

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2023/62/90256/W</b>
Site Address:	Shaley Farm, Shaley, Sandy Gate, Scholes, Holmfirth, HD9 1RY
Description:	Demolition of existing building and erection of new dwelling to be used as a holiday let
Recommending Officer:	Katie Chew

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 23<sup>rd</sup> June 2023

## **Officer Report**

### **Site Description**

Shaley Farm, Shaley, Sandy Gate, Scholes, Holmfirth, HD9 1RY

The application relates to an existing agricultural building located within the complex of Shaley Farm. The existing building is single storey in height constructed from concrete block work and profiled sheeting. The building is currently used as a barn formerly for cattle and to store farm implements. Surrounding the site are a number of residential properties and agricultural barns, stables and menage.

The site is accessed from Sandy Gate to the south-west.

The application site is not located within a Conservation Area and is not located in close proximity to any Listed Buildings.

### **Description of Proposal**

The application seeks planning permission for the demolition of existing building and erection of new a dwelling to be used as a holiday let.

The proposed holiday let building is to be constructed to the front of the farm complex and is to be of a similar footprint to the existing building. The holiday let is to comprise of 2 double bedrooms, open lounge/dining/kitchen, entranceway, main bathroom and en-suite. The holiday let would measure approximately 10.8m x 10.1m, with a ridge height of 4.76m.

The property would provide space for the parking of 2 vehicles to the front of the property, with access to be taken from the existing access from Sandy Gate.

The building is to be constructed from stone and concrete roof tiles.

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

No amendments have been sought as the proposals are deemed to be unacceptable upon submission with no amendment to the scheme considered capable to overcome the concerns – discussed in more detail in the following report.

### **Planning History**

2021/91607 – Extension to agricultural building. Approved 18<sup>th</sup> June 2021.

2021/91019 – Erection of 6 stables for commercial use. Approved 30<sup>th</sup> June 2021.

2020/91045 – Erection of extension to agricultural building to form stables and formation of Manege. Approved 28<sup>th</sup> August 2020.

2020/90708 – Change of use of part of building to form cattery to house a maximum of 10 cats. Approved 3<sup>rd</sup> July 2020.

2019/93910 – Removal of condition 7 (occupancy) on previous permission 84/00612 for erection of bungalow. Withdrawn 9<sup>th</sup> March 2022.

2019/90761 – Erection of extension to agricultural building. Approved 1<sup>st</sup> May 2019.

2012/92210 – Erection of agricultural workers dwelling. Discharge of conditions approved 22<sup>nd</sup> August 2012.

2010/92426 – Erection of agricultural workers dwelling. Approved 26<sup>th</sup> June 2012.

### **Representations**

Final publicity date expires:

Neighbour Letters – Expired 10<sup>th</sup> March 2023.

Site Notice – Expired 16<sup>th</sup> March 2023.

Press Notice – Expired 10<sup>th</sup> March 2023.

1 comment has been received in support of the proposals; this is summarised below.

- This development will significantly improve the appearance of an unused old farm building;
- The holiday use will provide additional income for a working farm which rears British produce of the highest standard and provides local employment;
- The proposals will afford visitors to the area the chance to explore the beauty of Holme Valley and contribute to the local economy.

**Officer note:** The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being in close proximity to an adjacent Public Right of Way (HOL/116/10).

### **Consultation Responses**

**KC Highways Development Management** – Comments received 26<sup>th</sup> April 2023. No objections subject to a condition in relation to surfacing and drainage of the parking areas.

**KC PROW** – No comments received within statutory timescales.

**KC Ecology Unit** – Comments received 20<sup>th</sup> February 2023. No objections subject to a condition requiring the installation of one sparrow terrace to ensure a biodiversity net gain.

**KC Environmental Health** – Comments received 9<sup>th</sup> February 2023. No objections to the proposals subject to conditions and informatives relating to Electric Vehicle Charging Points, Contaminated Land, Foul Drainage and Construction Noise.

### **Parish/Town Council**

Holme Valley Parish Council – Support but would expect greater detail in a new-build regarding climate mitigation.

### **Local Ward Members**

N/A.

### **Planning Policy Background**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

The application site is located within the Green Belt and the Holme Valley Neighbourhood Area.

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

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP10 – Supporting the Rural Economy
- LP21 – Highways and Access
- LP22 - Parking
- LP24 – Design
- LP26 – Renewable Energy
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

- LP57 – The Extension, Alteration or Replacement of Existing Buildings
- LP59 – Brownfield Sites in the Green Belt

### **Other Guidance Documents:**

- Kirklees Highways Design Guide SPD (2019)
- MHCLG: National Design Guide
- Housebuilders Design Guide SPD (2021)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

### National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong and competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making Effective Use of Land
- 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

### **Holme Valley Neighbourhood Development Plan (2020-2031)**

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

#### Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

*“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”*

#### Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

*“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.*

#### Policy 7: Supporting Economic Activity

*“Proposals will be supported which result in the creation or sustainable expansion of existing and new businesses”.*

#### Policy 11: Improving Transport, Accessibility and Local Infrastructure

*“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”. Policy 12: Promoting Sustainability “All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.*

#### Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

*“All development proposals should demonstrate how biodiversity will be protected and enhanced”.*

It is important to note that the application site is within Landscape Character Area 8, this being the ‘Settled Slopes of the Holme Valley’. Key landscape characteristics of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

Key built characteristics of the area are:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.

- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

## **Summary of Principal Planning Issues**

The following matters are considered in the assessment below -

- 1) Principle of development (including principle of development in Green Belt)
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

### **1 – Principle of Development:**

#### 1.1 – Sustainable Development

NPPF paragraph 11 and Policy LP1 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 this proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

#### 1.2 – Land Allocation: Green Belt

The site is allocated as Green Belt in 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. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraphs 149 and 150 of the NPPF.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the following exceptions:

- 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);
- 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.

The definition of previously developed land as set out in the NPPF glossary includes land that is or was occupied by a permanent structure, including the curtilage of the developed land... This excludes land that is or was last occupied by agricultural or forestry buildings.

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

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings within the Green Belt. It notes that proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;

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 areas, including hard standings, 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.

Policy LP59 of the Local Plan is also important to note as this relates to brownfield sites in the Green Belt. This policy states 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.

*Whether the proposal is inappropriate development in the Green Belt*

In relation to the above exceptions listed the proposals seek to demolish the existing agricultural building and replace it with a new dwelling to be used as a holiday let. As this is not for the conversion of a building, none of the exceptions within paragraph 150 of the NPPF are relevant.

Furthermore, the building is currently used for agricultural purposes as a former cattle stall and for the storage of farm implements (as outlined within the submitted existing site plan) and therefore does not constitute brownfield/previously developed land and given the proposed use to residential would not be in the same use as existing, the proposals also do not meet any of the requirements of paragraph 149.

Given the above, Officers consider that the development constitutes inappropriate development within the Green Belt. Paragraph 148 of the NPPF also states that Local Planning Authorities should ensure that 'substantial weight' is given to any harm to the Green Belt.

An assessment is therefore required into whether the development causes any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

*Whether there would be any other harm to the Green Belt, including visual amenity*

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. Whilst the proposed dwelling would be located on a similar footprint to the existing building, the dwelling would result in an increase to the overall height of the building by around 1.4m. The proposals would also introduce the off-street parking areas to the front of the building and a patio amenity area to the side, this would therefore increase the amount of built development, whilst also domesticating the site, and therefore the proposals would have an impact upon the openness of the Green Belt as a result of this.

In addition, the proposed dwelling whilst stepped back from the public highway, would be openly visible from Sandy Gate to the south. It is therefore considered that the overall scale and size of the proposals would be detrimental to the spatial aspects of openness. Furthermore, the nature of the use of the building would see greater levels of activity and associated domestic paraphernalia.

In terms of the purposes of including land within Green Belts, one such reason is to safeguard encroachment into the open countryside. Due to the rural nature of this site, it does form an integral part of the countryside landscape and the proposal would result in the encroachment of urban form and activity into the countryside, especially the garden, patio area and off-street parking area.

In terms of the proposed design and materials, these are discussed in more detail within the visual amenity section of this report. However, as outlined, Officers consider there to be harm to the visual amenities of the Green Belt too.

Officers therefore hold the view that the harm to the visual amenities and the openness of the Green Belt, as well as harm by reason of conflict with the purposes of including land within Green Belts, adds to the substantial harm to the Green Belt by virtue of the inappropriateness of the proposed development.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

Policy LP10 of the Local Plan sets out how the economic performance of the rural economy will be improved. This includes through supporting and

increasing tourism related development, including encouraging new facilities and accommodation for tourists. In the case of LP10, the policy justification states that it is not intended to prevent businesses from locating in the Green Belt where there is genuine need. This is echoed by Policy 7 of the Holme Valley Neighbourhood Development Plan which notes that:

*“Proposals will be supported which result in the creation or sustainable expansion of existing and new businesses...Such proposals will be supported where the following all apply:*

- 1. The site is located outside the Green Belt or the development is acceptable in terms of national Green Belt policy;*
- 2. The proposal supports new business investment or the expansion of an existing business;*
- 3. The site can be connected to the existing highway network and will not result in severe adverse traffic impacts on surrounding roads;*
- 4. The site is large enough to accommodate car parking, service areas and landscaped areas appropriate to the scale of the business;*
- 5. The proposals recognise the overall aim to reduce carbon emissions through sustainable design and promoting access by walking, cycling and public transport. Business development which involves the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site will be particularly encouraged”.*

Chapter 6 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Planning decisions should recognise that to meet local business needs in rural areas sites may have to be found beyond existing settlements and in locations that are not well served by public transport.

The applicant has put forward very special circumstances to try and overcome the harm accrued from the proposals, as assessed above. They state that the holiday let forms part of the diversification of the farm, and whilst permission has been granted for stables within the site and that this has proven to be very successful, the previously approved cattery development has not proven to be a viable option and therefore to survive the farm will have to further diversify.

Furthermore, they note that whilst there is an existing building on site that is structurally sound, this building would be very difficult to convert. Should permission be refused the applicant sets out they have been advised to apply to convert the building which will make it more acceptable in terms of planning policy but would make for a poorer and more expensive building operation.

Whilst the above comments are noted, Policy LP10 of the Kirklees Local Plan does state that in all cases where development is proposed in the Green Belt, regard must be had to the relevant policies in this plan and relevant national planning policy. The benefits to the rural economy that would come as a result of developing this single 'holiday let' are not considered to be sufficient to lead to the conclusion this factor outweighs the harm as outlined above, therefore development does not accord with policy LP10 or Policy 7 of the Holme Valley Neighbourhood Development Plan.

It is therefore concluded that no very special circumstances have been demonstrated by the applicant, or more generally exist which would clearly outweigh the harm by reason of inappropriateness of development within the Green Belt as well as the other harm identified.

## **2 – Impact on Visual Amenity:**

The NPPF does offer 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”.*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seeks 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.

LP24 states that proposals should promote good design by ensuring:

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

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), Settled Slopes of the Holme Valley (LCA8).

Policy 2 of the HVNDP states that *“proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings”* and *[proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types.

Principle 14 goes on to say that the design of the windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The application site is located within the existing complex of Shaley Farm and whilst the site is stepped back from the public highway it is openly visible from Sandy Gate. Although given the context of the site it is viewed against a number of agricultural buildings, stables and existing residential properties to south, east and west. dwellings within this location comprise of single and two-storey stone-built properties which are simple and traditional in design.

In terms of the layout of the proposed dwelling, it is to be located on a similar footprint to the existing barn and would have a similar orientation. Whilst the dwelling would be similar in length and width, it would have a larger ridge height, with an increase of approximately 1.4m. The holiday let is to comprise of 2 bedrooms, en-suite, bathroom, entrance hall and an open plan kitchen/dining and lounge area. A patio area is proposed to the side with a grassed garden area to the north-west. Off-street parking is provided for 2 vehicles to the front.

In terms of materials on the property, the building is to be constructed using natural stone and concrete roof tiles. Whilst Officers welcome the use of natural stone, subject to samples being provided to the Council prior to their installation, there are concerns in regard to the proposed concrete roof tiles. It is considered that were planning permission to be granted a condition should be imposed for the roof to be finished with natural stone slates, of which samples should be provided prior to their installation. Subject to the above condition and samples being provided these materials are considered to be sympathetic to their location and reflective of the existing site.

Moving on to detailing, the proposed holiday let is to be linear with a pitched roof, this design is in keeping with adjacent residential properties and ensures that the proposals would not appear as an alien feature within the landscape. Given the dilapidated and mismatched nature of the existing building, the

proposed holiday let is considered to be a visual improvement to the site, however notwithstanding this, this does not overcome Officers earlier concerns in respect to the impact on the Green Belt.

It is also considered necessary and reasonable, should planning permission be granted to include a condition which restricts permitted development rights to ensure that the domestic use does not introduce further development which would lead to overdevelopment of the site, or which would dilute the buildings simple and traditional construction. The removal of permitted development rights for outbuildings would also be required to ensure that the grassed garden area is not overly domesticated.

To conclude, the proposal, subject to conditions, is considered to be acceptable in terms of materials of construction and design of the building having regard to the aforementioned policy. However, as set out in the previous section of this report, the proposal is not considered to have an acceptable impact in relation to the encroachment of an urbanising development within the open countryside.

### **3 – Impact on Residential Amenity:**

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

*“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*

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

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 7 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires that an acceptable living space is provided.

#### *Impact on Shaley Cottage*

The neighbouring property is located to the south-east of the application site, approximately 15.3m away. Given this dwellings location to the south of the application site, Officers have no concerns with regards to overshadowing and the loss of light. Whilst Officers note that habitable room windows are proposed within the rear elevation of the holiday let, given the orientation of these properties to one another, there would be no direct views into habitable rooms from either the new holiday let or Shaley Cottage and therefore there are no concerns with regard to overlooking or the loss of privacy. Finally, although there would be an increase of around 1.4m in the height of the holiday let when compared to the existing building, the footprint is to remain the same, and given the separation distance and that the property would still be single storey in height, the proposals are not considered to appear overly dominant or overbearing on this neighbouring property on this occasion.

#### *Impact on Shaley*

This neighbouring property is located to the north-west of the application site, approximately 11m away. As highlighted above, the proposed dwelling would see an increase in the overall height of the building, but this would still remain as a single storey structure and given the orientation and separation distances Officers do not consider the proposals to appear overbearing or overly dominant in this instance.

Furthermore, whilst there may be some increase in overshadowing, the majority of this shadowing would fall across the accesses into the site and would not significantly impact on any habitable room windows or outdoor amenity space. Finally, habitable room windows are proposed within the front elevation of the holiday let which faces towards Shaley. Officers have concerns in respect of the proposed lounge window located on the northern side elevation, this would look towards what is believed to be a habitable window at Shaley. Given the minimal separation distance Officers would wish to see this window removed, as natural light and outlook could be gained from either the proposed kitchen window or lounge patio doors. Given the conclusions drawn within the principle of development section of this report these changes were not requested in this instance but should a subsequent application be submitted Officers would recommend this window be removed from the proposals to protect residential amenity at both Shaley and the proposed holiday let.

#### *Impact on the Channery*

This neighbouring property is located to the south of the application site, approximately 9m away. Given this property's southern location Officers have no concerns with regards to overshadowing or loss of light. In addition, and as outlined above, the proposals are not considered to appear overbearing or overly dominant given the small changes to the height of the building and that the existing garage to the south of the holiday let is to remain and provides some screening/buffer between the two properties. Finally, patio doors are proposed within the southern elevation of the holiday let, whilst this would open up views across the garden of the Channery, there would be a separation distance of around 6.7m and given the existing garage is to remain, and the site is bounded by a dry-stone wall views would be limited. This impact on privacy is not considered significant enough to recommend refusal of the application on this occasion.

In terms of external amenity space, it is considered that should 1 dwelling/holiday let be provided on the site, the proposed garden space and patio area are likely to be appropriate in both size and location.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Given the location and nature of the farm complex in which the proposed holiday let would be located, it is important to assess the potential for any noise or odour pollution. The Council's Environmental Health Team were therefore consulted and raised no objections in respect to either noise or pollution for any future occupiers.

Whilst there would be a degree of noise associated with the operations of the farm and there would be an impact on the proposed building, it is considered this impact would not be to a degree to warrant a reason for refusal in this case given the siting of the building and its intended use for short term lets.

In terms of floor space, the proposal would be 95m<sup>2</sup> which accords with nationally recognised space standards (NDSS) which is required by principle 16 of the Housebuilders Design Guide SPD.

In conclusion, taking the above into account it is considered that the proposals would result in significant and detrimental impacts on the privacy and amenity of the neighbouring occupants of Shaley, and therefore would not comply

with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework.

#### **4 – Impact on Highway Safety:**

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The Council's Highways Officers have been consulted on the proposals and raise no objections as 2 parking spaces are proposed on the driveway to the front of the holiday let. This would meet with the recommended parking standards for a 2 bedroomed dwelling and is therefore acceptable. In addition, the access and driveway are to remain as existing, and whilst no details have been provided in respect of waste, it is considered reasonable to assume that it would be incorporated into the existing arrangements used for waste collection for the existing farm. A condition is recommended in respect of surfacing and drainage of the proposed parking areas.

Taking the above assessment into consideration the proposals are deemed to be acceptable in relation to highway safety and would accord with policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, Principles 12 and 19 of the Housebuilders Design Guide SPD and Policy 11 of the Holme Valley Neighbourhood Development Plan.

#### **5 – Other Matters:**

##### Land Contamination

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The site of the proposed development is not shown to be on land which is potentially contaminated however, farm buildings may have had exposure to contamination associated with farm machinery, animal waste or agricultural chemicals and groundworks may be undertaken, the Council's Environmental Health Officers therefore recommend a condition in relation to unexpected contamination.

The implementation of this condition is deemed to be sufficient to ensure the development would comply with the requirements of policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

### 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.

LP26 of the Kirklees Local Plan relates to renewable and low carbon energy, stating that renewable and low carbon energy proposals (excluding wind) will be supported, and planning permission granted where the following criteria are met:

- a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
- b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
- c. the statutory protection of any area would not be compromised by the development;
- d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should also seek to design water retention into proposals. This is echoed by Policy 12 of the Holme

Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

In accordance with Government guidance on air quality mitigation outlined within the NPPG and Chapter 15 of the NPF, and local policy contained within LP24, LP26 and LP51 and the West Yorkshire Low Emissions Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development, it is considered reasonable and necessary to seek air quality enhancement as part of this application.

Therefore, a condition is recommended to be imposed should planning permission be granted, requiring the provision of an electric vehicle charging point within the designated parking areas of the holiday let. The purpose of this is to promote modes of transport with low impact on air quality. It is also noted that as a minimum the proposed holiday let would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building. Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

### Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced. This is echoed by Policy 12 of the Holme Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

Notwithstanding the above, Policy LP30 of the Kirklees Local Plan sets out that development should provide a biodiversity net gain.

Given the nature of the proposals the Council's Ecology Unit were consulted. As the proposed development is anticipated to have no impacts on any ecological receptors they raise no objections to the proposals, this is subject to a condition requiring the installation of 1 sparrow terrace within the holiday

let. An informative should also be included should roosting bats be found during construction works.

Taking the above into account, subject to conditions and informatives the proposal is considered to accord with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

## **6 - 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 not constitute sustainable development and is therefore recommended for refusal.

## **Recommendation:**

Refuse.

Decision Authorisation – Delegated Powers

Application Number: 2023/90256

Officer Recommendation: Refuse.

## **Reasons for Refusal:**

1. The development, consisting of the erection of a dwelling to be used as a holiday let constitutes inappropriate development in the Green Belt which fails to preserve the openness of the Green Belt and leads to encroachment which conflicts with the purposes of including land within it. No very special circumstances have been demonstrated which clearly outweigh the harm caused by inappropriateness and other harm. Therefore the development is contrary to Policy LP24 & LP59 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.
2. The proposed development, by virtue of the location of habitable room windows within the northern elevation would have a very close relationship with adjacent neighbouring property Shaley, whereby minimum separation distances advised within the Kirklees Housebuilders Design Guide between facing windows of habitable rooms would not be met. This would not achieve a good standard of amenity for either future or existing occupiers, therefore the proposal is contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Policy 2 of the Holme Valley

Neighbourhood Development Plan and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document.

**Plans and Specifications Schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Layout Plans and Elevations	01	-	26 <sup>th</sup> January 2023
Site and Location Plans	02	-	26 <sup>th</sup> January 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 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 amendments have been sought in this instance as the proposals were deemed to be unacceptable upon submission.

Report Dated:

21/06/2023