

**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:	2023/62/90295/W
Site Address:	Waithe Barn, Thick Hollins Road, Meltham, Holmfirth, HD9 3XD
Description:	Installation of Solar PV panels on roof
Recommending Officer:	Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 20-Mar-2023

Officer Report

Site Description

Waithe Barn, Thick Hollins Road, Meltham, Holmfirth, HD9 3XD

The application site is located in an isolated position off a private road from Thick Hollins Road, Meltham. The site comprises of a large detached single storey dwelling which was previously granted approval for its conversion to a single dwelling via application 2016/91798. The property benefits from garden/amenity areas to the front and sides of the dwelling (to the north, east and south). Parking is also provided to the south within the gravelled parking area.

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 installation of Solar PV panels on roof of the existing dwellinghouse.

The submitted details indicate that the panels would be located on the south-western facing elevation. It is proposed that 10no. BISOL Supreme™ Monocrystalline PV Module BDO 360-365Wp panels are to be installed and will be black in colour.

A manufacturers' brochure has been provided displaying further details of the proposed solar panels.

History of negotiations/amendments received

Officers requested the submission of a copy of the manufacturer's specification brochure for the proposed solar panels.

Relevant Planning History

2019/90957 – Installation of air source heat pump. Approved 21st May 2019.

2019/90393 – Variation of Condition 1 (plans) on previous permission 2016/91798 for prior approval of change of use of agricultural building to one dwelling house and associated operational development. Approved 21st May 2019.

2016/91798 – Prior approval of change of use of agricultural building to one dwelling house and associated operational development. Approved 27th July 2016.

2015/93880 – Prior notification for change of use of agricultural building to 2 dwellings and associated operational development. Withdrawn 24th March 2016.

2006/93727 – Conversion of existing barn to stables and erection of detached dwelling. Withdrawn 30th October 2006.

Representations

Final publicity date expires:

Neighbour Letters – Expired 13th March 2023.

No representations have been received to date.

Officer note: 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 neighbour notification letters, details of which are outlined above. Whilst it is acknowledged that Public Right of Way (MEL/84/10) runs to the south of the site and that there is also a bridleway running to the west (MEL/72/30), these routes are approximately 200m away from the host dwelling and therefore are not considered to be impacted upon by the proposals therefore it was not considered that the application needed to be advertised by site or press notice on this occasion.

Consultation Responses

KC Environmental Health – Comments received 16th February 2023. No objections.

Local Ward Members

None.

Parish/Town Council Comments

Meltham Town Council – No comments received within statutory timescales.

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 27th February 2019).

The application site is located within the Green Belt, a bat alert area and partially within a Wildlife Habitat Network Combined Area. It is also important to note that there is a Public Right of Way (MEL/84/10) running to the south of the site. There is also a bridleway running to the west (MEL/72/30) however, these routes are approximately 200m away from the host dwelling.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP57 – The Extension, Alteration or Replacement of Existing Buildings**

Other Guidance Documents:

- House Extensions and Alterations Supplementary Planning Document (2021)

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 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 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 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 the 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.

1.1 – 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, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 148 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

Within paragraph 149, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

Whether the proposal is inappropriate development within the Green Belt

Given the small scale and nature of the proposals which seek to erect solar panels on to the roof of an existing dwellinghouse, it is not considered that these additions would result in inappropriate development within the Green Belt. Furthermore, should solar panels have been included within the previous applications for the change of use to a residential dwelling, it is likely that Officers would have supported their inclusion. The proposals are therefore considered to accord with Policy LP57(a) and paragraph 149 of the NPPF. Further assessment now needs to be undertaken in respect of the effect the proposals would have on the openness of the Green Belt and on the character and appearance of the area.

The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area

The proposed solar panels would be installed on the south-western elevation of the host dwelling. There would be 10 panels in total, and these would measure 1.7m x 1.05m and would be mounted directly onto the roof. The proposed panels would not significantly increase the volume of the built development at the site. There would be no increase to the footprint of the building and non-reflecting coated panels can be secured via an appropriate condition to ensure that the proposal does not detract from its Green Belt setting. The original host property would remain the dominant element in terms of size and overall appearance.

As the proposed works are considered to comply with current Green Belt policy, it is not considered that very special circumstances would be required in this instance.

Taking the above into account, it is considered that the effect on the Green Belt would be minimal. Accordingly, the proposal is considered to comply with Chapter 13 of the National Planning Policy Framework and Policy LP57 of the Kirklees Local Plan.

In this case, the principle of development is considered acceptable, and the proposal shall be assessed against all other material planning considerations. These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene.

The host dwelling is located in an isolated position off a private road from Thick Hollins Road, Meltham, whilst the property is in a rural location, views of the dwelling are somewhat limited given the change in land levels leading down from Thick Hollins Road.

The solar panels proposed are to be located on the south-western roof plane which faces away from the road with limited views and with a black finish which would blend with the roof. The proposed solar panels are also to be conditioned to be non-reflective to ensure that the character of the Green Belt is both protected and enhanced, the proposals can therefore be considered to be acceptable in terms of visual amenity.

Having taken the above into account, the proposed solar panels would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, KDP 1 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

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.

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

In terms of the impact of the proposal on neighbouring dwellings, the nearest residential dwelling is Waithe Close Farm, which is located approximately 125m away to the north-west. As the proposed panels would be located on the south-western roof slope, orientated away from this neighbouring property, and when coupled with the large separation distances, Officers have no concerns in regard to the panels impacting on this neighbouring property's residential amenity on this occasion.

Furthermore, views of the panels would be limited to the users of bridleway MEL/72/30 and footpath MEL/84/10, with the large separation distances between these Public Rights of Way and the application site, it is therefore considered that the proposal would not result in any significant adverse impact on residential amenity and would therefore comply with Key Design Principles 3, 4, 5 and 6 of the House Extensions and Alterations SPD, Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on 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.

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

In this case there are no proposed alterations to the building that would affect the current parking or access arrangements and therefore Officers have no concerns in this regard.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is located within a bat alert layer on the Council's GIS system. However, as the host dwelling is somewhat of a modern construction since gaining approval in 2019 and that it appears to be well sealed to the eaves formal comments were not requested from the Council's Ecology Officer. However, as a precautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that should any bats be found during the installation of the solar panels, building works must cease and appropriate advice be sought.

Public Right of Way

Officers acknowledge that Public Right of Way (MEL/84/10) runs to the south of the site and that there is also a bridleway running to the west (MEL/72/30). These routes are approximately 200m away from the host dwelling and therefore are not considered to be impacted upon by the proposals however, it is noted that the panels are to be conditioned to be non-reflective. Taking the above into consideration, it is considered that the addition of solar panels in this location would not have a significant impact on the amenity of users of the Public Rights of Way in this instance.

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 pre-dates 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.

The proposal would comply with Key Design Principle 8 of the House Extensions and Alterations SPD by adopting a solar gain with the utilisation of the solar panels to maximise high energy efficiency.

There are no other matters for consideration.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2023/90295

Officer Recommendation: Approve.

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 with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51, and LP57 of the Kirklees Local Plan, Principles 1, 3, 4, 5, 6, 8, 12, 15 and 16 of the House Extensions and Alterations Supplementary Planning Document and Chapters 2, 4, 12, 13, 15 and 15 of the National Planning Policy Framework.

2. The PV solar panels hereby approved shall be fitted with anti-reflective coating and be thereafter retained with anti-reflective coating.

Reason: In the interests of visual amenity and to preserve the character of the Green Belt in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Plans and Elevations	00_01	-	30 th January 2023
Proposed Plans and Elevations	00_02	-	30 th January 2023
BISOL Supreme TM Manufacturers Brochure – Supporting Information	-	-	20 th February 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application Officers requested the submission of a copy of the manufacturer's specification brochure for the proposed solar panels.

Report Dated:

15/03/2023