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:	**2023/62/90208/W**
Site Address:	adj, Jagger Hill Farm, Jagger Lane, Kirkheaton, Huddersfield, HD5 0QZ
Description:	Demolition of existing barn/stable block and erection of stable block/commercial unit
Recommending Officer:	William Simcock

DECISION – CONDITIONAL FULL PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 11 January 2024

Officer Report 2023/90208
Land adj, Jagger Hill Farm, Jagger Lane, Kirkheaton

Site Description

Jagger Hill Farm lies on the south side of the highway to the west of a junction where Jagger Lane continues southwards and joins the part-adopted Wellhouse Lane which continues to the north. Immediately to the west of the dwelling is a plot of land, measuring approximately 30m by 25m, upon which there is a flat-roofed building comprising three adjoining lightweight structures which is used as agricultural barn and stables – this is the subject of this application. The surroundings of the site are rural and largely undeveloped.

Description of Proposal

The proposal is for the demolition of the existing barn/stable block and erection of a building comprising a stable block and a commercial unit which is to be used as a base for an electrical contractor. It would be used for the storage and housing of the business vehicles and materials in connection with the day to day running of the electrical contractor's business. As set out in the supporting statement accompanying the application, each morning, the contractor and employees would pick up the company vans, the day's materials and equipment needed, vehicles would then get taken back to the barn on an evening and secured overnight.

The existing building measures 16.5m by 13.8m. The replacement building would also be 13.8m in depth and 16.5m in length. The building would be in two sections. The eastern section, intended to be used as stabling for three horses with a small field store, would be on the left, as viewed from the highway, and would contain about a third of the floorspace. This would have a monopitch roof with a maximum height of 3.2m. It would contain two designated stabling units, each with an internal area of 3.8m x 3.65m, with the option of creating a third one, plus a feed store.

The larger section would have a broken roofline, following that of the existing building, comprising two separate monopitch roofs. Height above ground level would vary between 3.0m and 3.9m. Most of the internal space would be given over to the secure storage of commercial vehicles, with a small room at the rear dedicated to storage and with shelf storage lining the walls of the vehicle parking areas. The proposal no longer includes a first floor or mezzanine which formed part of the original scheme.

Proposed external materials are metal cladding to the walls with a block work lower course, the colour is to be a light grey colour, similar to the existing asbestos sheets. The commercial unit is to have metal shutter door, the stables are to have timber doors.

According to the application form and supporting statement, the business would employ three people full-time but there would be staff on site during

normal working hours. The building would be used Mon-Fri with some usage weekends.

Since the original submission, further amendments have been made which have reduced the size of the building and a more detailed justification statement has been submitted, which is summarised as follows:

1. The applicant has been running the company since 1994 and is currently based in a commercial unit located off Ravensknowle Road in Moldgreen that is leased and is on a rolling monthly contract. This has been the base for the business for 20 years, see appendix 3 of the submitted supporting statement, showing the site location. The site is used for the storage of materials and tools and also the business vehicles. Prior to this site being used as the base, the business was located at the bottom of Jagger lane, Kirkheaton, which the applicant ran from his home in the early days of the business, providing a link to the proposed site and why this location was a desirable place to base the business moving forward.

2.The applicant has now outgrown the existing site with the success and expansion of the business and the amount of employees & apprentices they have working for the. The building they use currently in is approx. 1000sqft of space (the proposed building for this application is larger at 1722sqft but a much higher building in height allowing more volume internally for racking etc).

3. A further reason the applicant is actively seeking to re-locate is that they have also experienced access issues getting into the premises over the years, on numerous occasions access has been blocked due to residents parking on the private lane that services the commercial unit. This causes delays getting to the job on time and impacts the business greatly if the staff cannot get to their jobs for the day.

4.The proposed site is close to the applicants home in Kirkheaton at the top of Jagger Lane, a 2 min commute.

5.The proposed site is within excellent travel links both using public transport, cycling and a private vehicle, making this a sustainable location to commute to.

6.Impact on Green Belt would be negligible as it would be the same height and footprint as existing building.

7 If an agricultural use was to be the main usage of the site then this would be used 7 days a week with the livestock being cared for in the mornings and nighttime. Dependent upon on the use of the barn during the year, this would alter as the seasons change and would be used at various times of the day and have the owners/farmers there most of the time coming and going at some points increasing the sites usage.

8.There are several examples of businesses being run from former agricultural buildings within the local area.

9.It would fulfil all the necessary criteria if applied for under Class R.

10.Various alternative locations have been sought for the new base of the business over the years and it is outlined in appendix 3, 4, & 5 of the supporting statement why these options have not been viable for financial, size, location and type of use. The applicant is not able to expand by purchasing the existing site since the landlord does not wish to sell. Five other alternative premises for sale or rent have been looked at, including one which the applicant expressed an interest in purchasing but did not succeed because he was “gazumped” by another purchaser offering a higher price. The others have been rejecting owing to the asking price being too high, or for functional considerations such as the internal layout being inappropriate for the client’s needs, lack of any lockable parking, or being too big.

History of negotiations / amendments

05-May-2023: Amended site plan and Design & Access Statement

20-Dec-2023, 09-Jan-2024: Amended plans and updated Design & Access Statement.

None of the above were given new publicity owing to the lack of public objections to the original plans and since they were not considered to raise substantial new planning issues.

Relevant Planning History

2020/90677 – Prior notification for change of use from agricultural building to one dwelling and associated building operations. Invalid.

Representations

Final publicity date expires: 31-Mar-2023. Publicity by site notice and press advertisement since the proposal was deemed to be a departure from the development plan. Neighbour notification letters were not served since no third-party dwellings or other premises share a boundary with the application site or are directly opposite.

No representations made as a result of publicity.
Ward Councillor comments:

Councillor Musarrat Khan made the following comments:

- Please could I request very special circumstances based on the below points;

- The development would be a great improvement as it would considerably improve the visual amenity. In terms of design the new build would be in line with the existing character of the area.

- The site is in close proximity to existing commercial buildings on Jagger Lane near junction of Nettleton Road.

- The commercial aspect would strictly be storage only and no other commercial activity. There would be no impact of the integrity of the greenbelt.

- The business provides considerable social value in that it regularly trains apprentices giving local young people skills.

- This development would support a local business expand and remain within Kirklees thus supporting the council's inclusive growth agenda.

- The business employs 9 staff and has scope to expand if it can find storage space thus supporting the local economy.

- The current local plan is outdated and up for review from next year and a request for this land to be considered for economic growth may be submitted.

Consultation Responses

K.C. Highways Development Management – Confirmed that the proposal is acceptable from the perspective of highways. However, details of the waste storage and collection for the proposals need to be provided (conditions are therefore recommended).

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 within land designated as Green Belt on the Local Plan proposals map.

Kirklees Local Plan:

- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 52:** Protection and improvement of environmental quality
- **LP 53:** Contaminated and unstable land

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 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.

- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt land.
- Section 14 – Planning for climate change, flood risk and coastal change.
- Section 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Appropriateness within Green Belt
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

<u>1 – Principle of development</u>:

The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such the proposal will be assessed having regard to NPPF chapter 13 paragraph 152 which advises that planning authorities should ensure that "very substantial weight" is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated.

New buildings are inappropriate in principle unless they are for a limited range of purposes, such as agriculture. Paragraph 154(b) states that the provision of "appropriate facilities" for outdoor sport and recreation is appropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The "replacement" of a building is appropriate as long as it is both within the same use as, and not materially larger than, the one it replaces (para 154(d)).

The other LP policies and NPPF guidance listed above, in the 'Policy' section, dealing with design, highway safety and environmental issues, will also be given due consideration.

2 – Appropriateness within Green Belt:

The stabling element of the proposal would provide stables for three horses and a small feed store. This, if considered in isolation, is deemed to be of a suitable size and layout to qualify as an "appropriate facility" under paragraph 149(b) of the NPPF.

The greater part of the new development would however be used for purposes that would be classed as storage and distribution. This does not fall within any of the uses deemed potentially appropriate within the Green Belt. It is therefore considered that the proposed development is, by its nature, inappropriate development within the Green Belt.

It is noted that it would replace the existing building with one of the same height and footprint. It would still have some impact on the openness of the Green Belt, in that it would replace an old building that is in a seemingly poor state of repair with a newly-built one that is likely to have longer lifespan. As such, it would increase the permanence of development on this site, which occupies a rural location that is visually prominent from the public highway and seen against a backdrop of undeveloped and falling land. Furthermore, the front elevation would have artificial cladding and metal doors in place of the existing plywood cladding and doors and would therefore have a more solid and permanent appearance. Apart from the metal security doors, which would amount to a non-conforming urban element in this rural location, the new development would superficially resemble an agricultural building.
The degree of activity associated with the development, including vehicular comings and goings, might not be any greater than would occur with the existing agricultural use, although it would be concentrated at the beginning and end of the working day instead of being spread throughout the day. However, the formation of parking spaces on the frontage, where employees' cars would be parked during the day, would also detract from the openness of the Green Belt. This could be somewhat mitigated by the use of low-impact materials.

As previously set out, the NPPF requires that substantial weight is given to any harm to the Green Belt. The assessment above has found that whilst the applicant has sought to minimise impact by reducing the size of the development and using materials appropriate to a rural location, some harm to the Green Belt still would occur both by reason of the proposed development's inappropriateness and through it causing harm to the openness of the Green Belt.

The NPPF states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Some of the claims for very special circumstances set out in the amended Design & Access Statement are not considered to be material considerations. In particular, the concentration of existing non-agricultural businesses close to the site does not automatically create a precedent for another one. A change of use of the existing building would not be allowed under Part 3, Class R (3.b) of the General Permitted Development Order (change of agricultural buildings to a flexible commercial use) because the site lies within a "safety hazard area", and furthermore this only applies to changes of use, not replacement buildings.

It is considered, on balance however, that the applicant has demonstrated very special circumstances that would outweigh the harm caused to the Green Belt, by reason of:

- The development would allow the flourishing and continued expansion of an established business that would continue to provide skilled jobs and training;

- The applicant has provided credible evidence that no suitable alternative premises can be found in the local area;

- The site is not easily accessible by public transport; available evidence indicates it is roughly 1km from a bus stop with a frequent service. It is, however, not considered be an isolated site. It is close to the built-up part of Huddersfield and therefore to potential clients. It is also near to the applicant's existing premises which means that current employees are unlikely to have a much longer journey to work than they do at present, although they may have fewer public transport options.

- The harm to the openness of the Green Belt, whilst not immaterial, is considered to be small, since the new building would be no bigger than the one it replaces.

It is therefore concluded that, on the basis of the evidence submitted by the applicant, the harm to the Green Belt by reason of inappropriateness, and any other harm, would in this instance, be outweighed by very special circumstances and to grant planning permission would therefore be consistent with guidance in Chapter 13 of the NPPF.

<u>3 –Impact on visual amenity</u>:

The proposed building, as previously stated, would avoid giving rise to a strident and non-conforming appearance within this rural location owing to the chosen materials (metal cladding) and the use of monopitch roofs which are common on rural buildings. Whilst a darker finish colour for the cladding might be preferable, the finish colours proposed by the applicant – Goosewing Grey and Albatross – are on balance, considered acceptable. The use of timber (or timber above blockwork) is normally preferred for stables, but as the proposed

development would be seen as a single building, it is considered appropriate to use the same material throughout.

The only features that would be strongly indicative of a non-agricultural use would be the security doors. It would also have a greater sense of visual unity than the three smaller buildings it would replace, and which are visually unattractive. It is considered that, subject to details of materials, and in particular finish colour, it would avoid giving rise to any negative impact upon the landscape or visual amenity.

The applicant's agent has proposed that the parking spaces be surfaced either in basalt held in by a geogrid, or in grasscrete. It is considered that this can be the subject of a prescriptive condition, so as to avoid, as far as possible, the development giving rise to an urbanising effect on the area. Subject to the above, the proposal is considered acceptable from a visual amenity perspective and would comply with the aims of Policy LP24(a) of the KLP as well as chapter 12 of the NPPF.

4 – Impact on residential amenity:

The proposed use is one that, by its nature, is not likely to generate large amounts of noise. Some noise would occur as a result of vehicles departing and arriving, loading and unloading, and by the roller shutter door being opened and closed. The area is not, however, residential in character, with the nearest independently occupied dwelling being some 60m away to the west. It is therefore considered that the potential for noise and/or odour (from the proposed stable use) nuisance would be very limited.

Furthermore, due to the position of the site and its relationship with surrounding property, there would be no loss of privacy and nor would there be any resultant overbearing or overshadowing impact as a result of the bulk and design of the replacement building.

Provided that the hours of opening are suitably conditioned, the proposal is considered acceptable from a residential amenity perspective and would comply with the aims of Policies LP24(b) and LP52 of the KLP as well as chapter 15 of the KLP.

5 – Impact on highway safety:

Jagger Lane is an unclassified road which carries little traffic. The access point to the highway has good visibility in both directions.

The number of parking spaces provided is considered appropriate for the scale and nature of the proposal.

Although the recommended visibility splays to the east do not meet the recommended minimum requirement of 2.4m x 43m due to the sharp bend in the road, it is accepted by Highways Development Management (HDM) that vehicles will be slowing to negotiate the bend. The available sight line is

approximately 25m to the bend which equates to an approaching speed of 20mph and is therefore acceptable.

The latest plans show a bin store located towards the western end of the frontage. This is considered to be an appropriate location as it would not interfere with vehicle movements and it could also serve as a collection point. The plans and elevations indicate that it will not be screened. In general, this is good practice for bin stores located on property frontages within urban areas, but given the rural, Green Belt location, screen fencing might not be desirable as it would have an urbanising effect that would be more visually harmful than the bins themselves.

In conclusion, it is considered that all aspects of the development would ensure that safe access to the development can be gained and that the safe and convenient use of the highway by others would be unaffected.

Subject to conditions relating to the surfacing of the parking/turning areas and the provision of the bin storage areas, the proposal is considered acceptable from a highway perspective and would comply with the aims of policies LP21, 22 and LP24(d)(vi) of the KLP.

6 – Other matters:

Biodiversity:

The site does not fall within the bat alert layer, Wildlife Habitat Network, or other areas designated as being particularly important for biological conservation. The existing habitat value of the site is considered to be minimal. All new developments should deliver some form of ecological enhancement where reasonably practicable. In this instance, the opportunity to install bird nest boxes is considered to be very limited since, if installed on the northern or eastern elevations, they would be subject to frequent disturbance, and if on the western elevations or southern elevations they would have no shelter from the prevailing winds and midday sun. It is therefore recommended that, notwithstanding the provisions of policy LP30 of the KLP, measures to enhance the biodiversity of the site will not be sought in this instance.

Climate Change:

When determining planning applications the Council will use the relevant Local Plan policies, KDP 8-11 and guidance documents to embed the climate change agenda. At the time when this application was submitted, the submission of a climate change statement did not form part of the local validation requirements.

In this instance, it is noted that the building would not be actively used for most of the day, being used mainly for secure storage, and energy consumption associated with it is therefore likely to be low. It might give rise to more and longer vehicular trips than the existing building, arising from

commuting by employees, but given the scale of the business this is not considered to be a very significant concern. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above and set out in NPPF Chapter 14.

In accordance with current practice and guidance, and the aims of policy LP24(d) of the KLP, it is recommended it be conditioned that a minimum of one electric vehicle charge point (standard recommended provision is one for every ten unallocated spaces) be installed before the development is brought into use. This is a provision that the applicant has confirmed is to be provided in their Design & Access Statement.

Drainage:

The application form proposes that both surface and foul water drainage is to mains. Since the building replaces one of the same footprint it will not result in a greater contribution to run-off. In accordance with the approach that has been taken in recent years for other small-scale minor developments, the applicant will not be required to incorporate attenuation storage or explore the use of other methods such as soakaways.

Contamination and land stability issues:

The site does not lie within a Coal Referral Area, nor within land that is registered as potentially contaminated owing to its former uses. Agricultural buildings may occasionally give rise to localised contamination owing to chemical storage or other factors, and it is therefore recommended that the standard precautionary condition on unexpected contamination should be applied. Subject to this, the development would accord with the aims of policy LP53 of the KLP as well as chapter 15 of the NPPF.

7 – Representations:

No representations were made by members of the public as a result of the statutory publicity for the application.

Councillor Musarrat Khan's comments have been noted. In response, it is acknowledged that many of these comments reflect the applicant's justification as set out in the final version of the Design & Access Statement, which are largely accepted. Any possible change in the designation of the land in a forthcoming review is however highly conjectural and can be given no substantial weight.

8 – 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 whilst the development would, by its nature, be inappropriate within the Green Belt, very special circumstances have been demonstrated which outweigh the harm to the Green Belt in this instance. The development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Conditional full permission**

Decision Authorisation - Delegated Powers

Application Number: 2023/90208

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24, LP52 and LP53 of the Kirklees Local Plan and the aims of Chapters 12, 13 and 15 of the National Planning Policy Framework.

3. The cladding/sheeting used in any exterior work shall be given a factory-applied colour finish in either Goosewing Grey (10A05) or Albatross (18B17) before first installation and thereafter retained.
Reason: In the interests of visual amenity, to ensure that the development harmonises with its rural surroundings and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan as well as chapter 12 of the National Planning Policy Framework.

4. The parking spaces shown on the approved site plan shall be provided and laid out with a hardened surface before any part of the proposed development (other than the stables) is first brought into use, and thereafter retained as such. Surfacing shall be laid using a plastic grid-based system infilled with broken stone or seeded with grass or using a concrete-based grid system seeded with grass and thereafter retained.
Reason: In the interests of visual amenity, to ensure that the development harmonises with its rural surroundings and minimises impact on the openness of the Green Belt, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and advice within Chapter 13 of the National Planning Policy Framework.

5. A minimum of one electric vehicle recharging point shall be installed within the new parking area intended to serve the development before the new development (other than the stables) is first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicles charging point(s) so installed shall thereafter be retained.

Reason: To encourage the use of forms of transport with low impact on carbon emissions, in accordance with Chapter 9 and 14 of the National Planning Policy Framework and Policy LP24(d) of the Kirklees Local Plan.

6. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To prevent pollution of the environment in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 191 of the National Planning Policy Framework.

7. The bin storage area, as shown on drawing no.2116-00-01 Rev F, shall be provided and made available for the storage of bins before the new development (other than the stables) hereby approved in first brought into use and thereafter retained.
Reason: So as to ensure that adequate bin storage provision is made available within the site in the interest of highway safety and efficiency, in accordance with Policy LP21 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			23-Jan-2023
Site, location and floor plans as proposed	2116-00-01	F	20-Dec-2023
Existing and proposed elevations	2116-00-02	B	09-Jan-2024
Design & Access Statement			20-Dec-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. The applicant was advised that the proposal

was by its nature inappropriate in the Green Belt. In response, amended plans and a more detailed justification were submitted which expanded on very special circumstances for supporting the application in the Green Belt. This informed the final assessment.

Report Dated: 10-Jan-2024