: 0113 243 1919
E: leeds@peacockandsmith.co.uk

Contents

Report

1. Introduction	3
2. Site Location, Description and Relevant Planning History	5
3. Proposed Development	11
4. Planning Policy Context	14
5. Assessment of the Proposals	20
6. Summary and Conclusions	32

Appendix 1: Decision Notice for application 2018/90242

Appendix 2: Planning Officer's Report to Strategic Planning Committee for application 2018/90242

Appendix 3: Decision Notice for application 2021/90237

Appendix 4: Planning Officer's Delegated Report for application 2021/90237

Appendix 5: Photographs of the previous condition of the site

Appendix 6: Letter from Applegate Properties confirming demand in this location

Prepared by: Mike Powell

Approved by: Gareth Glennon

This report has been prepared by Peacock + Smith Ltd with all reasonable skill, care and diligence. The scope of the report is subject to specific agreement with our client and should not be relied upon by any other party. Any third party that use this information does so at its own risk. Peacock & Smith accepts no responsibility for information contained within this report which has been independently produced or verified. Should you have any issue with regard to this report, please contact the Director at Peacock & Smith identified above.

1. Introduction

- 1.1. This Planning Statement is prepared on behalf of Beneficial Estates Ltd (hereafter referred to as 'Beneficial') in support of a retrospective planning application for the retention of a workshop/storage building within the north-western portion of their land at the Former Old Stone Yard off Near Bank, Shelley, Huddersfield, HD8 8LS ('the site').
- 1.2. This planning application follows the approval of the change of use of the site from a stone yard to a tree/log storage yard on 17th April 2018 (planning application ref 2018/62/90242/E), which included the siting of a covered log store in the same location as the workshop that is the subject of this application.
- 1.3. It is notable that the Council, in their Committee Report for the approved application 2018/62/90242/E (attached at **Appendix 2**), considered that the covered log store would not have a detrimental impact on the openness of the Green Belt due to its limited scale and the location of the building in amongst existing buildings within the landscape.
- 1.4. The workshop/storage building that is the subject of this retrospective planning application was constructed on the site of the log store in 2020, with a planning application having been submitted for its retention in January 2021 (planning application ref 2021/90237). The application was refused by the Council on 21st July 2021 due to its perceived impact on openness and landscape character, even though the building is in the same location and is of similar height to the approved log store (decision notice attached at **Appendix 3**).
- 1.5. This current retrospective planning application provides further information to the Council to justify that the workshop building, as constructed, has no materially greater impact on the openness and character of its surroundings than the log store that was previously approved in the same location and should be granted planning permission.

Purpose and Structure of Report

- 1.6. This Planning Statement seeks to address all relevant planning considerations prior to drawing conclusions as to the merits of the application.
- 1.7. The application is accompanied by the following reports:
 - Landscape Statement, prepared by Stephenson Halliday
 - Flood Risk Assessment, prepared by TJ Booth Associates

1.8. Additionally, the application is accompanied by the following drawings:

- Site Location Plan
- Site Plan (drawing ref 1622 203 A)
- Elevations as Constructed (drawing ref 1622 102 A)
- Floor Plan as Constructed (drawing ref 1622 103 A)
- Existing Site Plan Landscaping (drawing ref 1622 210 A)

1.7 The remainder of this Report is structured as follows:

- (a) **Section 2:** describes the site and discusses the relevant planning history
- (b) **Section 3:** describes the proposed development
- (c) **Section 4:** positions the proposals in the context of relevant planning policy
- (d) **Section 5:** provides an assessment of the proposals
- (e) **Section 6:** summarises and concludes

2. Site Location, Description and Relevant Planning History

Site Location

- 2.1. As shown on the accompanying site location plan and on **Figure 1**, below, the site relates to approximately 0.4 hectares (1 acre) of land to the east of Brook House Lane, which runs south from Shelley.
- 2.2. The site forms the western part of Beneficial's wider land ownership, which includes the site access and the workshop building subject to this application. The workshop building is currently occupied by a local tenant that produces handmade products such as organic soaps and candles.
- 2.3. The land within the applicant's ownership to the east (but outside the planning application boundary) includes three existing buildings which have the benefit of planning permission.



Figure 1: Aerial view of the site showing its context

- 2.4. Immediately to north of the site, south of Near Bank and east of Brook House Lane, are agricultural fields, sloping up away from the site.
- 2.5. To the south of the application site is Barncliffe Mills, a complex of commercial uses immediately abutting the site. The Barncliffe Mills complex accommodates a range of commercial services, including C&H Camper Conversions, '4x4 And More' Garage Services, Sovereign Fitness gym and The Whole Groom pet groomer. The buildings associated with this complex are of a variety

of styles and heights, with associated parking areas, servicing yards and storage areas with associated activity around them.

- 2.6. On the western side of Brook House Lane, opposite the application site access, is a large car park which is understood to be associated with the commercial uses at Barncliffe Mills.
- 2.7. A public footpath descends from Near Bank across the agricultural fields to the north to a point east of the application site.

Site Description

- 2.8. As shown on the accompanying plans, the application site is accessed via a private driveway from Brook House Lane, which serves the application site and the applicant's arboricultural depot and workshops to the east of the application site boundary.
- 2.9. The application site benefits from extensive landscaping, with a hedgerow along the access road and a belt of native trees and hedgerow separating the access road from the adjoining fields to the north. The site's western boundary is formed by a 2m-high timber fence, alongside which a hedgerow has been planted. The extent of planting undertaken by the applicant is shown on the accompanying 'Existing Site Plan Landscaping' drawing.



Figure 2: Looking west towards the fencing and new planting along the western boundary adjacent to the workshop building on the right of the image

- 2.10. Until recently, the site on which the workshop/storage building is now located was part of a larger stone cutting and storage yard. Officer reports relating to previous applications set out that the site is considered to be 'previously developed land' for the purposes of NPPF Paragraph 149, and a brownfield site for the purposes of Local Plan Policy LP59 (discussed later in this Planning Statement).
- 2.11. The access and part of the western part of the site are within an area at risk of flooding, according to the Environment Agency's flood maps.

Background to the Site



Figure 3: Aerial image showing the site and buildings that have been constructed

- 2.12. The site was used as a stone merchant from 1995, benefiting from planning permission 95/90693 (use of existing hard standing for storage of coursed stone with associated use to adjacent building) and planning permission 95/91812 (change of use of existing building from storage to stone cutting sawing operations).
- 2.13. Beneficial came to the site in 2011 as Beneficial Tree Care, renting the original building that existed on site at that time (known as 'Unit 1,' as shown on the annotated aerial plan below, in the eastern part of the site) and operating a tree surgery business.

- 2.14. In 2015, Beneficial purchased the site, although this included a sitting stone merchant tenant that could not be evicted for 18 months. When evicted, Beneficial spent significant time, resources and capital to remediate an otherwise untidy site that was left by the former tenant. The photographs at **Appendix 5** show the appearance of the site in 2015 and 2019 before the applicants tidied the site.
- 2.15. Beneficial obtained planning permission in 2015 for two buildings adjacent to the original Unit 1 in the eastern part of the site: annotated as 'Unit 2' and 'Unit 3'. It is notable that a much larger building obtained planning permission in 2002 on the site of Unit 3. Although that larger building was not built, the footings were put in place and that application remains extant.
- 2.16. In 2018, under planning application reference 2018/90242, planning permission was granted for 'Unit 4' to be used as a log store, along with the change of use of the western part of the site from stone yard to tree yard/log storage. However, this building was constructed slightly differently from the approved plans and is now used as a workshop for a tenant. The Decision Notice for application 2018/90242 is attached at **Appendix 1**, with the Planning Officer's Report to Strategic Planning Committee attached at **Appendix 2**.
- 2.17. A retrospective planning application under reference 2021/90237 was subsequently refused planning permission in July 2021 for the retention of this building (hereafter referenced 'Application A'). The Decision Notice for application 2021/90237 is attached at **Appendix 3**, with the Planning Officer's Delegated Report attached at **Appendix 4**.
- 2.18. A separate planning application for the erection of a new workshop building to be known as 'Unit 5', was also refused in July 2021 under application reference 2020/93973 (hereafter referenced 'Application B').
- 2.19. The units on site are currently used as follows:
- Unit 1: Rented by JKD3 Ltd
 - Unit 2: Beneficial Tree Care – used for their kiln-dried logs business, along with the adjacent biomass kilns
 - Unit 3: Rented by Nomadic Pizza and R2 Distillers
 - Unit 4: Rented by Cliffe House (Organics) Ltd

Relevant Planning History

2.20. In order to provide a context, we summarise what we consider to be the planning history directly relevant to the current situation as follows:

- **2001/93336 – Erection of stone cutting industrial unit and settlement pit (approved 28th November 2002)**

This planning permission granted approval for a new industrial unit with a footprint of 40m x 22m and a height of 6.5m for stone cutting machinery on the site of 'Unit 3' in the eastern part of the site. We understand that, by virtue of the footings being put in place (even though the building was not constructed), this planning permission may remain extant.

- **2011/90466 – Change of use of part of stone yard to arboricultural depot (approved 16th May 2011)**

This planning permission changed the use of the eastern part of the site from the stone yard operations to arboricultural use.

- **2015/93091 – Erection of two single storey storage/workshop units (approved 11th May 2016)**

This planning permission granted approval for the buildings 'Unit 2' and 'Unit 3' in the eastern part of the site. It is notable that the dimensions of Unit 3 as approved and constructed were 30m x 15m with a height of 5.5m, which is smaller than the building that was originally approved in that location under planning permission 2001/93336.

- **2018/90242 – Change of use from stone yard to tree/log storage yard (approved 17th April 2018)**

This planning permission also included the erection of a covered log store on a concrete base at the site of Unit 4 in the western part of the site as shown on the annotated aerial plan (dimensions 5m x 17.5m and a height of 4m). The Planning Officer's report noted that the structure would be functional for its intended use and would not have a detrimental impact on the openness of the Green Belt due to its open design and limited height. It also notes that the existing site is located in amongst other buildings and existing structures in the vicinity and the site is not considered to be highly visible within the landscape, and that the existing tree/hedge screen would remain and would provide an element of screening to the site to preserve the visual amenities of the Green Belt, which could be supplemented by additional planting, if necessary, by a condition.

- **2021/90237 – Erection of workshop/storage building (refused 21st July 2021) 'Planning Application A'**

This planning application sought retrospective planning permission for Unit 4 in the western part of the site, which had been constructed in place of the approved log store under planning permission 2018/90242. The building as constructed is 14m x 17.5m (ie the extent of the approved concrete base) with a height to eaves of 4m. The building is built of stone and metal cladding. Although the Planning Officer's report accepted that the approved log store is an extant permission and could therefore still be built, and also accepted that the site is previously-developed, given its historic use, it was concluded that the new building is significantly larger in footprint and height than the approved log store it replaces and its scale and massing have considerably more impact upon the openness and character of the Green Belt. The application was refused on two grounds: inappropriate development in the Green Belt due to having a significantly greater impact on its character and openness; and failure to respect or enhance the open character of the landscape.

- **2020/93973 – Erection of workshop (refused 21st July 2021) 'Planning Application B'**

This planning application sought planning permission for the erection of a workshop building containing 2 units (Unit 5) to the south of Unit 4 as shown on the annotated aerial plan. It was proposed to have a footprint of 25m x 15m with a height of 5m to eaves. The Planning Officer's report accepted that the site is previously-developed, given its historic use, but considered that the building would be inappropriate development in the Green Belt as it would have a significantly greater impact on its openness than the existing open yard. The application was refused on five grounds: inappropriate development in the Green Belt due to having a significantly greater impact on its character and openness; failure to respect or enhance the open character of the landscape; insufficient information regarding highway and traffic information; failure to demonstrate surface water can be managed; and failure to demonstrate that noise pollution will not arise.

3. Proposed Development

The Application Proposals

- 3.1. The application seeks retrospective planning permission for the retention of a workshop/storage building on land at the Former Old Stone Yard off Near Bank, Shelley. The building was constructed in 2020 and, as constructed, is 14m x 17.5m (ie the extent of the approved concrete base under planning application 2018/90242) with a height to eaves of 4.0m. The building is built of stone and metal cladding.
- 3.2. The workshop unit is currently in use by a local business that produces handmade products such as organic soaps and candles.



Figure 4: The workshop building as constructed (looking north-east)

- 3.3. Planning application ref 2018/90242 was approved in April 2018 on the application site for the change of use of the existing storage yard to a tree/log storage yard, with several further elements, which were classified as 'operational development,' as set out below:
- Construction of a concrete base (dimensions 14m x 17.5m)
 - Construction of a covered log store partly on this base (dimensions 5m x 17.5m with a maximum height of 4 metres). The structure incorporated a simple frame and mono-pitch roof, with open sides on the eastern and western elevations and timber boarding to the shorter northern and southern elevations.
 - Erection of a 1.8m high green powder-coated palisade fence around the boundary.

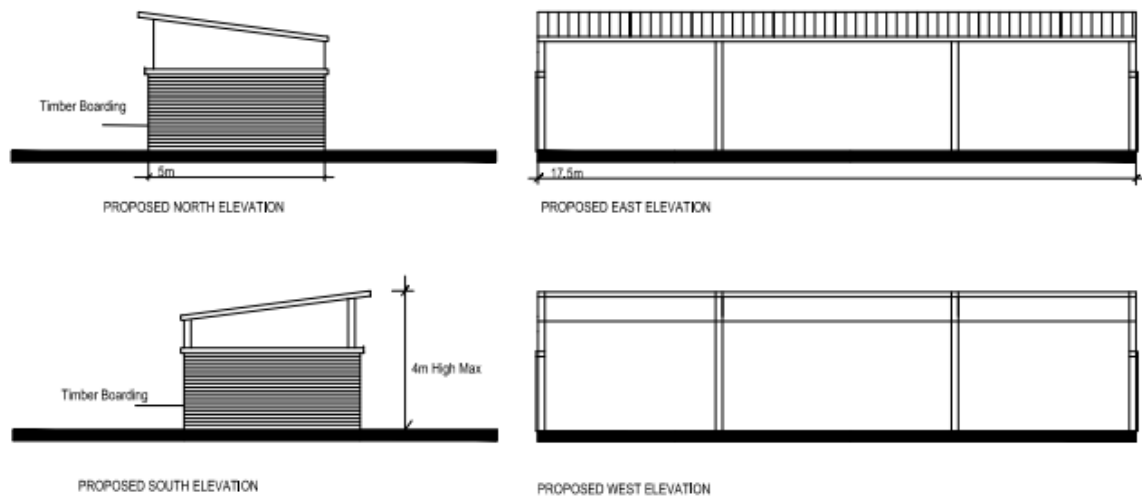


Figure 5: Elevation drawings of the approved log store (planning application reference 2018/90242 – Northern Design Group)

- 3.4. The workshop building, as constructed and as applied for in this retrospective planning application, is 14m x 17.5m, with a height to eaves of 4m and a ridge height of 5m.
- 3.5. As set out in the previous section, a planning application was submitted to regularise the planning position in January 2021 under planning application ref. 2021/90237 (Application A). The application was refused on 21 July 2021 for the following reasons:
1. *The previous and existing use as an external stone yard (now a tree / log storage yard) had/has an open-air character and the proposed workshop / storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. No very special circumstances have been put forward. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.*
 2. *The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.*

- 3.6. This Planning Statement addresses these reasons for refusal and demonstrates that the workshop building, as constructed, has no materially greater impact on the openness and character of its surroundings than the log store that was previously approved in the same location and should be granted planning permission.
- 3.7. On account of the above reasons for refusal, Stephenson Halliday have prepared a Landscape Statement in support of the planning application. The Landscape Statement specifically considers the landscape and visual effects of the unit on the character of the landscape and openness of the Green Belt and concludes that the constructed workshop building has a negligible effect on both landscape character and visual amenity.

Statement of Community Involvement

- 3.8. On 2nd March 2022, letters were delivered by post and email to the three Kirkburton Ward Councillors and Kirkburton Parish Council to make them aware of the applicant's proposals and extend an invitation of a site visit to view the workshop in its context.
- 3.9. Discussions subsequently took place with two Ward Councillors and they were briefed on the history of the site and the current proposals.

4. Planning Policy Context

- 4.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act requires that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.
- 4.2. The Kirklees Local Plan (KLP) was adopted on 27th February 2019. The KLP comprises:
- Kirklees Local Plan – Strategy and Policies
 - Kirklees Local Plan – Allocations and Designations
- 4.3. Other material policy considerations include the National Planning Policy Framework (2021) which is supported by Planning Practice Guidance (PPG).

Kirklees Local Plan – Strategy and Policies (2019)

- 4.4. **Policy LP1: Achieving Sustainable Development** states that the Council will take a positive approach that reflects the presumption in favour of sustainable development and that the Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 4.5. **Policy LP2: Place Shaping** seeks development to build on the strengths, opportunities and help address challenges identified in the Local Plan.
- 4.6. **Policy LP10: Supporting the Rural Economy** sets out that the economic performance of the rural economy will be improved by, *inter alia*, supporting the needs of small and medium-sized enterprises, increasing local employment opportunities. The policy goes on to state that where development is proposed in the Green Belt, regard must be had to the relevant policies in the plan and relevant national planning policy.
- 4.7. **Policy LP21: Highways and Access** sets out that proposals should demonstrate they can be accessed effectively and safely by all users.
- 4.8. **Policy LP24: Design** sets out that proposals should promote good design by ensuring that, *inter alia*, the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. The policy also notes that proposals should provide a high standard of amenity for future and neighbouring occupiers.

- 4.9. **Policy LP27: Flood Risk** requires proposals to be supported by a site-specific flood risk assessment in line with national planning policy.
- 4.10. **Policy LP28: Drainage** notes the presumption that Sustainable Drainage Systems (SuDS) will be used.
- 4.11. **Policy LP30: Biodiversity & Geodiversity** seeks to protect and enhance the biodiversity and geodiversity of Kirklees. Kirklees Council's Interactive Policies Map shows that the entire site is within Pennine Foothills designation and that part of site is within Flood Plains, which are Biodiversity Opportunity Zones. With respect to biodiversity and development, Policy LP30 sets out that development proposals will be required to, *inter alia*, incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 4.12. **Policy LP38: Minerals Safeguarding** sets out that surface development will only be permitted within a Mineral Safeguarded Area where a number of criteria have been demonstrated. The Interactive Policies Map shows that the entire site is within Mineral Safeguarding designation ('SCR with Sandstone and/or Clay and Shale').
- 4.13. **Policy LP57: The Extension, Alteration or Replacement of Existing Buildings in the Green Belt** states that proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable subject to certain criteria.
- 4.14. **Policy LP59: Brownfield Sites in the Green Belt** sets out that proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:
- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
 - b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
 - c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

Kirklees Local Plan – Allocations and Designations (2019)

- 4.15. As previously noted in this Planning Statement, the site is wholly within designated Green Belt, as shown on the adopted Kirklees Council policies map extract (below).

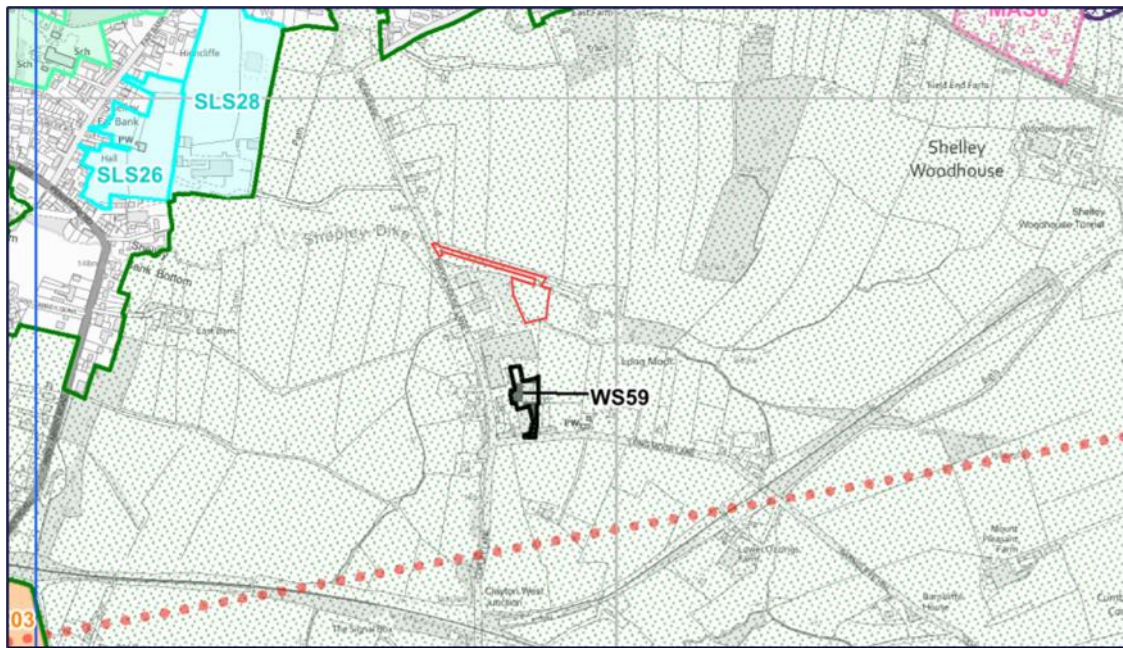


Figure 6: Extract from Kirklees Local plan Policies Map showing the site outlined red

- 4.16. The site is also within the Council's 'Biodiversity Opportunity Zone' and a mineral safeguarding area for sandstone and/or clay and shale, although, given the scale of the development, these matters have not been considered material in the Planning Officer's reports from the previous planning decisions.

National Planning Policy Framework (2021)

- 4.17. A revised version of the NPPF was published in July 2021 and sets out the government's planning policies for England and how these are expected to be applied.
- 4.18. The following paragraphs of the NPPF are considered to be of particular relevance to this planning application.
- 4.19. **Paragraph 7** of the NPPF indicates that the purpose of the planning system is to contribute to the achievement of sustainable development, and the text has recently been amended to reflect the UN agreement to pursue the 17 Global Goals for Sustainable Development in the period to 2030,

which include social progress, economic well-being and environmental protection. **Paragraph 8** notes that the three inter-related dimensions to sustainable development are economic, social and environmental.

4.20. **Paragraph 10** stresses that at the heart of the NPPF is a presumption in favour of sustainable development. **Paragraph 11** goes on to say that, for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.21. **Paragraph 38** states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.22. **Paragraph 119** states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

4.23. In relation to achieving well-designed places, **Paragraph 126** confirms that the creation of high-quality 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

4.24. **Paragraph 130** goes on to state that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.25. **Paragraph 134** confirms that permission should be refused for development of poor design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design.

4.26. In respect of proposals in the Green Belt, **Paragraph 147** states that:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

4.27. **Paragraph 148** states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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."

4.28. **Paragraph 149** is relevant to the erection of buildings in the Green Belt and states:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

4.29. **Paragraph 174** states that planning policies and decisions should contribute to and enhance the natural and local environment.

5. Assessment of the Proposals

5.1. The main material planning considerations for this retrospective planning application can be summarised as follows:

- Principle of Development
 - Approved application 2018/90242
 - Existing buildings to the east
 - Relevant Green Belt Policy considerations
- Landscape Impact
- Other Material Considerations
 - Access and Transport
 - Flood Risk and Drainage

Principle of Development

5.2. This planning application seeks retrospective planning permission for the erection of a workshop/storage building at the application site, which is the western portion of Beneficial's wider land ownership.

5.3. As summarised previously, two previous planning applications have been made recently at the application site. Application ref. 2018/90242, which included the erection of a covered log store, was approved planning permission in April 2018. Subsequently, planning application ref. 2021/90237, which sought retrospective permission for the workshop unit as constructed, was refused planning permission in July 2021.

5.4. The key consideration in the determination of this retrospective planning application is whether the workshop has a significant effect on landscape character, visual amenity and the openness of the Green Belt, and whether the workshop, as constructed, has a materially greater impact than the approved log store and existing approved buildings to the west of the application site.

5.5. These matters are discussed in detail below and, for clarity, are split into discussion about the precedent for such development in light of the existing approved buildings to the east, the previously-approved log store on the application site and relevant Green Belt policy considerations.

Approved application 2018/90242

5.6. The Planning Officer's Report to Strategic Planning Committee on 5th April 2018 for approved application 2018/90242 (attached at **Appendix 2**) provided a detailed assessment of the proposed log store against relevant Green Belt policy.

5.7. It acknowledged that the site (which is the same as the site for this current retrospective planning application) is classed as brownfield (previously developed) land. It also identified that the laying of the concrete base for the log store can be classed as 'engineering works' and this element is not considered to be inappropriate development within the Green Belt.

5.8. It also considered, at paragraph 10.2, that:

"The other elements of erecting boundary fencing and a covered area will have some impact upon the openness of the Green Belt but these elements are minor forms of development, with minimal impacts and are not considered to be demonstrably harmful to the Green Belt or conflict with the purposes of including land within it."

5.9. Paragraph 10.2 went on to say that the proposed use would support the existing rural business in accordance with the principles of the NPPF, which encourage the sustainable growth and expansion of all types of business and enterprise in rural areas.

5.10. Paragraph 10.3 of the Report identified that:

"The existing site is located in amongst other buildings and existing structures in the vicinity, and the site is not considered to be highly visible within the landscape [our emphasis]."

5.11. It went on to say that:

"The existing tree/hedge screen would remain and would provide an element of screening to the site to preserve the visual amenities of the Green Belt, which could be supplemented by additional planting if necessary by a condition. Overall, the proposed concrete pad, covered store and fence are considered to be acceptable and would not be harmful to the openness of the Green Belt."

5.12. In the concluding comments at paragraph 11.1, the Committee Report considered that:

"The proposed concrete base structure with a covered area for log storage would not have a detrimental impact on the openness of the Green Belt due to its limited scale and the location of the buildings in amongst existing buildings within the landscape."

5.13. In respect of the current proposals, the assessment made by the Planning Officer in the Committee Report for the approved log store can thus be summarised as follows:

- The site is considered to be previously-developed land (PDL);
- The laying of the concrete base is classed as 'engineering works' and this element is not considered to be inappropriate development within the Green Belt;
- The covered log store and boundary fencing are considered to be minor forms of development with minimal impacts, and are not considered to be demonstrably harmful to the Green Belt or conflict with the purposes of including land within it;
- The proposed use would support the existing rural business in accordance with the principles of the NPPF, which encourage the sustainable growth and expansion of all types of business and enterprise in rural areas;
- The existing site is located in amongst other buildings and existing structures in the vicinity and is not considered to be highly visible within the landscape;
- The existing tree/hedge screen would provide screening to the site to preserve the visual amenities of the Green Belt, which could be supplemented by additional planting if necessary;
- Overall, the proposed concrete pad, covered store and fence are considered to be acceptable and would not be harmful to the openness of the Green Belt.

5.14. There was no condition attached to planning permission 2018/90242 limiting the number of logs to be stored, so the approved log store could, in theory, be permanently full and thus not open.

5.15. This retrospective planning application for the workshop/storage building relates to the same location as the approved log store, which was considered by the Council in 2018 to be located amongst other buildings and existing structures in the vicinity and not highly visible within the landscape.

5.16. The site location has not changed for this current planning application, which is still in the valley bottom and in close proximity to the other buildings and structures to the south, and the boundary planting (as shown on the accompanying 'Existing Site Plan Landscaping' drawing has become more established since the approval of the previous planning approval, thus screening the building even further and protecting visual amenity from the wider Green Belt.

- 5.17. Although it is acknowledged that the storage/workshop building as constructed is of a larger scale than the approved log store, we have discussed previously that its height is only 1m higher (5m as opposed to 4m).
- 5.18. In this regard, a Landscape Statement ('LS'), prepared by Stephenson Halliday, accompanies this application submission and considers the landscape and visual effects of the workshop/storage building on the character of the landscape and openness of the Green Belt, particularly comparing these effects to those likely to result from the erection of the approved log store on the same plot of land.
- 5.19. The LS notes that the approved log store (which is shown at Figure 5) had open sides to the east and west, but – importantly – that the structure could reasonably be assumed to be filled with logs and thus, whilst it would in theory be open on two sides, there would be no view through the structure.
- 5.20. The LS considers that, once filled with logs, the approved log store would have a very similar impact on localised visibility in an east-west direction immediately surrounding the building. The extra width of 9m does not impact notably on visibility in a north south direction, as a 6-7m high conifer hedge immediately north of the in situ building restricts visibility in this direction anyway.
- 5.21. As such, in terms of its scale and massing and its effect on landscape character and visual amenity, there is considered to be a negligible difference between the constructed workshop building and the effect which would arise if the extant permission for the log store was fully implemented.
- 5.22. In light of the above, therefore, it is considered that the fundamental points that were considered to be acceptable in the approved application for the log store remain for the constructed workshop building, namely:
- The site is still considered to be previously-developed land (PDL);
 - The proposed use will support the enterprise in rural areas;
 - The existing site is located in amongst other buildings and existing structures in the vicinity and is not considered to be highly visible within the landscape;
 - The existing tree/hedge screen will continue to provide screening to the site.
- 5.23. Although the workshop building, as constructed, is larger than the approved log store, the accompanying LS has made a full assessment of its visual impact and concludes that it has no

materially greater impact on the openness and visual amenities of the Green Belt than the extant permission or indeed the former stone storage yard.

- 5.24. We therefore contend that the precedent that was established through the approval of the log store under application reference 2018/90242 is a significant material consideration in the determination of this retrospective planning application.

Existing buildings to the east

- 5.25. As shown on Figure 3, Units 1, 2 and 3 are situated within the eastern part of the applicant's land ownership. Unit 1 was the original building and has a footprint of 27m x 13m, with a height of 6m to its ridgeline, while Units 2 and 3 were approved planning permission in May 2016, with a footprint of 15m x 10m (Unit 2) and 30m x 15m (Unit 3) and a height to ridgeline of 5.5m for both.
- 5.26. It is interesting to note that a much larger building obtained planning permission in 2002 on the site of Unit 3. Although that larger building was not built, the footings were put in place and that application may remain extant and thus set a precedent for a larger building than Unit 3 as constructed.
- 5.27. As well as these approved buildings being of a greater scale than the workshop building subject to this current planning application, Units 1, 2 and 3 are also situated within the Green Belt and were found to be acceptable by Kirklees Council when planning permission was granted.
- 5.28. Moreover, the eastern part of the applicant's wider site is less contained by built form and vegetation than the application site and is thus considered to be more open, further demonstrating that the workshop building as applied for should be found to be acceptable in terms of landscape and visual impact (discussed in greater detail below).
- 5.29. It is thus considered that the existing Units 1, 2 and 3 within a more open location within the applicant's land ownership provide a strong precedent for similar development in this location and this should be an important consideration in the overall planning balance.

Relevant Green Belt Policy considerations

- 5.30. Application ref 2021/90237 (referred to as Application A in previous sections of this Statement) sought retrospective planning permission for the retention of the workshop building that is subject to this current planning application. The planning application was refused for two reasons on 21st July 2021 (decision notice attached at **Appendix 3**), with reason 1 of the decision considering that the proposed development would be inappropriate development in the Green Belt and that no very special circumstances have been put forward.

5.31. It has been noted in Section 4 of this Planning Statement that 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."*

5.32. Paragraph 148 of the NPPF goes on to say that *"'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."*

5.33. Paragraph 149 considers the construction of new buildings as inappropriate in the Green Belt, but with some exceptions to this, which include:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *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;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

5.34. It has been discussed previously that the Planning Officer's Report for the approved log store application 2018/90242 considered that the laying of the concrete base for the log store was classed as 'engineering works' and that element was not considered to be inappropriate development within the Green Belt. The other elements (the log store and the associated fencing)

were considered to be 'minor forms of development,' and were not considered to be demonstrably harmful to the Green Belt or conflict with the purposes of including land within it.

- 5.35. Notwithstanding that we consider the workshop building, as constructed, to have no materially greater impact on the openness and visual amenities of the Green Belt than the approved log store, it is considered that the building meets criteria (g) of paragraph 149 of the NPPF in that it is 'limited infilling or the partial or complete redevelopment of previously developed land' which would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.36. The land has been accepted as 'previously-developed', given its former use as a stone yard, and it benefits from planning permission for the log store. Although the workshop as constructed is larger than the approved log store, the accompanying LS concludes that it does not have a materially greater impact on the openness of the Green Belt than the approved development, especially when considering the topography of the land and the surrounding uses.
- 5.37. Policy LP59 of the adopted Local Plan is supportive of proposals for infilling within existing brownfield sites or for their partial or complete redevelopment in the Green Belt where:
- a) in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
 - b) in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
 - c) redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*
- 5.38. Although it is not considered that the workshop constitutes 'infilling,' it could be considered that the proposals are for 'partial redevelopment' of a brownfield site, and so the thrust of criterion b) is applicable.
- 5.39. In this regard, the workshop building has been constructed on the same concrete base that was approved under planning application 2018/90242. Although the building itself is larger, the dimensions of the base remain the same and thus the footprint – as approved – is not exceeded.
- 5.40. In respect of criterion c), the land relates to the same application boundary as the approved log store, which does not have any environmental designations.

5.41. In light of the above, therefore, we consider that the workshop building is subject to the exemptions highlighted above – and is thus not ‘inappropriate development’ in the Green Belt.

Very special circumstances

5.42. Although we consider that the workshop building could fall into one of the NPPF exemptions listed above, there are also material considerations that weigh heavily in favour of the development, and these could be considered to be ‘very special circumstances’ in the overall planning balance.

5.43. One of these very special circumstances is the wider economic benefit that the workshop building (and indeed the wider site within Beneficial’s ownership) brings to both the local area and Kirklees District.

5.44. The location of the site is immediately adjacent to an established industrial/commercial area, which contains a number of local businesses within a variety of buildings, although many of those existing buildings are old and have been converted to accommodate their uses, often with substandard parking and access arrangements.

5.45. Beneficial are a local employer and have significantly improved and visually enhanced their site since acquiring it, clearing an otherwise untidy area of land associated with the previous use and providing attractive facilities for and encouraging other local smaller businesses. Along with the high-quality buildings, this includes a legible access, suitable parking and manoeuvring facilities.

5.46. There is considerable current demand for smaller units within the area, which is evidenced by a local agent with a letter attached at **Appendix 6**. The letter from Applegate notes the high standard of the units and considers the overall development to be very attractive to local businesses, emphasising the high demand for commercial units in this location (it being an ideal location for local firms, providing a rural backdrop with access to the M1 and a nearby train station, as well as being centrally positioned between both Leeds and Manchester).

5.47. In addition, another local agent has confirmed that the industrial market is currently extremely strong, with huge demand and limited stock, and this has been shown by the pre-lets that have been completed on all units marketed at Near Bank.

5.48. Three of the existing tenants have also pointed out that the units are ideal for their purposes as smaller local businesses.

- 5.49. The Covid pandemic affected Beneficial's original tree surgery business significantly and required them to diversify and invest in the site to keep going. The business owners had to remortgage their own properties to try and build what they want to be a very positive opportunity for their local area, providing economic benefit in a sustainable way.
- 5.50. This in itself is considered to be in the spirit of Policy LP10 of the adopted Local Plan, which supports the rural economy and the needs of small and medium-sized enterprises, increasing local employment opportunities.
- 5.51. In addition, with sustainability at the heart of their operations, Beneficial have added solar panels to Unit 1 and propose to utilise solar and other forms of renewable energy across the site to be as self-sufficient as possible.
- 5.52. The clear demand for commercial units in this area is not being met, as evidenced by a local estate agent, and we consider that the very positive proposals from a local enterprise to support the local rural economy should be regarded as a very special circumstance that weighs heavily in favour of the planning application proposals.

Summary of Principle of Development

- 5.53. It has been set out above that the log store approved under planning permission 2018/90242 established the principle for a structure in the same location, and although the workshop building, as constructed, is larger than the approved log store, it is concluded that it has no materially greater impact on the openness and visual amenities of the Green Belt than the extant permission or indeed the former stone storage yard.
- 5.54. There are existing approved buildings to the east (Units 1, 2 and 3), which are within a more open location within the applicant's land ownership, and these provide a strong precedent for similar development in this location.
- 5.55. We consider that the workshop, as constructed, could meet the exemptions in the NPPF and is thus not 'inappropriate development' in the Green Belt.
- 5.56. Notwithstanding this, we consider the positive impact upon the local and wider economy should be regarded as a very special circumstance that weighs heavily in favour of the planning application proposals.

Landscape Impact

- 5.57. The second reason for refusal of planning application 2021/90237 considered that:

The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

5.58. In this regard, the accompanying LS, prepared by Stephenson Halliday, assesses the landscape and visual effects of the workshop/storage building on the character of the landscape and openness of the Green Belt.

5.59. The key findings of the LS are summarised as follows:

- The landscape character of the immediate context of the site is defined primarily by the former and current industrial land use in the valley bottom surrounding the site. There is no specific unity of character or design strategy underlining the arrangement of land use.
- In general terms, landscape condition and quality are considered to be low.
- The subject building is located within an area of previously developed (brownfield) land which is dominated in terms of its character by the historic and current land uses immediately surrounding it. The constructed building is in keeping with this established land use.
- The constructed workshop is comparable in scale, height, massing and materials to several other buildings in the close vicinity and is considerably smaller than other mills along Brook House Lane.
- The construction materials, detailing and recessive dark colour of the building, together with the improved appearance of the cleared land surrounding the building and the recent planting, means that it is less prominent and of a higher aesthetic quality than other surrounding buildings.
- The workshop, as constructed, has no discernible impact on visibility across the site or long-distance views towards the wider landscape.
- In terms of its scale and massing and its effect on landscape character, there is a negligible difference between the constructed workshop building and the effect which would arise in any case if the extant permission was fully implemented.

- The constructed building has a negligible effect on visual amenity and is no more visible from publicly accessible locations than the extant permission would be if fully implemented.
- Visual openness in the landscape is entirely unaffected by the building. The constructed building has no materially greater impact on the openness and visual amenities of the Green Belt than the extant permission or indeed the former stone storage yard.

5.60. Peacock + Smith support this analysis of the site. Whilst the building as constructed represents an increase in the approved built form, the building is small-scale when viewed in the context of the array of industrial, commercial and warehouse buildings in the vicinity of the site, particularly to its south. This was accepted in the Planning Officer's Committee Report for the approved log store, which confirmed that "*The existing site is located in amongst other buildings and existing structures in the vicinity, and the site is not considered to be highly visible within the landscape.*"

5.61. In addition, the site benefits from visual screening offered by existing trees and hedging, and the LS considers that the improved appearance of the cleared land surrounding the building and the recent planting means that it is less prominent and of a higher aesthetic quality than other surrounding buildings. Again, this was accepted in the Planning Officer's Committee Report for the approved log store, which noted that "*The existing tree/hedge screen would remain and would provide an element of screening to the site to preserve the visual amenities of the Green Belt, which could be supplemented by additional planting if necessary by a condition.*"

5.62. It has been previously discussed that the applicants acquired the site with a stone merchant tenant, and the site at that time was used for stone storage. The applicants spent significant time and capital expenditure to remediate an otherwise untidy site (photographs attached at **Appendix 5**), removing stone, containers and general waste and providing a clean and tidy site with additional planting, as shown on the accompanying 'Existing Site Plan Landscaping' drawing, which notes the established and newly-planted hedgerows and landscaping that will serve to screen the site further from wider views.

Other Material Considerations

Access and Transport

5.63. The previous refused application (ref. 2021/90242) did not raise any objections to highway access and safety, with the Delegated Report from the Planning Officer noting the Council's Highway Officer's consultation response, which stated:

"The proposal uses a previously approved access for The Old Stone House. Eight off-street parking spaces are to be retained. The scheme is unlikely to significantly intensify the vehicular use of the site or access and is therefore acceptable from a highway perspective. No specific conditions are deemed necessary".'

5.64. On account of the fact that the scheme has not changed, we consider that this analysis is extant. In this regard, the proposal meets the requirements of Local Plan Policy LP21 and relevant national planning policy.

Flood Risk and Drainage

5.65. A Flood Risk Assessment, prepared by TJ Booth Associates, accompanies this submission and considers that the commercial use and low flood risk vulnerability, along with minimal flood depths noted in the basic search, suggest flood risk to the development is low.

5.66. It is noted that finished floor levels are elevated from the surrounding ground level by at least 150mm, and higher than this to the north side owing to the gentle site slope ensuring minor surface water flows do not infiltrate the development building.

5.67. The same Flood Risk Assessment accompanied the previous refused application (ref. 2021/90242) and flood risk was not considered to be a particular concern in the planning Officer's Delegated Report for that application.

5.68. Given that the scheme has not changed, we consider that the proposal meets the requirements of Local Plan Policy LP27 and relevant national planning policy.

6. Summary and Conclusions

- 6.1. This Planning Statement has been prepared on behalf of Beneficial Estates Ltd ('Beneficial'), in support of a retrospective planning application for the erection of a workshop/storage building within the north-western portion of the site at the Former Old Stone Yard off Near Bank, Shelley.
- 6.2. Section 2 sets out the site's location, the background to the site and relevant planning history.
- 6.3. Section 3 confirms that the application seeks full retrospective planning permission for the erection of a workshop/storage building at the site, with particular reference to the previous application ref 2018/90242, which approved a log store in the same location.
- 6.4. Section 4 identifies those policies in both the adopted development plan and national planning policy against which the development should be assessed.
- 6.5. Section 5 concludes that:
- The workshop, as constructed, has no materially greater impact on the openness and visual amenities of the Green Belt than the approved log store;
 - There is a strong precedent for similar development in this location;
 - The workshop, as constructed, could meet the exemptions in the NPPF and is thus not 'inappropriate development' in the Green Belt;
 - The positive impact upon the local and wider economy should be regarded as a very special circumstance that weighs heavily in favour of the planning application proposals;
 - Visual openness in the landscape is entirely unaffected by the building and that the workshop; and
 - There are no other material considerations that would preclude the grant of planning permission.
- 6.6. This Planning Statement seeks to demonstrate that the scheme is compliant with all relevant planning policy. The Landscape Statement submitted in support of the application provides evidence to demonstrate the scheme's suitability within its location and its lack of impact on the Green Belt.

Appendix 1

Decision Notice 2018/90242,
issued on 17th April 2018



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/90242/E

To: Alan Davies,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth
HD9 5JU

For: Beneficial Tree Care Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

CHANGE OF USE FROM STONE YARD TO TREE/LOG STORAGE YARD

At: THE OLD STONE YARD, NEAR BANK, SHELLEY, HUDDERSFIELD, HD8
8LS

**In accordance with the plan(s) and applications submitted to the Council on
23-Jan-2018, subject to the condition(s) specified hereunder:-**

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 BE1, BE2, T10, T16, NE9, G6, EP11 and EP4 of the Kirklees Unitary Development Plan, Policies PLP1, PLP21 and PLP30 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. Development shall not commence until a scheme for the diversion of public footpath KIR 147-10 has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the existing footpath shall not be obstructed before such time as the approved diversion takes place.

Reason: To ensure the scheme is deliverable and in the interests of highway and pedestrian safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

4. Details of the proposed appearance of the perimeter fence shall be submitted to and approved in writing before the tree/log storage yard is first brought into use. Thereafter the fence shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenities of the green belt and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

5. The existing tree/hedges along the boundaries of the site shall be retained.

Reason: To ensure the development is adequately screened to protect the visual amenities of the green belt and to accord with the aims of the National Planning Policy Framework.

6. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays. No activities shall take place on Sundays or Bank Holidays.

Reason: To protect the amenity of neighbouring residential properties and to accord with Policy EP4 of the Kirklees Unitary Development Plan.

7. Before the use of the site hereby permitted is first brought into operation a Delivery Route Management plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery Route Management Plan shall include the routing, control and times of operation to be used by all deliveries to the site for vehicles above 7.5 tonnes. Thereafter the Delivery Route Management Plan shall be operated at all times when the site is in use.

Reason: In the interests of Highway Safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

8. This permission extends to the storage of trees and logs only within the red line boundary. No cutting activities or processing of logs shall take place on site.

Reason: To protect the amenity of neighbouring residential properties and to accord with Policy EP4 of the Kirklees Unitary Development Plan.

NOTE: Public footpath number KIR 147-10, which crosses/abuts the site appears to be obstructed. Please contact Kirklees Council Public Rights of Way Team.

Public footpath number KIR 147-10 shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority and the granting of planning permission does not in itself constitute authority for the interference with the right of way or for its closure or diversion. In the event of planning consent being granted, the applicant will still be required to enter in to a separate legal process, with separate costs, in order to divert or close the public footpath.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			22.01.18
Proposed Site Plan	1622 01	A	23.02.18
Elevations of Log Store			05.03.18
Proposed Footpath Diversion	1622 04	D	15.02.18

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 Planning 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. The case officer undertook negotiations with the applicant to secure details of how the proposal would impact on public right of way KIR/147/10 and details of the proposed log store.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 17-Apr-2018

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2018/62/90242/E .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR

Appendix 2

Planning Officer's Report to Strategic Planning Committee
for application 2018/90242

Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 05-Apr-2018****Subject: Planning Application 2018/90242 Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield, HD8 8LS****APPLICANT**Martin Locke, Beneficial
Tree Care Ltd**DATE VALID**

23-Jan-2018

TARGET DATE

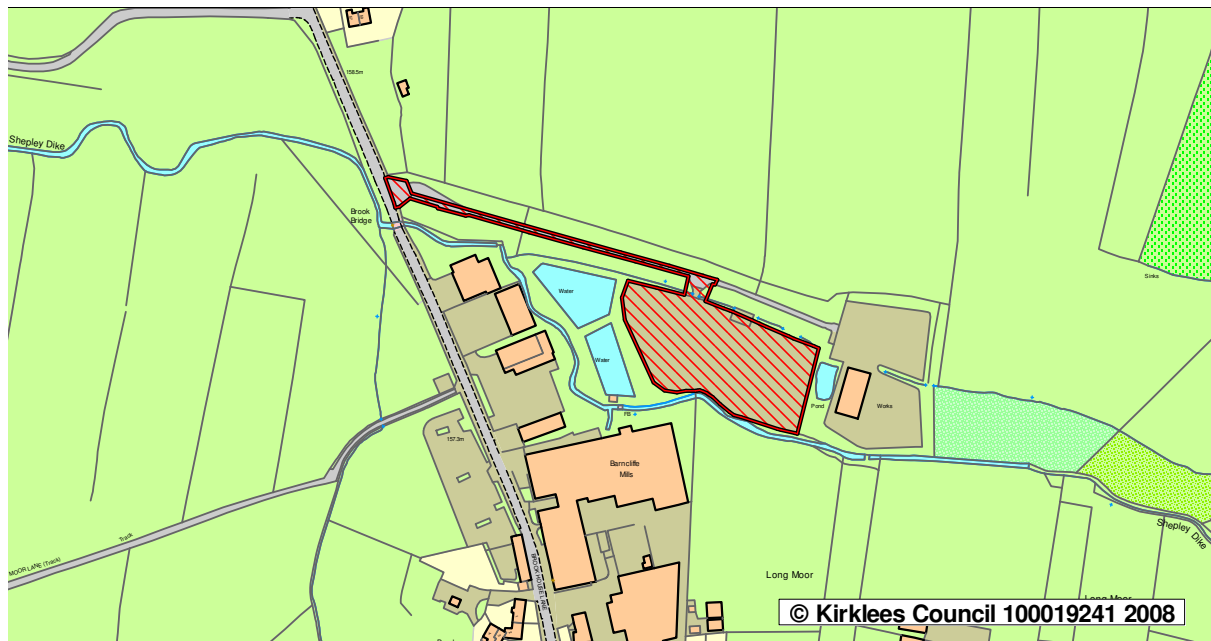
20-Mar-2018

EXTENSION EXPIRY DATE

13-Apr-2018

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton Ward

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application seeks permission to change the use of a stone yard to a tree/log storage yard in connection with an existing arboricultural depot, construct a concrete base 14m x 17.5m with a covered log store area measuring 5 x 17.5 metres with a maximum height of 4 metres and erect a 1.8m high, green powder coated palisade fence around the boundary. Beneficial Tree Care Ltd are the applicants and are an existing business at Shelley. The application is brought to Strategic Planning Committee for a decision as the site area exceeds 0.5 hectares. The application was deferred from the 8th March Strategic Planning Committee due to adverse weather conditions.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an external storage yard of a stone merchants business located off Near Bank at Shelley. The site is relatively flat and comprises areas of outdoor storage with a number of skips /metal storage containers. The site is accessed off Near Bank by a single width track which is shared with the existing arboricultural depot business.
- 2.2 To the north, the site borders adjacent undeveloped green belt land, to the east of the site is the existing arboricultural depot business, to the south is Barncliffe Mills beyond which is further open undeveloped land and to the east are two ponds, beyond which are industrial buildings. Public right of way KIR/147/10 follows a route across the north-western part of the existing yard.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the change of use of the existing stone cutting and storage yard to a tree/log storage yard, in connection with the existing arboricultural depot to the east of the site; Beneficial Tree Care Ltd. The proposal also includes the following elements which are classed as operational developments:
- construct a concrete base (dimensions 14mx 17.5m)

- construct a covered log store partly on this base (dimensions 5m x 17.5m with a maximum height of 4 metres) The structure incorporates a simple frame and mono pitch roof, with open sides on the eastern and western elevations and timber boarding to the shorter northern and southern elevations.
- erect a 1.8m high, green powder coated palisade fence around the boundary

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 95/90693 – Use of existing hard standing for storage of coursed stone with associated use to adjacent building – Conditional Full Permission

4.2 Adjacent land to the east:

2001/93336 – Erection of stone cutting industrial unit and settlement pit – Conditional Full Permission

2011/90466 – Change of use of part of stone yard to arboricultural depot – Conditional Full permission

2015/93091 – Erection of two single storey storage/workshop units – Conditional full permission

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers negotiated with the applicant to provide:

- Details of how the proposal would impact on the Public Right of Way.
- Details of the proposed log store

6.0 PLANNING POLICY:

6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated as green belt on the UDP proposals map.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design principles
BE2 – Quality of design
T10 – Highway Safety
T16 – Pedestrians Safety
NE9 – Retention of mature trees
G6 – Contaminated Land
EP11 – Integral landscaping scheme to protect / enhance ecology
EP4 – Noise Sensitive Uses

6.3 Kirklees Publication Draft Local Plan

- PLP1** – Presumption in favour of sustainable development
PLP21 – Highway safety and parking
PLP 30 – Biodiversity and Geodiversity
PLP53 – Contaminated and unstable land

National Planning Policy Framework:

- 6.4 **Chapter 1** – Building a strong, competitive economy
Chapter 3 – Supporting a prosperous rural economy
Chapter 9 – Protecting Green Belt Land
Chapter 10 - Meeting the challenge of climate change, flooding
Chapter 11- Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour letter, site notice and press notice with the publicity due to expire 2nd March 2018. Any comments received after the agenda has been produced will be included and responded to within the committee update.

To-date, as a result of this publicity one representation has been received in support of the proposal making the following comments:

“I would like to fully support this application. The site area would be put to good business use. Beneficial Tree Care have built an excellent professional reputation and fully deserve to be helped in addressing their business needs by approving this application”.

Kirkburton Parish Council – No comment

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C Highway Services (including Public Rights of Way comments) – No objections

Environment Agency – Standing Advice applies

8.2 **Non-statutory:**

Pollution & Noise Control- No objections subject to condition regarding operational and delivery times.

9.0 MAIN ISSUES

- Principle of development
- Highway Safety
- Residential amenity
- Flood Risk issues
- Ecology Issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is located within the Green Belt where paragraphs 87-90 of the National Planning Policy Framework (NPPF) states how proposals should be assessed. Paragraph 89 states local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this and one of which is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Paragraph 87 states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 of the NPPF states certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land with the Green Belt. These include engineering operations.
- 10.2 The proposal seeks permission primarily for the use of the existing stone storage yard to store logs, in association with an existing arboricultural depot business; Beneficial Tree Care Ltd on the adjacent site. Some operational development is also proposed but is limited to the construction of a concrete base 14mx 17.5m, a covered log store which would sit on approximately one third of the width of the proposed concrete base and the erection a 1.8m high, green powder coated palisade fence around the boundary. The log store would have dimensions of 5 x 17.5 metres and a maximum height of 4 metres. The structure incorporates a simple frame and roof, with open sides on the eastern and western elevations and timber boarding to the shorter northern and southern elevations. The proposal is located on land that has previously been used as a stone yard and is therefore classed as brownfield land. The laying of a concrete base is classed as engineering works and is allowed under paragraph 89 of the NPPF and therefore not considered to be inappropriate development within the Green Belt. The other elements of erecting boundary fencing and a covered area will have some impact upon the openness of the Green Belt but these elements are minor forms of development, with minimal impacts and are not considered to be demonstrably harmful to the Green Belt or conflict with the purposes of including land within it. The proposed use would support the existing rural business in accordance with the principles of chapter 3 of the NPPF. This states plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

- 10.3 The existing site is located in amongst other buildings and existing structures in the vicinity and the site is not considered to be highly visible within the landscape. The storage of logs is by its nature a temporary and fluctuating activity which would not have a detrimental impact on the openness of the Green Belt. The existing tree/hedge screen would remain and would provide an element of screening to the site to preserve the visual amenities of the Green Belt, which could be supplemented by additional planting if necessary by a condition. Overall, the proposed concrete pad, covered store and fence are considered to be acceptable and would not be harmful to the openness of the Green Belt.

Highway Safety

- 10.4 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The site is accessed from an existing private driveway opening on to Brook House Lane, an unclassified 30mph two lane single carriageway with a footway on the side of the proposal site access and street lighting present.
- 10.5 The uses are similar and, even though there are no traffic generation figures submitted Highway Services consider that the development traffic would be comparable in both volume and composition and therefore would have very little impact on the operation of the local highway network.
- 10.6 The access is an existing stone yard access with what appears to be adequate radii and visibility for goods vehicles. There are no recent collisions within the area and no patterns appear to form with historic collisions.
- 10.7 There is a PROW (footpath KIR 147-10) that passes through the site. The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered. The proposed palisade fencing would cut across its existing route and the applicant has indicated an application to divert the PROW has been lodged with the PROW section and is ongoing. The proposed route for the diversion is shown on the block plan, which is proposed to be to the south of the adjacent pond and to the north of the existing yard. The issue is however that the development may not be deliverable until the PROW diversion has been completed. To address this matter Highway Services and PROW suggest a condition that no development shall commence until a scheme for the diversion of the footpath has been approved and that the existing footpath is not obstructed before such time as the diversion takes place.
- 10.8 Overall, Highways Development Management consider that this application is, in principle acceptable subject to a condition that no part of the development shall commence until the scheme for the diversion of footpath KIR 147-10 has been approved. This is to ensure that the development is deliverable. Subject to the inclusion of this condition there would be no detrimental impact on highway safety and the proposal would accord with Policy T10 of the UDP.

Residential Amenity

- 10.9 There are no residential dwellings in immediate proximity of the application site, but there are residential properties off Near Bank to the north and Long Moor

Lane to the south. To assess the possible impact on the residential amenity of the occupiers of these properties from noise disturbance Environmental Services were consulted. In the interests of the amenity of occupiers of neighbouring noise sensitive properties Environmental Services recommend a condition that no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays with no activities on Sundays or Bank Holidays. Subject to the inclusion of this condition there would be no detrimental impact on residential amenity.

Flood Risk Issues

- 10.10 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including Flood Risk Assessments, taking climate change into account and the application of the sequential approach. The site lies within flood zone 3, however the proposal is for a development which is classified as less vulnerable. The proposed change of use from an existing stone yard to a storage area for logs would not result in any flood risk issues and the Environment Agency have no specific comments to make.

Ecology Issues

- 10.11 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The site is located within the bat alert layer. The Council's ecologist has no objection to the proposed change of use. However they have raised concern that any artificial lighting could have a significant impact on the function of the adjacent Kirklees Wildlife Habitat Network. Accordingly a condition is suggested that no such lighting be installed.

Representations

- 10.12 One representation has been received in support of the proposal as detailed above. Kirkburton Parish Council have made no comments.

11.0 CONCLUSION

- 11.1 The proposed change of use of the existing stone yard to a log storage yard for the adjacent arboricultural depot is considered to be an appropriate use within the Green Belt. It would have no materially greater impact on the openness and visual amenities of the Green Belt than the existing stone storage yard in accordance with Paragraph 90 of the NPPF, and would not conflict with the purposes of including land with the Green Belt. The proposed concrete base structure with a covered area for log storage would not have a detrimental impact on the openness of the Green Belt due to its limited scale and the location of the buildings amongst existing buildings within the landscape. There would be no adverse impacts on highway safety or residential amenity and there would be no increase in flood risk. Recommendation is for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year time limit
2. Development in accordance with the approved plans

3. Development not to commence until a scheme for the diversion of footpath KIR 147-10 has been submitted and approved and that the existing footpath is not obstructed before such time as the diversion takes place.
4. Fence to be 1.8m high and powder coated green colour details to be submitted
5. Tree/hedges along the boundaries of the site to be retained
6. Hours of operation - no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays. No activities shall take place on Sundays or Bank Holidays.

NOTE: Public footpath number KIR 147-10, which crosses/abuts the site appears to be obstructed. Please contact Kirklees Council Public Rights of Way Team.

Public footpath number KIR 147-10 shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority and the granting of planning permission does not in itself constitute authority for the interference with the right of way or for its closure or diversion. In the event of planning consent being granted, the applicant will still be required to enter in to a separate legal process, with separate costs, in order to divert or close the public footpath.

Background Papers:

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90242>

Certificate of Ownership –Certificate A signed:

Appendix 3

Decision Notice for application 2021/90237,
Issued on 21st July 2021



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/90237/E

To: Alan Davies,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth
HD9 5JU

For: Luke Hilton, Beneficial Tree Care Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

ERECTION OF WORKSHOP/STORAGE BUILDING

At: THE OLD STONE YARD, NEAR BANK, SHELLEY, HUDDERSFIELD, HD8 8LS

In accordance with the plan(s) and applications submitted to the Council on 10-May-2021. The reasons for the Council's decision to refuse permission for the development are:

1. The previous and existing use as an external stone yard (now a tree / log storage yard) had/has an open-air character and the proposed workshop / storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. No very special circumstances have been put forward. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.

2. The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the

landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan			21.01.2021
Site plan as proposed	Dwg no. 203		21.01.2021
Floor plan as proposed	Dwg no. 103		21.01.2021
Elevations as proposed	Dwg no. 102		21.01.2021
Supplementary information: Flood Risk Assessment by T J Booth Associates dated June 2020	Doc Ref: rep-tjba- beneficial-the old stone yard, shelley-FRA- 060421		11.05.2021

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. No additional information was submitted or received.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) now be removed and dispose of it/them responsibly to avoid harm to the appearance of the local area.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>
Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 21-Jul-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2021/62/90237/E .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

Appendix 4

Planning Officer's Delegated Report
for application 2021/90237

**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: 2021/62/90237/E

Site Address: The Old Stone Yard, Near Bank, Shelley,
Huddersfield, HD8 8LS

Description: Erection of workshop/storage building

Recommending Officer: Katie Wilson

DECISION – REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 21-Jul-2021

Officer Report – 2021/90237

Site Description

The application site is land at The Old Stone Yard, Near Bank, Shelley.

More specifically, it is a roughly rectangular, relatively flat piece of land, which is approximately half of wider area (including blue line area to east) granted planning permission for change of use from stone yard to tree/log storage yard (ref: 2018/90242).

The site has quite recently been cleared, and now contains a recently erected large workshop / storage building in the north western corner, with parking and turning at the back and vehicular access to one side. The walls are predominantly faced in natural stone to the front with dark coloured metal cladding to the side and rear elevations. The associated parking and turning areas appear to have a surface akin to a loose tarmac. There is close board timber fencing around the perimeter approximately 1.8m high.

The southern and eastern corners of the application site are subject to a separate application for erection of a workshop (reference 2020/93973) with associated parking. Internally this building is sub-divided into 2no workshop/storage units. It has not been started and is pending determination.

In the wider area, there is a private access driveway to the north serving the application site and arboricultural depot at the end. The arboricultural depot contains 2no detached workshop units (now units 1 and 2), and a third (units 3a & 3b) is under construction. Unit 1 appears to be used by a company who produce festive decorations to the retail, shopping centre and leisure industries. Units 3a & 3b are under construction and being advertised as industrial / workshop units to let. Biomass log drying units have also been at the site.

Further to the north are open fields forming part of south facing Near Bank. To the south is tree lined Shepley Dike, with Barncliffe Mills complex and open fields beyond.

To the east (within the blue line boundary on the location plan) is other tree / log storage land, all currently associated with the applicant, whilst to the west are two former mill ponds, previously drained and with extant permission for importation of inert waste to infill shallow water collection area (ref: 2019/91542). Beyond this are commercial buildings lining Near Bank, but the surrounding area is predominantly open and rural in character.

More generally, the site is on open land in a valley bottom, which lies within the Green Belt.

Description of Proposal

Planning permission is sought for erection of a workshop / storage building.

- Rectangular footprint 17.5m x 14.00m
- Dual pitched roof 4.0m eaves height, ridge approximately 5.0m
- Walls - coursed natural stone to 2.4m high to west (front) elevation reduced to 0.75m high elsewhere with profile metal cladding above. Roof – profiled metal cladding.
- One large delivery / collection doors to front elevation and door. No other openings.
- Providing space for 1no workshop / storage unit with small office area and wc.

Associated parking space:

- Access road to southern side of building and parking and turning space at the back.

The building is already erected. The application form states that it was completed on 1st June 2020. It has been advertised as a new build industrial / workshop, and appears to be also known as Unit 4, Near Bank Park. This address is used by a business that produce natural handmade products such as soaps and scented candles etc.

History of negotiations/amendments received

The applicant supplied a flood risk assessment and some photographs of the site during assessment

Relevant Planning History (including compliance)

95/90693 – Use of existing hard standing for storage of coursed stone with associated use to adjacent building – Conditional Full Permission
[Planning application details | Kirklees Council](#)

COMP/14/0139 – alleged breach of condition -no evidence of breach

2018/90242 – Change of use from stone yard to tree / log storage yard – Conditional full permission.
[Planning application details | Kirklees Council](#)

2020/93973 – Erection of workshop – pending determination
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F93973>

Adjacent land to the east:

95/91812 – change of use of existing building from storage to stone cutting / sawing operations. Conditional full permission.

[Planning application details | Kirklees Council](#)

2001/93336 – Erection of stone cutting industrial unit and settlement pit – Conditional Full Permission

[Planning application details | Kirklees Council](#)

2004/94515 – erection of stone dressing extension. Conditional full permission.

[Planning application details | Kirklees Council](#)

2011/90466 – Change of use of part of stone yard to arboricultural depot – Conditional Full permission

[Planning application details | Kirklees Council](#)

COMP/12/0123 – alleged unauthorised tarmac standing – permitted development

COMP/14/0139 – alleged breach of condition -no evidence of breach

2015/93091 – Erection of two single storey storage/workshop units – Conditional full permission

[Planning application details | Kirklees Council](#)

2020/90917 – certificate of lawfulness for existing use for tree log / timber storage, 6 biomass boilers log drying units and distribution. - Certificate of lawful use granted.

[Planning application details | Kirklees Council](#)

Adjacent land to the west:

2019/91542 – Importation of inert waste and infill of shallow water collection area. Conditional full permission.

[Planning application details | Kirklees Council](#)

2020/91822 – DoC 4 (construction /Vehicle Management Plan) of previous permission 2019/91542. DoC approved.

[Planning application details | Kirklees Council](#)

COMP/20/0294 – alleged breach of condition 2, 3, 4 & 6 of planning approval 19/91542

Representations

Final publicity date Expires: 6th July 2021. No comments were received.

Kirkburton Town Council comments – No comments were received.

Consultation Responses

The following is a summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- K C Highways development management: No objections.
- K C Environmental health: No comments received – but those received for neighbouring site ref: 2020/93973 are considered relevant.
- K C Lead Local Flood Authority: No comments received yet, but those given for adjacent site ref: 2020/93973 are considered relevant. Object, insufficient information - required for flood risk, safe access and egress, and surface water management.
- K C Public Rights of Way: No objections

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 in the Green Belt on the Kirklees Local Plan proposals map.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Protection and improvement of environmental quality (including pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution to soil.
- **LP 57** – The extension, alteration or replacement of existing buildings in the Green Belt

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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15 – Conservation and enhancement of the natural environment

Assessment

1 – Principle of development:

The application site is in the Green Belt and the proposal is to erect a workshop / storage building. The proposed building has already been erected and was completed in June 2020.

The NPPF requires local planning authorities to regard the construction of new buildings as inappropriate development in the Green Belt. It sets out, at paragraph 147, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, at paragraph 148, it states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “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.

The site was part of larger stone cutting and storage yard with use of an associated building located at the end of the access road (outside the application site boundary) and has more recently been granted planning permission for change of use from stone yard to tree / log storage yard (ref: 2018/90242).

Included in planning approval 18/90242 was a 14.0m x 17.5m concrete base and centrally placed on it a log store occupying approximately $\frac{1}{3}$ rd of the footprint (5.0m x 17.5m) designed with mono-pitched roof (max. height of 4.0m), timber boarding sides and open to front and back. Green powder coated palisade (1.8m high) was also allowed around the site boundary.

In the officer report for 18/90242, the land was classed as brownfield land due to its previous use as a stone yard. The laying of a concrete base was considered a engineering operation and so allowed (not inappropriate development) under paragraph 146 of the NPPF. The log store and fencing were thought to be minor forms of development with minimal impacts and not considered to be demonstrably harmful to the Green Belt. The storage of logs was by its nature thought by officers to be a temporary and fluctuating activity which would not have a detrimental impact on the openness of the Green Belt. It was also considered to support an existing rural business (i.e.

associated existing arboricultural depot business), so in accordance with chapter 6 of the NPPF (supporting a prosperous rural economy).

In this case the current proposal is also considered brownfield land in the Green Belt.

Paragraph 149 of the NPPF lists exemptions to when buildings are regarded as inappropriate, this includes the following:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

and

g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In terms of point d), officer's opinion is that the 2018/90242 permission could be regarded as extant as this is a retrospective application and the building subject to the current application has a footprint of the same dimensions as the concrete base approved with 2018/90242 and appears to be in the same position. 2018/90242 was granted with a standard commencement condition of 3 years from the date on which permission was granted, which was 17th April 2018. The current application form says that the building was completed on 1st June 2020.

The approved log store could, therefore, be built. However, the structure that has been erected at the site resembles a purpose built industrial / commercial building. In fact, it has been advertised as a new build industrial / workshop, and appears to be also known as Unit 4, Near Bank Park. This address is used by a business that produce natural handmade products such as soaps and scented candles etc. In officer's opinion the new building is not in the same use as the log store associated with the arboricultural depot.

Furthermore, the new building that has been erected is significantly larger in terms of footprint and overall height, than the approved log store it replaces. Its scale and massing have considerably more impact upon the openness and character of the Green belt than the building it replaces. In officers' opinion the new building is materially larger than the log store

As such in officer's opinion the replacement building is not in the same use and is materially larger than the one it replaces. As such it is considered that it

does not meet the requirements of point d) of paragraph 149 of the NPPF, and so is not exempt from being inappropriate development in the Green Belt.

In terms of point g) as detailed above the land is considered a brownfield site in the Green Belt.

An aerial map dated 1965 held on the Kirklees mapping system, indicates that the application site and land to the east was open land, with water collection areas associated with Barncliffe Mills to the west.

Aerial photographs held on the Kirklees mapping system taken 2000, 2002, 2006, 2009, 2012, and 2018 show that the application site (and adjacent land in blue line) have been used for external storage of materials, in the open, sometimes with several skips / metal storage containers present.

In officers' opinion, the previous and existing use as a stone yard (now tree / log storage yard) had/has an open-air character. It is acknowledged that planning approval 18/90242 would have allowed a concrete base of the same dimensions as the building now built and a relatively modest log store on the concrete base. However, the building which has now been built on that concrete base is considerably larger (approximately 375% larger) and completely different character (the log store has timber boarding side walls and is open to the front and back, whereas the workshop / storage building has 4 walls of predominantly dark coloured metal cladding with some coursed natural stonework and roller shutter door).

As such, in officer's opinion the proposed workshop / store building with associated parking and turning has a significantly greater impact on the openness of the Green Belt than the stone yard or tree / log storage yard with relatively modest log store building granted with planning permission 2018/90242. It is therefore considered that it does not meet the requirements of point g) of paragraph 149 of the NPPF, and so is not exempt from being inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted.

2 –Impact on visual amenity:

Policy LP24 of the KLP states that good design should be at the core of all proposals in the district. Proposals should promote good design by ensuring the form, scale, layout and details respect and enhance the character of the townscape, heritage assets and landscapes.

In this instance the character of the area is of rough ground used as an open yard for the storage of materials, formerly stone and now logs. However, this is effectively a retrospective application for the workshop / building already at the application site and it significantly changes the open storage yard

character of the area to a built up, light industrial / commercial area with purpose-built workshop / storage buildings.

In officer's opinion the proposal by virtue of its size and scale would not respect or enhance the open character of the landscape and as such is contrary to policy LP24 of the KLP.

3 – Impact on residential amenity:

The building is some distance from the nearest residential property and as such it is considered that there would be no overshadowing or overlooking issues.

In terms of noise nuisance, environmental health officers have commented on plans for the adjacent site (ref: 2020/93973) and these are thought relevant to the current proposal. In their response they say that *'It is possible that noise from industrial and commercial sources may negatively impact the nearby noise-sensitive receptors. As such, noise conditions are required'*.

The recommended condition seeks to ensure that the combined noise rating level from any fixed mechanical services, external plant and equipment does not exceed background sound levels at any time.

Provided that this condition is applied, the proposal would be acceptable from a residential amenity point of view

4 – Impact on highway safety:

The site is accessed from Near Bank, via a private driveway leading to arboricultural depot. The proposed workshop / storage building has been assessed by the Council's Highways officers who gave the following comments:

"The proposal uses a previously approved access for The Old Stone House. Eight off-street parking spaces are to be retained. The scheme is unlikely to significantly intensify the vehicular use of the site or access and is therefore acceptable from a highway perspective. No specific conditions are deemed necessary".

This is acceptable for this specific unit, although the wider site appears to be changing into a business park of multiple units, which at some stage may need to be assessed in its entirety, in terms of impact upon highway safety.

5 – Other matters:

Flood risk:

The proposed development site is fully located within Flood Zone 3, according to the Environment Agency's *Flood map for planning*. The site is also mostly located within surface water flood risk up to high, according to the

Environment Agency's *Long term flood risk map* and it is within an area receiving Flood Alerts.

Records show that this area is unlikely to be suitable for infiltration features. Historic maps show mills south and south west of the site – Barncliffe Mills and Brook House Mill respectively. Ponds to the west of the site connect to the Barncliffe Mills.

The Council's flood management and drainage section as lead local flood authority (LLFA) have assessed planning application 2020/93973 for erection of workshop on immediately adjacent land to the south and their comments are considered relevant to this application. They objected as they require further information regarding a flood risk assessment; safe access and egress; and surface water management.

The applicant has provided a flood risk assessment by TJ Booth (consulting civil & geotechnical engineers), dated June 2020. The conclusion of the document notes that the building has already been constructed. It goes on to say that:

“the commercial use and low flood risk vulnerability along with minimal flood depths noted in the basic search, suggest flood risk to the development is low. Finished floor levels are elevated from the surrounding ground level by at least 150mm, and higher than this to the north side owing to the gentle site slope ensuring minor surface water flows do not infiltrate the development building.

The residual risks noted are to the safety of the owners/tenants for access egress as the lane to the north of the Site can become a conduit for flood water. These groups should sign up to the emergency flood alert/warning scheme, and emergency flood evacuation plans should be made clear as part of the site health and safety management files and within the building”.

There is no surface water drainage plan, although the application form states that surface water run-off would discharge to existing water courses, the flooding officer points out that there are several watercourses in the area, and they are likely to be suitable as a discharge point and that flap valves should be considered on any discharge pipes to ensure that elevated water levels do not back up the system. However, further surface water drainage information is required to include proposed discharge point, discharge rate, surface water drainage layout and micro-drainage outputs to satisfy modern standards of design. The FRA says that drainage design is to be undertaken by others. Drainage design information has not been submitted with the application.

The FRA provides an options appraisal to demonstrate the most suitable method of achieving safe access and egress to the site and suggests two sites within walking distance on higher ground where occupants could gather in event of flooding event and that groups should sign up for flood alert/warning scheme. These elements could be conditions should the application be approved.

Impact upon Public Right of Way:

PROW KIR/147/10 is to the east of the site and further up the access track. The PROW officer has provided comments for the adjacent site to the south (ref: 2020/93973) and these are thought to be relevant to the current application. They raise no objections to the proposed development.

Impact upon air quality:

Environmental health officers have commented on plans for the adjacent site (ref: 2020/93973) and these are considered relevant to the current proposal. In the interests of air quality enhancement electric vehicle charge points are recommended, and these could be sought by condition and fitted retrospectively. Should the application be approved, it is recommended that a condition to this end could be applied to the decision notice.

Procedural matter:

Following discussion with team leader and deputy team leader it was decided that, as the PROW does not directly cross the site and access to the application site is before the PROW, in this instance there was no need to put up a site notice.

General matters:

It is noted that the most recent planning approval at the site is for change of use from stone yard to tree/log storage yard, however the building at the application site (now subject of this application) has been advertised for rent as Unit 4, Near Bank Park. The Kirklees gazetteer gives details of a company called Cliffe House Organics Ltd at Unit 4. They specialise in producing natural handmade products such as soaps and scented candles etc.

In the wider site, a building used by the former stone cutting business and later arboricultural depot (at end of access road) is now referred to in the gazetteer as Unit 1, The Old Stone yard. It is also the address for a company called JKD3 Ltd who specialise in festive displays for shopping centres, the leisure industries etc.

An adjacent workshop / storage building associated with the arboricultural depot granted planning permission (ref: 15/93091) is also referred to in the gazetteer as Unit 2 and it appears to be the address for Beneficial Tree Care Ltd.

It has also been noted that a large portal frame detached building is being constructed at the arboricultural depot site (adjacent units 1 & 2) and this is being advertised to let as a new build industrial / workshop unit with address Units 3a and 3b, Near Bank Park. This is thought to be an unauthorised building.

Furthermore, a stone at the entrance from Near Bank carved with the words The Old Stone Yard has recently been changed to Near Bank Park.

Beneficial Estates Limited, (a private limited company, letting and operating of own or leased rear estate), also has its registered office address as Near

Bank Park, Near Bank, Shelley, Huddersfield. The applicant is one of the directors.

As such the former Stone yard which has planning permission for change of use to tree/log storage yard together with the arboricultural depot at the end of the access drive, now appear to be morphing into a business or light industrial park of multiple units, in the Green Belt.

6 – Representations:

No representations were received during consideration this application.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation – Refusal.

Decision Authorisation - Delegated Powers**Application Number:** 2021/90237**Officer Recommendation:** Refusal**Reason for Refusal**

1. The previous and existing use as an external stone yard (now a tree / log storage yard) had/has an open-air character and the proposed workshop / storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. No very special circumstances have been put forward. This is contrary to Chapter 13 of the National Planning Policy Framework and policy LP59 of the Kirklees Local Plan.

2. The proposed workshop / storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the landscape. This would not promote good design and is contrary to policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan			21.01.2021
Site plan as proposed	Dwg no. 203		21.01.2021
Floor plan as proposed	Dwg no. 103		21.01.2021
Elevations as proposed	Dwg no. 102		21.01.2021
Supplementary information: Flood Risk Assessment by T J Booth Associates dated June 2020	Doc Ref: rep-tjba-beneficial-the old stone yard, shelley-FRA-060421		11.05.2021

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. No additional information was submitted or received.

Report Dated:

20.07.2021

Appendix 5

Photographs of the previous condition of the site

Photographs before the applicants tidied the site



Photograph 1: Taken in 2015 when Beneficial bought the site



Photograph 3: Taken in 2019 following the departure of the previous tenant



Photograph 2: Taken in 2019 following the departure of the previous tenant



Photograph 4: Taken in 2019 following the departure of the previous tenant

Appendix 6

Letter from Applegate Properties
confirming demand in this location

OUR VISION IS CLEAR

TO TRANSFORM THE PERCEPTION OF ESTATE AGENCY



10/03/2022

Dear Mr Hilton

Re: The Old Stone Yard, Far Bank, Shelley

Thank you for inviting me to review the commercial development at the above address.

The development consists currently of five units all of which are let. You have one newer unit which is around 5000 square feet under construction.

I was impressed to see the high standard of the units and development overall. The access which includes secure, modern gating, tree lined private driveway and lighting is very attractive, as is the whole development.

The work you have done to support a number of eco efficient materials and construction is also highly desirable to a lot of local businesses.

Since the Covid-19 restrictions ended we have seen a significant increase in the demand for commercial units in semi-rural locations such as Shelley. We are aware that the existing developments on the same road have experienced high demand. Shelley is an ideal location for local firms, providing a rural back drop with access to the M1 and local train station close by as well as being centrally positioned between both Leeds and Manchester.

We would estimate that in the current market it would be only a matter of days to source a suitable tenant and we would first access our in-house mailing list prior to any internet advertising due to such high demand.

Please do not hesitate to contact me should you require any further information or clarification.

Yours Sincerely



REDACTED

AMY WRAY

(MARLA) (MNAEA)
Company Owner & Head Valuer

Call **01484 682999** today or visit our website
www.applegateproperties.co.uk

YOUR LOCAL PROPERTY EXPERTS

