KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	**2022/65/93925/W**
Site Address:	Well Lane Farm, 3, Binn Lane, Marsden, Huddersfield, HD7 6NW
Description:	Listed Building Consent for demolition of outbuilding
Recommending Officer:	Lucy Taylor

DECISION – Grant Listed Building Consent

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

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Nov-2023

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

Listed Building Consent is sought for the demolition of outbuilding.

History of Negotiations/Amendments Received

No negotiations have taken place, and no amended plans have been sought or submitted.

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.*

- 2022/93924 – Erection of replacement shed. *Grant Conditional Full Permission, subject to the completion of a Section 106 Obligation.*

Representations

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

Final publicity date expired – 24th February 2023.

No representations were received.

Consultations

KC Conservation and Design – The Conservation and Design Team had no comments on the demolition of the building, as it is a 20th century structure in poor condition with no historic significance.

Policy

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which is possesses'.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP24 – Design
- LP35 – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Assessment

When making a recommendation in respect of Listed Building works, attention must be given to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possess'.

The farmhouse of Well Lane Farm is Grade II Listed however, the outbuilding to be demolished is an unlisted structure which was outside the curtilage of the listed farmhouse at the time of listing in 1985 and is therefore not curtilage listed.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Paragraph 199 of the NPPF requires that when considering the impact of the proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated heritage assets.

Significance

The farmhouse of Well Lane Farm is Grade II Listed however, the outbuilding to be demolished is an unlisted structure which was outside the curtilage of the listed farmhouse at the time of listing in 1985 and is therefore not curtilage listed.

Impact of the Proposal on Significance

The proposal been considered is for the demolition of an outbuilding at Well Lane Farm, 3, Binn Lane, Marsden, Huddersfield, HD7 6NW. Whilst the farmhouse of Well Lane Farm is Grade II Listed, the outbuilding proposed to be demolished is an unlisted structure which was outside the curtilage of the listed farmhouse at the time of listing in 1985 and is therefore not curtilage listed.

Upon formal consultation, the Council's Conservation and Design Team had no comments on the demolition of the outbuilding, given that it is a 20th Century structure in poor condition with no historic significance.

The proposal therefore complies with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 199, 200 and 202 of the NPPF and Policies LP24 and LP35 of the Kirklees Local Plan.

Conclusion

Paragraph 199 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 202 goes on to state that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

It is considered hat the proposed development would not cause any harm to the significance of the Listed Building and would comply with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 199, 200 and 202 of the NPPF and Policies LP24 and LP35 of the Kirklees Local Plan.

Recommendation: Grant Consent.

Decision Authorisation: Delegated Powers
Application Number: 2022/93925
Officer Recommendation: Consent Granted

1. The development hereby permitted shall begin within three years of the date of this permission.
   Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 preserve the significance of the heritage asset and to comply with Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Existing Site Plan	3528 (0-) 01	-	06/12/22
Site Location Plan	3528 (LP) 01	-	06/12/22
Proposed Site Plan	3528 (0-) 03	-	06/12/22
Existing and Proposed Drawings	3528 (0-) 04	-	06/12/22
Tree / Aboricultural Survey	3528 (0-) 05	-	13/06/23
Design and Access Statement	-	-	10/01/23

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

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 20.11.23