

**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:	2023/62/91090/E
Site Address:	1, Piper Well Lane, Shepley, Huddersfield, HD8 8BA
Description:	Change of use and alterations to detached garage to form holiday let
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 12 June 2023

Officer Report 2023/91090

1, Piper Well Lane, Shepley, Huddersfield, HD8 8BA

Site Description

1, Piper Well Lane, Shepley, Huddersfield, HD8 8BA is a detached dwelling sited within a residential area, on the eastern side of Piper Well Lane, a short distance south of the junction with Holmfirth Road. To the south of the property is a driveway giving access to the highway and to the east of the dwelling a double garage has been built in stone.

Description of Proposal

The proposal is for change of use of the existing garage to form a one bed holiday let, and associated alterations. The proposal would result in the replacement of a garage door with a pedestrian door, add a side facing window, a window into the principal elevation and introduce roof lights into front and rear elevations.

The floorplan shows that the development would contain a bedroom, a shower, a living area and small kitchenette.

History of negotiations/amendments received.

The case officer requested amended plans to remove one window in order to alleviate overlooking concerns.

Relevant Planning History

86/03402: Erection of detached garage. Granted conditionally

88/02330: Two storey extension to form porch and bathroom and erection of conservatory. Granted conditionally

Representations

Final publicity date Expires: 31.05.2023 (publicity by neighbour letter only in accordance with the requirements of the Development Management Procedure Order) and Table 1 of the Kirklees Development Management Charter.

No representations received.

Consultation Responses

KC Highways Development Management – No objection

Kirkburton Parish Council- No comment

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)

Kirklees Local Plan

The site is located within the Green Belt

LP 21: Highways and access

LP 22: Parking

LP 24: Design

LP 52: Protection and improvement of environmental quality

Supplementary Planning Documents:

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

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

- Chapter 6 – Building a strong, competitive economy.
- Chapter 12 – Requiring good design
- Chapter 13: Protecting Green Belt Land
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

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

Is the development inappropriate in the Green Belt?

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.

The construction of new buildings is regarded as inappropriate development in the Green Belt. However, within paragraph 150, one of the exceptions to this is the re-use of buildings provided that the buildings are of permanent and substantial construction

Following on from this, an assessment is therefore required as to whether the proposal would preserve the openness of the Green Belt. Criteria b) of Policy LP60 of the Kirklees Local Plan provides some parameters to assess the impact upon openness, including that the scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings

As this is a conversion of existing structure with no new build and limited external alterations, it is considered the proposal would constitute an acceptable form of development in the Green Belt with respect to Chapter 13 of the NPPF. In relation to criteria (C) of Policy LP60 of Kirklees Local Plan, this will be discussed in further detail below, but in summary it is considered that the proposed development, subject to conditions, would be of appropriate design and could be accommodated without detriment landscape quality, residential amenity or highway safety. The development is therefore considered to be in accordance with Policy LP60 of the Kirklees Local Plan.

2 –Impact on visual amenity:

Since the only alterations would be relating to the introduction of windows and doors to the existing structure which is set back from the street scene, it is considered that the development would be neutral in its impact on visual amenity, thereby complying with the aims of Policy LP24(a) of the KLP.

3 – Impact on residential amenity:

Due to the proposal not increasing the footprint of the existing garage, it is considered that the proposal would not raise any significant concerns regarding overshadowing/overlooking/loss of light or overbearing to the occupiers of neighbouring dwellings.

1 Piper Well Lane: is the application property

Overlooking: The proposal has been amended to remove a window to the principal elevation of the development and the bathroom window could be conditioned to be obscured (although is likely to be in any case due to its nature). Therefore no significant issues regarding overlooking would be raised.

Overshadowing/loss of light/overbearing: the proposal would not increase the footprint or scale of the existing garage and therefore no significant issues would arise regarding Overshadowing/loss of light/overbearing.

It is considered that owing to the small scale of the accommodation, it would be unlikely to give rise to levels of noise untypical of a residential area, and as such is deemed to comply with the aims of Policy LP52 regarding noise pollution.

In summary it is considered it would avoid harm to residential amenity or to neighbouring land and would thereby accord with the aims of Policy LP24(b).

It is recommended that a condition be imposed, so as to prevent further changes of use that could be potentially undertaken without further planning permission, that the accommodation hereby approved must not be used as sole or principal place of residence due to its small size and the implications for the host dwelling if this was to become a sole place of occupation.

4 – Impact on highway safety:

KC Highways have been informally consulted on the application on 24/05/2023. It is considered that, as the proposal can demonstrate parking for four cars on site and would utilise an existing access onto the site coupled with the scale of the proposal, it would be difficult to demonstrate that this would lead to a material level of highway safety problems, and it would not be possible to substantiate a refusal on this basis.

Details have been provided of proposed waste storage on site and these are considered to be acceptable.

It is therefore considered that it would have no impact on highway safety and would accord with the aims of LP21-22 and of KPD 15-16.

5 – Other matters:

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 notes.

In this instance the applicant has provided a climate change statement and details of an electric vehicle charging port. It is considered that in the circumstances the information provided by the applicant is sufficient and the application 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.

Coal

The site is located within a Low Risk Coal Area; however, as the proposals do not result in any ground works, a coal mining risk assessment has not been deemed necessary; however, a note will be added to the decision notice advising the applicant of the potential presence of coal.

Drainage

It has not been indicated how both foul water from the developed site are to be discharged; however, from the plans provided it appears as though this would be into the mains sewer. Due to the scale of the proposal, the statutory drainage bodies have not been consulted on this application so it is not currently known whether these methods of drainage would be acceptable to them in this particular instance. However, given that this site lies within a main built up area and is enclosed by residential development, it is considered very likely, on the balance of probability, that a suitable means of draining the development could be achieved in this instance. In view of this, and as control over drainage matters can reasonably be exercised through the Building Control process, it is considered that there are no reasonable drainage grounds for opposing this development.

6 – Representations: No representations have been received.

7 – 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/91090

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.

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, in the interests of residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

3. The building subject of this application shall not be occupied as a sole or principal place of residence and shall remain ancillary to the main dwelling known as 1 Piper Well Lane.

Reason: To ensure adequate planning control is retained over the site in the interests of residential amenity and highway safety, in accordance with the aims of Policies LP21, LP22 and LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework, since the proposed accommodation, owing to its limited floorspace and outdoor amenity space, would not be suitable for occupation as a permanent dwelling and, in those circumstances, would also result in a poor standard of amenity for existing residents of no. 1 Piper Well Lane.

4. In the event that contamination or coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy 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 Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the

whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework

5 Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with Policies LP 21 and LP24 of the Kirklees Local Plan, the guidance contained in Chapters 9 and Chapter 15 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

6. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: To ensure the provision of an adequate drainage system in the interests

of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Electric Vehicle Charging Point

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification
 - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
 - The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
 - The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
 - BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
 - Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice

when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site location	TQRQM23034114737016		18/04/2023
Block Plan			18/04/2023
Bin Store	PL002		18/04/2023
EV Charging point	PL002		18/04/2023
Drainage	PL002		18/04/2023
Car parking spaces	PL002		18/04/2023
Proposed elevations			24/05/2023

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 Planning 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 case officer requested amended plans to remove a window to alleviate overlooking concerns.

