

**Consultation Response from KC,
 Policy**
2023/90763 The Sanctuary and Orchid House, Northfield Lane, Highburton, Huddersfield, HD8 0QT
Erection of detached garages and change of use of former farm yard to parking/turning area in connection with both properties
Date Responded: 30.5.23
Responding Officer: AW
Responding Ref:

This application is seeking permission for the erection of a block of four garages and change of use of former farm yard to parking/turning area in connection with both properties at the Sanctuary and Orchid House, Northfield Lane, Highburton, Huddersfield, HD8 0QT. The site is in the Green Belt, therefore Green Belt policies in the National Planning Policy Framework (NPPF) and Kirklees Local Plan (KLP) will apply.

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

National Planning Policy Framework & Kirklees Local Plan:

In reference to the block of four garages, NPPF paragraph 149 states that local planning authorities should regard the construction of new buildings in the green belt as inappropriate, except for a limited number of specified exceptions. In this case, the erection of a block of domestic garages fails to satisfy any of the exceptions listed under paragraph 149, and therefore constitutes inappropriate development in the green belt.

In the planning statement submitted to accompany this application, the applicant refers to criterion (c) of NPPF paragraph 149, and Local Plan Policy LP57 (the extension, alteration or replacement of existing buildings), suggesting that the garage block would constitute an extension to the Sanctuary and Orchid House. However, the planning statement also reveals that the block of four garages is proposed to be erected on a parcel of land that does not currently form part of the residential curtilage of the two dwellings. Given that all applications must be considered on their merits, and against the relevant policy that applies at the time the application was submitted, the block of four garages proposed to be situated on land that, at present, falls outside of the residential curtilage of the host properties must be viewed and assessed as a standalone structure, not an extension.

In relation to the proposed change in use of the former farm yard to create a parking/turning area, NPPF paragraph 150 states that certain forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes of including land within it, including criterion (e) material changes in the use of land. In terms of openness, the land proposed to change use is already a concrete yard, which is enclosed within a cluster of former/current agricultural buildings, and as such, it is not considered that changing the use of the land to form a parking/turning area would cause any additional harm to the openness of the green belt over and above the harm that already exists. One of the purposes of including land within the green belt is to assist in safeguarding the countryside from encroachment. This area of land is not considered to be 'countryside', meaning changing the use of this land to allow for the formation of a parking/turning area would not constitute urban encroachment. Considering these factors, this element of the application is considered to accord with green belt policy.

Even though the change in use of land is not considered to be inappropriate development in the green belt, the application must be considered as a whole, and as the block of four garages would fail to

satisfy any of the exceptions listed under NPPF paragraph 149, that element would constitute inappropriate development, and the application as such cannot be supported. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

NPPF paragraph 145 states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, and should look for opportunities to retain and enhance landscapes. This is supported by Local Plan Policy LP32 (Landscapes) which states that proposals should be designed to take into account and seek to enhance the landscape character of the area, considering in particular criterion (b), the setting of settlements and buildings within the landscape. The one block of four garages of distinctly urban character and design that is proposed under this application, would fail to be in keeping with the character of the site and wider setting, and would introduce an urban element into a countryside setting. The Kirklees House Extensions and Alterations supplementary planning document (June 2021) states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.