

**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:	2022/62/93924/W
Site Address:	Well Lane Farm, 3, Binn Lane, Marsden, Huddersfield, HD7 6NW
Description:	Erection of replacement shed
Recommending Officer:	Lucy Taylor

DECISION – Grant Conditional Full Permission, subject to the completion of a Section 106 Obligation.

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

Teresa Harlow

AUTHORISED OFFICER

Date: 3rd July 2023

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Officer Report.

Reference: 2022/93924

Location: Well Lane Farm, 3, Binn Lane, Marsden, Huddersfield, HD7 6NW

Proposal: Erection of replacement shed

Site Description.

Well Lane Farm is a Grade II Listed detached dwelling located on the edge of Marsden, Huddersfield. The dwelling was formally a complex of three cottages with an attached barn and outbuildings, however, they have been modernised and converted as part of planning applications 2009/91324 and 2009/91325 and subsequent section 73 application nos. 2018/93903 and 2018/93899.

Several outbuildings are located within the site, to the east (rear) of the property. This application specifically relates to one of these existing agricultural sheds. The shed was originally constructed from timber with a profile sheet roof; however, it now appears to be in a dilapidated state.

The site is accessed off Binn Lane, which approaches the site from the west and curves along its southern boundary.

The site is predominantly surrounded by open fields and is located within the designated Green Belt and River Colne Corridor Strategic Green Infrastructure Network. In addition, the site is located in very close proximity to the boundaries of the Peak District National Park, the South Pennine Moors Special Areas of Conservation and the Dark Peak Site of Special Scientific Interest.

There is a Public Footpath located to the south of the site (COL/221/60), adjacent to the highway of Binn Lane.

The nearest dwelling is Owlers End Farm, whose land borders that of the application site, however, the dwelling itself is located over 70m away from the application site, adjacent to two other Listed Buildings, Peters Farm and Well Lane Head.

Description of Proposal.

Planning permission is sought for the erection of a replacement shed.

The existing outbuilding to be demolished is located to the east (rear) of Well Lane Farm, located approximately 13.5 metres from the dwellinghouse.

This existing outbuilding was originally constructed from timber with a profile sheeting roof. It now appears to be in a dilapidated and unsafe state. It is to be demolished to facilitate the erection of a new, slightly larger shed.

The replacement shed would sit in a similar position to the existing, with a larger footprint of approximately 102.7sqm. The dimensions of the replacement shed would be as follows:

- width (eastern and western elevations) – 12.3m
- length (northern and southern elevations) – 9.3m
- maximum height – 5.25m

The external walls of the replacement shed would be faced in sandstone and timber and the gable roof above would be constructed from corrugated sheet metal.

Large access doors are proposed to the northern and eastern elevations, with a regular access door proposed to the western elevation.

Solar panels are proposed to the southern roof slope of the replacement shed.

History of Negotiations and Amended Plans.

Without any negotiation, the applicant submitted an amended 'Proposed Site' plan to incorporate solar panels on the roof of the replacement shed.

Within the consultation response from the Peak District National Park, they included a suggested tree planting scheme. In response to this, the applicant provided a 'Tree Planting' drawing (ref: 3528 (0-) 05).

In reply to the consultation response from KC Ecology, the applicant provided comments via email from a suitably qualified ecologist regarding bats and an SSSI Impact Risk Zone assessment

As a section 106 agreement would be required to revoke elements of extant planning permissions which could still be undertaken, the applicant has provided written confirmation to confirm which parts of the previous permissions would be revoked.

Relevant Planning History.

- **2009/91324** – Re-use and adaptation of existing barn and cottages to form one dwelling, change of use and alterations, with extension to existing garage to form double garage. Formation of surfaced drive from Binn Lane. *Granted.*
- **2009/91325** – Listed Building Consent for re-used and adaptation of existing barn and cottages to form one dwelling, change of use and alterations. *Granted.*

- **2018/93903** – Variation of condition 2 on previous permission 2009/91325 for Listed Building Consent for re-use and adaptation of existing barn and cottages to form one dwelling, change of use and alterations. *Granted.*
- **2018/93899** – Variation of condition 2 on previous permission 2009/91324 for re-use and adaptation of existing barn and cottages to form one dwelling, change of use and alterations, with extension to existing garage to form double garage. Formation of surfaced drive from Binn Lane. *Granted.*

It should be noted that the approved plans for the above permissions (2009/91324 & 2018/93899) granted planning permission a number of works including a 'new implement store & new garage' as detailed upon the submitted plans. These elements of the above permissions could still be completed although have not been to date.

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, a site notice and within the newspaper.

Final publicity date = 24th February 2023.

No representations were received. The amended plans were not re-publicised as these did not fundamentally alter the development applied for.

Consultation Responses.

Peak Park Planning Board – upon consultation, objected to the proposal on the grounds that it would have a potential to create adverse effects on the setting of the park. However, stated that they believed the site to offer the potential for mitigation of proposal adverse effects, attaching a plan to show the potential location for mitigation tree planting to screen the development. The Peak Park Planning Board stated in their consultation response that, if adequate mitigation screen planting (plus, ideally retention and adequate protection of existing trees) is addressed/conditioned as part of the application, it may reduce potential adverse effects to an acceptable level.

KC Ecology – upon initial consultation, the Council's Ecology Officer requested the submission of a SSSI Impact Risk Zone assessment and information regarding bats.

The applicant provided comments from a suitably qualified ecologist with regard to the request for information regarding bats. The Ecology Officer confirmed that these comments removed any doubt that a survey would be

required and that they were happy that the proposed development would have no impacts on roosting bats.

The applicant submitted an SSSI Impact Assessment, which upon consultation, the Ecology Officer confirmed that the proposed developments will have no impact on any Natura 2000 sites. Concluding that the proposed developments are situated in an already urbanised area, within the grounds of existing structures, therefore, posing no impact on any habitats or species associated within any statutory designated sites.

KC Conservation and Design – have no comments on this demolition, as the building is a 20th Century structure in poor condition with no historic significance. The historic dry stone boundary wall in this location is part of the curtilage of the listed building and must be retained.

Natural England – made no comment.

Policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the designated Green Belt and River Colne Corridor Strategic Green Infrastructure Network. The site is also located in an area with a known presence of bats.

In addition, the site is located in very close proximity to the boundaries of the Peak District National Park, the South Pennine Moors Special Areas of Conservation and the Dark Peak Site of Special Scientific Interest.

Kirklees Local Plan:

- **LP1** – Presumption in Favour of Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP10** – Supporting the Rural Economy
- **LP21** – Highway Safety and Access
- **LP22** – Parking Provision
- **LP23** – Core Walking and Cycling Network
- **LP24** – Design
- **LP30** – Biodiversity & Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP35** – Historic Environment
- **LP52** – Protection and Improvement of Local Environmental Quality
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 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** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Assessment.

The application seeks the erection of a replacement shed for agricultural purposes on a site located within the Green Belt. The impact of the development on the Green Belt will be a key consideration along with its impact on the local landscape and character of the surrounding area, residential amenity, highway safety and all other material planning considerations.

1. Background

As set out in the relevant history, permission has previously been granted for the re-use and adaption of the original barn and cottages to form one dwelling, application numbers 2009/91324 & 2018/93899. A detached implementation store and detached garage formed part of this previous approval, shown to be located to the front of the new dwelling on the submitted site layout plan.

This application is determined as a replacement of the detached implementation store and detached garage granted under application 2009/91324 and 2018/93899. Therefore, due to the commencement of development of other features under the earlier permissions, a Section 106 agreement would be required to ensure the extant permissions for the implementation store and garage is not able to be utilised given the building the subject of this application is on a different parcel of land.

A section 106 agreement is considered necessary to avoid adverse impact on the Green Belt, to protect the openness of the Green Belt and the significance of designated heritage assets and views to and from the Peak District National Park, as discussed in the following report.

1. Principle of Development

Policy LP1 of the Kirklees Local Plan (KLP) and Chapter 2 of the NPPF, outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal.

Policy LP10 of the Kirklees Local Plan sets out that the rural economy would be supported where they meet the requirements of Green Belt policies and do not adversely impact on areas of environmental sensitivity.

2. Green Belt

As outlined above, the application site is located within the Green Belt on the Kirklees Local Plan. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 149 and 150.

Consideration must also be given to LP57 of the Kirklees Local Plan, ensuring that development is in line with the expectations set out, including:

- b) In the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing.
- c) The proposal does not result in a greater impact on openness in terms of the treatment of outdoor area, including hard surfacing, curtilages and enclosures and means of access; and
- d) The design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

1) *Would the replacement building be inappropriate development in the Green Belt?*

Given that the proposed shed is to be of a larger size/scale than the existing structure which it will replace, the scheme would be considered contrary to the aims of LP57 (b). This is because LP57 (b) sets out that '*...the new building must...not be materially larger than the building it is replacing.*'

2) *What other harm would there be to the openness of the Green Belt?*

Visually, the bulk and massing of the proposed outbuilding from the wider landscape would be reduced by the cat slide gable roof slope adjacent to the highway of Binn Lane, resulting in a low eaves height of only 1.75 metres.

With regard to materials, the replacement shed would be faced in materials that are in keeping with the vernacular and context of the site, sandstone, timber and corrugated sheet metal. It should also be noted the replacement shed will appear more visually appealing in comparison to the existing dilapidated structure which currently sits to a similar position within the curtilage of Well Lane Farm.

3) *Are there any Very Special Circumstances to clearly outweigh the harm by reason of inappropriateness and other harm?*

The applicant has provided written agreement via email to enter into a section 106 agreement to agree that the extant consents, which have been partly implemented would not be completed in relation to two detached buildings permitted by these consents. Confirming that the replacement shed proposed under this application would be in place of the extent permission for a detached garage and detached implementation store to the front (west) of the dwellinghouse.

Officers consider that, subject to the S106 agreement being in place the proposal under consideration here would be beneficial to the openness of the Green Belt, views to and from the National Park and the significance (setting) of the listed building. The previously granted detached garage and implement store under application the previous consents are shown on the site layout plan to be located within especially prominent positions, to the front elevation of the dwellinghouse of Well Lane Farm. By comparison, the proposed shed under this application would be located in a more subservient position, within a cluster of existing outbuildings to the east (rear) of the dwellinghouse. This would be an improvement both visually and spatially.

Therefore, whilst the proposed replacement shed would be larger in size/scale than the existing outbuilding, which is in place currently, planning officers consider it acceptable that the structure is to replace this structure in conjunction with the previously approved garage and implementation store in a far more subservient position within the site. The cumulative impact of the scale of the existing shed and the two detached buildings that could be erected would not be dissimilar to one another.

The applicant has agreed to enter into a section 106 agreement to ensure that the other buildings are not constructed. This proposal is considered to present a more acceptable impact on the Green Belt and local landscape in comparison to the previously approved detached buildings, in an improved position to be read in conjunction with the other outbuildings within the site.

Whilst officers note the additional details put forward by the applicant with regard to the proposed use of the replacement shed within the Design and Access Statement, these justifications relate solely to farming operations at the site and without the agreed Section 106 arrangement as explained above, would not sufficiently overcome issues relating to inappropriate development in the Green Belt.

Conclusion:

It is considered appropriate in this instance to assess the proposal against policy LP57 as a replacement storage building within the Green Belt. In light of the above assessment and with a Section 106 agreement secured, the proposal is considered to present Very Special Circumstances that clearly outweigh harm by inappropriateness. Therefore, in this instance, the proposal is considered to meet Policy within Chapter 13 of the NPPF and is concluded to be acceptable development within the Green Belt.

3. Visual Amenity, Impact to Historic Environment and Peak District National Park

The site is located within open countryside in a sensitive rural location. To the south of the site is the Peak District National Park. Well Lane Farm to the west of the replacement shed is a Grade II listed building.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 of the Kirklees Local Plan states that: *“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

In terms of visual amenity, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

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

Paragraph 176 of the NPPF states that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”*

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

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.”* The supporting text for Policy LP24 states that: *The topography across much of the district, particularly towards the Pennines in the west of the district, means that views and vistas should be given particular consideration, especially towards the Peak District National Park.”*

Further to this, Policy LP32 of the Kirklees Local Plan sets out that proposals should be designed to take into account and seek to enhance the landscape character of the area, in particular:

- a. *“the need to protect the setting and special qualities of the Peak District National Park, views in and out of the park and views from surrounding viewpoints;*
- b. *the setting of settlements and buildings within the landscape...”*

Visual Amenity:

The proposed design of the replacement shed is considered to be relatively typical for a building with such a use and therefore, is generally considered to be acceptable with regard to the form of the proposed structure and exterior materials (sandstone, timber and corrugated sheet metal). More specifically, the replacement shed would benefit from a cat slide gable roof slope adjacent to the highway of Binn Lane, creating a low eaves height and mitigating undue bulking and massing when viewed from the surrounding area. Furthermore, the siting of the shed within the curtilage of Well Lane Farm is considered to be subservient, located within a cluster of outbuilding structures to the east (rear) of the main dwellinghouse.

Two large doors and one regular access door are proposed to the shed, these forms of fenestration are in keeping with the proposed use of the structure.

It should be noted that, visually, the replacement shed would have a positive impact upon the overall appearance of the site, whereby the existing outbuilding it aims to replace is considered to be in a dilapidated state and it would remove the likelihood of further built form forward/to the side of the principal elevation of the listed building.

The shed would appear as a predominantly wooden building within the curtilage of previously developed site associated with agricultural activities and surrounded by open countryside. In turn, the replacement shed is concluded to be acceptable within the context of site and wider environment, in accordance with Policy LP24 and LP32 of the Kirklees Local Plan and Chapters 12 and 13 of the NPPF.

It is important that the proposed solar panels do not produce glint or glare as this would not be attractive when viewed from longer distances views across the valley and from rising land. A condition is recommended, in the interests of visual amenity and Policies LP24 and LP32 of the Local Plan, to provide details to mitigate potential for glint and glare before the panels are installed upon the roof.

Historic Environment:

The submitted heritage statement sets out the following:

- The farmhouse is Grade II Listed with the following description: *Late C18 with early to mid C19 additions to north. Farm terrace. Hammer dressed stone (part rendered). Quoins. Pitched stone slate roof. Moulded footstones and apex finial to south gable. Two storeys. West elevation: Ground floor: one 6-light stone mullioned window (recessed with central King mullion); one 4-light stone mullioned window (recessed); one 4-light stone mullioned window. Lean-to extension. First floor: two 4-light stone mullioned windows (one has 1 light blocked); two 3-light stone mullioned windows. East elevation: lean-to extension with catslide roof. Three entrances with stone surrounds, various single and 2-light windows. North gable: small lean-to extension to ground floor and one 2-light stone mullioned window to first floor. South gable: later windows.*
- The proposed shed is approximately 13.5 metres away from the Listed Building so has no impact on the farmhouse.

As part of the determination of this application, KC Conservation and Design were formally consulted. The Conservation and Design Team have assessed the proposal and provided the following comments:

- The outbuilding is an unlisted structure which was outside the curtilage of the listed farmhouse at the time of listing in 1985 and it is therefore not curtilage listed.
- Have no comments on this demolition as the building is a 20th century structure in poor condition with no historic significance.
- The historic dry stone boundary wall in this location is part of the curtilage of the listed building and must be retained.

Taking account of the submitted detail and response of the Conservation Team it is concluded that the proposal would not lead to harm to the grade II listed building and is in accordance with the aforementioned policy and legislation in this regard. Indeed, the securing of a legal agreement to prevent the erection of 2no. detached buildings that would impact on the principal elevation of the listed building would serve to enhance the significance of this designated heritage asset.

Peak District National Park:

The application is for the erection of a replacement shed that is immediately adjacent to the boundary of the Peak District National Park.

Section 62 of the Environment Act 1995 places a general duty on all relevant authorities, including public bodies, to have regard to the purposes of a national park. These purposes include to conserve and enhance natural beauty, wildlife and cultural heritage.

Paragraph 176 of the National Planning Policy Framework states that 'development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

National policy, specifically Chapter 15 of the NPPF, indicates that close regard should be paid for the impact of the development on the setting of the National Park.

Policy LP32 of the Kirklees Local is also relevant with regard to landscaping. This policy sets out that proposals should be designed to take into account and seek to enhance the landscape character of the area.

Upon formal consultation, the Peak District Planning Board initially objected to the proposal on the grounds that it would have a potential to create adverse effects on the setting of the park. However, they stated that they believed the site to offer the potential for mitigation of proposed adverse effects, attaching a plan to show the potential location for mitigation tree planting to screen the development. The Peak Park Planning Board stated in their consultation response that, if adequate mitigation screen planting (plus, ideally retention and adequate protection of existing trees) is address/conditioned as part of the application, it may reduce potential adverse effects to an acceptable level.

In response to this consultation, the applicant provided a plan to demonstrate the 'Tree Planting Scheme' in conjunction with the proposed erection of a replacement shed. Upon reviewing this plan, officers are satisfied that the best efforts have been made by the applicants to replicate the suggested tree planting scheme by the Peak District Planning Board. The plan shows the retention of existing trees and hedging, as well as the proposed planting of more hedging and trees to the east and south.

Whilst officer's note that the suggested tree planting scheme recommended more planting around the shed, it is considered that sufficient justification be apparent to support the applicant's tree planting scheme, with the hardstanding not suitable for planting. In addition, the removal of the potential for two no. detached buildings to be erected in a more isolated location to the west of the main building would assist in mitigating the overall impact of built development at the site.

In turn, whilst the Peak District Planning Board were not re-consulted following the submission of the 'Tree Planting Scheme' by the applicant, officers are confident that the best efforts for natural screening have been made in accordance with the suggested tree planting scheme sent via consultation. However, to ensure accordance with Chapter 15 of the NPPF and LP32 of the Kirklees Local Plan, a condition will be imposed upon any grant of approval, seeking the submission of a formal landscaping scheme to ensure the final details align with the recommendations of both the Peak Park and the Local Authority for native planting, including both trees and hedging; including a timescale for its implementation and future maintenance.

4. Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise & odour emissions.

In this case, the replacement shed would be situated closest to the host property of Well Lane Farm, whereby a separation distance of approximately 10 metres would be retained. As such, officers are satisfied that there would be no material impact upon the occupant's amenity given the operation of the site is undertaken in conjunction / by the occupiers of the dwelling.

The nearest dwelling is Owlars End Farm, and is located over 70m away from the application site, adjacent to two other Listed Buildings, Peters Farm and Well Lane Head. In turn, the proposal is not considered to result in any material impacts to the occupiers of these properties with regard to overbearing, overshadowing, overlooking, noise or odour given the distance between the site and this property.

In summary, the application would have an acceptable impact on residential amenity, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

5. Impact on Highway Safety and Public Footpaths

The replacement shed would utilise an existing access off Binn Lane, with hard surfacing already laid around the areas of the proposed replacement shed that would facilitate vehicular access to the interior of the structure.

Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

There is a public footpath to the south of the site, but the proposed replacement shed would not directly or indirectly affect this footpath or its users.

Therefore, the proposal would be concluded to safeguard footpath COL/221/60 as a core walking/cycling network in accordance with Policy LP23 of the Kirklees Local Plan.

7. Biodiversity

The site is partially located within the Strategic Green Infrastructure Network and is also located within ~125m of the South Pennine Moors Special Area of Conservation (SAC) and Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA), both of which European designated sites.

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

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should:

- minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;

Policy LP30 sets out that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.

Policy LP30 also notes that statutory designated sites, including the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC) and Sites of Special Scientific Interest, are already highly protected through existing laws and legislation. In accordance with legislation, the Council will seek to ensure that harmful impacts to these areas as a result of development proposals are avoided.

Policy LP31 of the Kirklees Local Plan states that development proposals within and adjacent to the Strategic Green Infrastructure Network should

ensure the function and connectivity of green infrastructure networks and assets are retained or replaced.

Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system.

The proposal would see the demolition of an existing outbuilding at Well Lane Farm. Following initially raised concerns received from the Council's Ecologist, the applicant sought advice from a suitably qualified ecologist regarding bats, providing the following information to the Local Authority via email:

"I have reviewed the four pictures of the existing timber framed building at Well Lane Farm and it is my professional opinion that this building does not appear to justify a site survey for roosting bats. It is clear from the pictures supplied that the corrugated metal sheet covered roof is unlined, with the timber clad walls also unlined. The only crevices visible in the images comprise spaces between raised sections of roofing sheet and the supporting timber joints. These spaces will be short (c. 5cm) and open at both ends. Furthermore, it is noted that the interior of the building is quite bright due to it being partially open sided. The 15 years working as a bat surveyor I have never recorded bats roosting in this situation on a metal sheet roof, despite such features occurring commonly on the buildings I survey."

The Council's Ecology Officer was re-consulted on these comments, confirming that they removed any doubt that a survey would be required and that they were happy that the proposed development would have no impacts on roosting bats.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

SSSI Impact Assessment:

The government circular on Biodiversity and Geological Conservation (ODPM, 2005) and explanatory note from Natural England (Natural England, 2020) indicates that information of protected species, and in particular European

protected species (including bats), should be made available prior to determination.

An SSSI Impact Assessment was submitted by the applicant as part of this planning application. Upon review of this, the Council's Ecology officer confirmed that the proposed developments will have no impact on any Natura 2000 sites. Concluding that the proposed developments are situated in an already urbanised area, within the grounds of existing structures, therefore, posing no impact on any habitats or species associated within any statutory designated sites.

7. Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures.

It has been noted that the proposed replacement shed would have solar panels installed to the gable roof. This would be viewed positively from a climate change perspective, subject to the imposition of the condition set out earlier in this report.

The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

8. Representations

As a result of the publicity of the application, no representations have been received.

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

Recommendation: Full Conditional Permission (Subject to s106 Legal Obligation)

Decision Authorisation – Delegated Powers

Application Number: 2022/93924

Officer Recommendation: Full Conditional Permission Subject to s106 Legal Obligation

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
1. 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 Policies LP1, LP2, LP3, LP10, LP21, LP23, LP24, LP30, LP31, LP32, LP35, LP52 and LP57 of the Kirklees Local Plan and Chapters 2, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.
2. The external walls of the shed shall be faced in sandstone and timber and the roof constructed from corrugated sheet metal. The roof shall be of a dark grey colour finish. These materials and colour finish shall be thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity, the significance of designated heritage assets and the setting of the National Park and to accord with Policies LP2, LP24, LP32 and LP35 of the Kirklees Local Plan, and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

3. The existing dry stone boundary walls proximate to the proposed shed shall be retained.

Reason: In the interests of the historic significance of these boundary walls, which form part of the curtilage of the Listed Building and to accord with policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Before commencement of the superstructure of the building hereby approved, a scheme detailing tree/shrub planting, as indicatively shown on drawing no. 3528 (0-) 05, including details of all existing trees and hedgerows on and adjoining the site and details of any to be retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: name of plants (English and/or Latin names); number of plants in each specific planted hedgerow area; location and number of trees; size of plants/trees to be planted, whether bare-root or container grown; density of hedgerow plants to be planted, and the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the visual amenity and character of the locality and Peak District National Park to accord with Policies LP24 and LP32 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

5. Before the solar panels are installed on the roof of the building as indicated, on drawing no. 3528 (0-) 03 B, details of measures to mitigate 'glint and glare' from the panels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the solar panels shall be installed in accordance with the details so approved.

Reason: To protect the visual amenity and character of the locality and Peak District National Park to accord with Policies LP24 and LP32 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

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

Note: The application site is not located in a coal risk area.

Plan Type	Reference	Version	Date Received
Existing Site/Block Layout	3528 (0-) 01	-	06/12/2022
Existing and Proposed Drawings	3528 (0-) 04	A	06/12/2022
Location Plan	3528 (LP) 01	-	06/12/2022
Proposed Site/Block Layout	3528 (0-) 03	B	26/01/2023
Tree Planting Scheme	3528 (0-) 05	-	16/06/23
Design & Access Statement	-	-	10/01/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Amended plans and additional information was submitted by the applicant and the case officer secured a section 106 legal agreement to prevent the implementation of consent 2009/91324 to ensure that development would not be disproportionate within the Green Belt.

Report Dated:

28.6.23

