



Appeal Decision

Site visit made on 23 July 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/Z4718/W/23/3335079

Hill Farm, Chain Road, Slaithwaite, Huddersfield HD7 5TZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr James Keats against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/90569/W.
 - The development proposed is described as the "Erection of Agricultural Barn".
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Decision

1. The appeal is allowed and planning permission is granted for Erection of Agricultural Barn at Hill Farm, Huddersfield HD7 5TZ in accordance with the terms of the application, Ref 2023/62/90569/W, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos Location Plan 1:1250; Block Plan 1:1250; Existing Plans and Elevations (Drawing 2228/01); Proposed Plans (Drawing 2228/02) and Proposed Elevations (Drawing 2228/03).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. Proposed Elevations (Drawing 2228/03).
 - 4) Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Main Issues

2. The main issues are:
 - : Whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - : Whether or not the development is genuinely required for the purposes of agriculture with regards to Policy LP54(A) of the Kirklees Local Plan;

- : The effect of the proposal upon the character and appearance of the area, having particular regard to its effects upon the settings and thereby the significance of the adjacent II listed buildings;

Reasons

Whether inappropriate development in the Green Belt

3. The Framework at paragraph 154 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Part a) of this paragraph states that buildings for agriculture and forestry are not inappropriate in the Green Belt.
4. The appellant describes the proposals as being an agricultural barn to house livestock, machinery and animal feeds / bedding and the Council accepts¹ that the proposal is for an agricultural building.
5. As such, on the basis of the evidence before me I am satisfied that the development is not inappropriate development under paragraphs 145 a) of the Framework. It would therefore, by definition, not have an adverse impact on the openness of the Green Belt.

Whether or not the 'agricultural barn' is genuinely required for the purposes of agriculture

6. The Council refers to Policy LP54(a) of the Kirklees Local Plan which confirms that proposals for new buildings for agriculture will normally be acceptable, provided that, amongst other matters, the building is 'genuinely required' for that purpose.
7. The Council expressed doubt as to the need for the compartmentalisation of the barn shown on the submitted plans, the through access for vehicles, the area set aside for the dog, as well as noting that amongst other matters, the proposed building will accommodate more animals than are detailed as being on the farm at this time. Cumulatively, the Council asserts that the appellant has failed to demonstrate that the building is genuinely required for the purpose of agriculture.
8. The appellant describes a growing small holding on 5 acres of land. The appellant justifies the size of the building with reference to the need to accommodate animals, in particular over the winter. Furthermore, the herd would increase to 20 sheep, 2 goats, and 4 cows. The appellant provides a detailed breakdown of the space within the barn, referring to British Standards and the RSPCA guidelines to justify the size and scale of the barn. The appellant details that there is sufficient grazing land for additional animals but that they lack the winter accommodation. I have no substantive evidence to the contrary.
9. Even if I were to agree with some of the space savings measures identified by the council, the resulting reduction in the size and scale of the proposed barn would, in overall terms, be modest.
10. I consider that, based on the evidence before me, the appellant has demonstrated that there is a need to accommodate livestock and farm

¹ Officer's Delegated Report

machinery. Therefore, I consider that it has been satisfactory been demonstrated that there is an agricultural requirement for the proposed development and therefore the appeal scheme is not contrary to Policy LP54(A) of the Kirklees Local Plan.

Character and Appearance

11. The appeal property is in an open countryside location between Meltham Road and Manchester Road. The appeal site is readily visible from surrounding public viewpoints, including the road. Furthermore, the site is located adjacent to Grade II listed buildings to the west, described as 'The Hill' and 'The Cottage Attached to East of The Hill'.
12. The significance of the Designated Heritage Assets (DHA), lies in their architectural interest, displaying locally notable features such as the 2, 4, 6, 7, and 8-light stone mullioned windows. The setting includes adjacent agricultural land and buildings. I saw at the site visit that the appeal site has a general agricultural appearance resulting from the surrounding farmland and agricultural buildings.
13. It is not at dispute between the parties that the materials of the proposed barn, being practical and appropriate to their end use and typical of agricultural buildings, would not harm the significance of the designated heritage assets (DHA) and I have no substantive reason before me that would lead me to conclude otherwise.
14. Turning the size and scale of the proposed barn, the submitted plans show the building as being some 7.7m to the ridge, and with a footprint of some 17 x 15m. Consequently, the barn will appear as a large structure in itself and in comparison, to the modest massing of the DHA, in particular because of the close proximity of the proposed structure.
15. Nonetheless the appellant has submitted details of other agricultural buildings in the area, this evidence shows that the arrangement on the appeal site is not uncommon, nor is the size and scale of the proposed barn unusual.
16. Furthermore, the submitted plans show the height of the barn as being comparable to the height of the adjacent cottage and, as result in a change in ground levels, the dwelling. Additionally, there is a distinct separation between the barn and the adjacent cottage, albeit shown on the submitted plans as being filled by a second building annotated as being the subject of a separate planning application. The elevations of the proposed barn are shown as including natural stone and timber, materials that are reflective of the area.
17. On this basis I am satisfied that the appeal scheme will not harm the character and appearance of the area and would have a neutral effect on the setting of the DHA only. As such, I am satisfied that the appeal scheme is not contrary to Policy LP54(A), LP24(A) and LP35 of the Kirkless Local Plan that amongst other matters seeks good design.

Conditions

18. I have considered the conditions suggested by the council and in light of the relevant guidance contained within the Planning Practice Guidance (PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests set out in the Framework.

19. To define the planning permission and in the interests of clarity I have included conditions to control the life of the permission (1) and the approved plans (2). In the interests of the character and appearance of the area, I have included a condition to control the materials used in the external surfaces of the barn (3). In the interests of highway safety and the environment, in accordance with policies LP21 and LP22 of the Kirklees Local Plan I have included a condition to control the provision and drainage of the vehicle parking area shown on the submitted plans.

Conclusion

20. I have found that the appeal scheme would not be inappropriate development in the Green Belt, is genuinely required for the purposes of agriculture and would not harm the character and appearance of the area, including the setting of the DHA.

21. For the reasons given above and having considered all other material considerations, I conclude that the appeal should be allowed.

Mr M Brooker

INSPECTOR