KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	**2023/65/91174/W**
Site Address:	749, New Hey Road, Outlane, Huddersfield, HD3 3YL
Description:	Listed Building Consent for the conversion and adaption of an existing Listed barn to form a new dwelling with associated car parking and external works [Listed Building].
Recommending Officer:	Katie Chew

DECISION – Grant Listed Building Consent

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: 21-Dec-2023

Officer Report

Site Description

749, New Hey Road, Outlane, Huddersfield, HD3 3YL

The application site relates to a two-storey stone-built Grade II Listed farmhouse and attached barn. To the south is a large pole barn and attached shed. The site comprises of a large amount of hardstanding, with mature planting located along the southern and western boundaries. Access is gained into the site to the north via a small access track which leads out on to New Hey Road.

To the north of the application site is a florist and several residential properties, to the west are car parks belonging to St Mary Magdalene's Church and The Old Golf House (hotel). To the south of the site is the M62 and to the east is undeveloped land which is shown to be within the ownership of the applicant.

The application site is not located within a Conservation Area although the host property in which this application relates is Grade II Listed.

Description of Proposal

The application is seeking Listed Building Consent for the conversion and adaption of an existing Listed Barn to form a new dwelling with associated car parking and external works.

The proposals seek to convert the existing barn which adjoins no. 749 to the south into a 4 bedroomed dwelling. The dwelling would comprise of 4 bedrooms, open plan kitchen/dining/living area, utility room, separate living area, study, WC, 2 en-suites and a family bathroom. The proposals to convert this barn would also include a single storey extension in place of the existing single storey lean-to barn to the south. The proposed single storey extension will measure approximately 7.3m x 7.6m, with an overall height of 3.5m. The extension would be constructed from a mix of larch cladding (colour – natural), with zinc fascia (colour – pigmento red) and zinc standing seam roof (colour – pigmento red).

Off-street parking is provided for both the new and existing dwellings to the front of the properties to the east, with 7 parking spaces shown on plan.

Garden/amenity areas are proposed to the front, side and rear for the new dwelling.

An application for full planning permission has also been submitted alongside this planning application (LPA Ref: 2023/91173).

History of negotiations/amendments received

Following receipt of comments received from consultees, amended plans have been received during the course of this planning application in respect of the overall scale and design of the proposed extension and works to the existing barn.

Relevant Planning History

2023/91173 –Conversion and extension of existing Listed barn to form one dwelling, alterations to existing farmhouse with associated car parking and external works (Listed Building). Pending consideration.

2022/92882 – Conversion and extension Listed Barn to form one dwelling, part demolition and conversion of existing barn to form one dwelling and erection of one new-build dwelling with associated car parking and external works (Listed Building). Withdrawn 14th December 2022.

2022/92883 – Listed Building consent for partial demolition, internal and external works and extension of an existing Barn to form 1 no. dwelling. Withdrawn 14th December 2022.

2001/93609 – Listed Building Consent for re-use and adaptation of existing barn and outbuilding to form one dwelling. Approved 11th April 2002.

2001/93508 – Reuse and adaption of existing barn and outbuilding to form one dwelling (listed building). Approved 23rd April 2002.

93/02769 – Erection of office extension. Approved 16th August 1993.

91/00224 – Erection of extensions to form staff facilities and freezer room plus new entrance portico. Approved 4th June 1991.

89/03353 – Erection of illuminated signs. Approved 3rd November 1989.

87/01899 – Erection of illuminated signs. Approved 3rd July 1987.

Consultation Responses

KC Conservation & Design – Comments received 7th June 2023. Officers do not object to the proposals in principle but do recommend several alterations to the proposed scheme, these are discussed in detail within the full consultation response which can be viewed on the Council's website: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/91174&file_reference=993410

Officer note: Following receipt of amended plans, C&D Officers note that the proposals have moved in the right direction, taking account previous comments that were raised. They did however request that the extension be slightly brought in from the south away from the new boundary wall, they also requested further details in respect of the external materials to be used within

the single storey extension and how it will be bonded to the barn. In terms of the main conversion, a reasonable amount of detail is still required however, it has been agreed that this can be covered via condition. Further amended plans were received which show the extension slightly reduced away from the boundary wall. C&D Officers have provided a plethora of conditions to be attached to the decision should planning permission be granted.

Parish/Town Council

N/A.

Local Ward Members

None.

Representations

Final publicity date expired on:

Site Notice – Expired on 29th May 2023.

Press Notice – Expired 10th June 2023.

1 representation has been received in objection, comments are summarised below.

- Concerns in relation to the higher volume of traffic and narrow access.

Officer note: Noted. As this application solely relates to the heritage assets, highway safety is not assessed within this report. It is however discussed further within allied application 2023/91173.

- Concerns in respect of highway safety when entering and exiting the site onto to New Hey Road.

Officer note: Noted. As this application solely relates to the heritage assets, highway safety is not assessed within this report. It is however discussed further within allied application 2023/91173.

- Neighbours have a right of access down the access lane at all times so closing it to run services down is not possible.

Officer note: Noted. This would however be a civil matter that would need to be resolved outside of this application should planning permission be granted.

- Would the owners of any new properties have any legal right to use the lane?

Officer note: This would be a civil matter that would need to be resolved outside of this application should planning permission be granted.

- There are three old outhouses below the gardens of nos. 743, 745 and 747 that are not shown on the plan, these are to remain, and rights of access is available for residents.

Officer note: Noted.

- There is a large building labelled barn shown at the south end of the development. This does not appear to correctly represent what is there presently but there are no details of it in the description.

Officer note: Noted. Officers have undertaken a site visit and are aware of what is currently on site, this structure does not form part of the application for listed building consent.

- Concerned about structural damage to neighbouring properties due to large heavy vehicle movements which could affect property foundations.

Officer note: Noted. Unfortunately, this would not be a planning concern and would need to be dealt with outside of this application as a legal matter should any damage be incurred.

- On the submitted plans the area behind no. 751 is shown as parking, this is deceptive as this does not form part of the application site boundary and visitors to no 749 will assume that they can park there when in fact it is owned by a neighbouring property.

Officer note: Noted. Unfortunately, this would be a civil matter that would need to be dealt with outside of this application should conflicts arise in the future over parking in this area.

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 affecting the setting and significance of a Listed Building.

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 partially located within the Green Belt to the south, with one of the buildings on site being Grade II Listed.

Kirklees Local Plan (LP):

- **LP35 – Historic Environment**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) (19th December 2023), 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 16 – Conserving and enhancing the historic environment

Legislation:

- Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<u>Assessment</u>

1 – Principle of Development:

NPPF paragraph 11 and Policy LP1 of the Kirklees Local Plan 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 polices in the NPPF indicate development should be restricted. This too will be explored.

The key issue for consideration in this case is the impact on the significance of the listed building.

Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Listed Buildings are designated heritage assets and Chapter 15 of the NPPF states that: "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise."* It goes on to state that:

"*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Further in Chapter 16 of the NPPF it goes on to state that: "*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."* And that when a proposed development would lead to harm, it is necessary to achieve public benefits that outweigh the harm to the heritage asset.

Policy LP35 of the Kirklees Local Plan echoes this guidance and states that: *"Development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

The application relates to no. 749 New Hey Road. The host dwelling is Grade II Listed dating back to the late 18th, early 19th Century. The building is constructed in hammer dressed stone with the roofs finished in pitched stone slates. The house is formerly of a longhouse style, with the main farmhouse to the north and the barn being attached to the south. The barn has an elongated cat slide roof and projects forward of the main farmhouse. There have been a series of additions to the farmhouse, including a lean-to extension to the southern gable of the barn and a small flat roof extension on the western elevation. To the south of the barn is a detached outbuilding and additional corrugated lean to. This building is of the 20th century and is of no merit, having a negative impact on the setting of the listed farmhouse. The listing description is as follows:

'NEW HEY ROAD 1. 5113 (South Side) Barn on west side of SE 0817 25/957 small lane beside No 747 II 2. C18 or early C19. Hammer-dressed stone. Pitched stone slate roof, catslide to east. Coped gables on cut kneelers. Former longhouse-type farmhouse. 2 ranges of sashes and door with 4 moulded panels in north end. Segment-headed barn doors in centre. Lean-to extension on east side at south end'.

The proposals seek to convert the existing barn which adjoins no. 749 to the south into a 4 bedroomed dwelling. The proposals to convert this barn would also include a single storey extension in place of the existing single storey lean-to barn to the south. The proposed single storey extension will measure approximately 7.3m x 7.6m, with an overall height of 3.5m. The extension would be constructed from a mix of larch cladding (colour – natural), with zinc fascia (colour – pigmento red) and zinc standing seam roof (colour – pigmento red).

Given the nature of the scheme the Council's Conservation & Design Officers were consulted. They note that the removal of the 20th century structures to the

south would be welcomed as they are of little merit and neither preserve nor enhance the listed asset. Since the previously withdrawn application (ref: 2022/92883), there have been clear changes including reducing the proposed extension to the south to a single storey, now following a footprint which is similar to the existing structure which is to be removed. Following discussions with the applicant's agent the single storey extension was also pulled away slightly from the southern boundary of the site and stepped back from the principal elevation of the barn in the interests of enhancing the character of the Listed Building whilst also allowing for a reasonable footprint in the extension. Inn terms of materials, C&D Officers accept the intention to make the structure contemporary to the historic Farmhouse and are overall happy with the proposed design noting that the addition of the slight inset and overhang lends itself well to the design and gives it a sense of permeability. They also welcome the amendment made to the materials used within the external walling of the extension from zinc cladding to larch cladding, acknowledging that this is a nod towards the previous agricultural use of the site.

In terms of the barn itself, the building is currently rendered on the western and north-western elevations. It is proposed to remove this render and reinstate this with lime render in the colour 'off white', as outlined on the submitted plans. It is considered reasonable to attach a condition to ensure that the render used is to be of lime render only to ensure that it is appropriate. To the west, north-western elevation there are several proposed new openings, with the proposals showing that all windows and doors are to be replaced. Whilst the principle of these windows and doors and their replacement is acceptable, C&D Officers note that there is limited detail submitted to support the proposals and therefore a condition is recommended for the applicant to submit joinery details to the LPA prior to works commencing on any of the windows and doors. A condition is also requested to ensure that windows installed within the listed building are of timber design as the originally submitted aluminium frames were considered to be of a greater thickness which would sit prouder within the window reveals and would have a detrimental impact on the character and appearance of the building.

Moving on to the internal alterations, there is a good amount of surviving fabric within the building including the stable partitions, cast iron column supports, stone sets, stone flags, floor joists, roof trusses and roof timbers. C&D Officers would therefore wish to see these details retained and incorporated into the design and therefore suggests a plethora of conditions to that effect.

Finally, looking at the wider site, C&D Officers raise no objections to the proposed addition of a dry-stone wall to separate garden spaces and parking areas, and raise no concerns in respect of the proposed block paving for the driveway/parking areas to the front.

Conservation & Design Officers conclude that they are broadly supportive of the proposed reuse of this part of the Listed farmhouse and the proposed single storey extension however, there are specific elements of the scheme which do require the submission of further details which will be managed through conditions.

Taking the above into consideration, the proposals will bring a currently vacant building back into use, reducing the risk of the building falling into disrepair. The proposals will also provide additions and repairs which will overall enhance and protect the setting and significance of the Listed Building and provide a new dwelling therefore any negligible impacts arising from the proposed contemporary side extension, are considered to be outweighed by the public benefits arising from the proposals. The proposals are therefore considered to accord with LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conclusion:

The NPPF has introduced a presumption if 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 Listed Building Consent.

Decision Authorisation – Delegated Powers

Application Number: 2023/91174

Officer Recommendation: Approved Listed Building Consent.

Conditions & Reasons:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
   Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Order 2004.

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: To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

2. Notwithstanding the submitted details, all replacement windows and doors within the historic Listed Building shall be constructed in timber.
   Reason: To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

3. Prior to the commencement of any works on the windows or doors (internal or external) joinery details for all windows, and external and internal doors shall be submitted at a scale 1:10 for approval in writing by the Local Planning Authority. The details shall include all proposed ironmongery. Thereafter the works shall be completed in accordance with the approved details and be retained.
   Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Prior to the commencement of works, details including annotated plans showing the retention of the extant stone flags, stone sets and stone cobbles within the Listed Building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works undertaken to the extant stone flags, stone sets and stone cobbles shall be in accordance with the details so approved.
   Reason: This is a pre-commencement condition where such details are required before works commence for the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. Prior to the commencement of any works, full details shall be submitted for approval by the Local Planning Authority in writing showing details of the retention and incorporation of the extant historic stable dividers, cast iron columns and associated elements within the historic stables. Thereafter the works shall be completed in accordance with the approved details be retained.
   Reason: This is a pre-commencement condition where such details are required before works commence for the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. Prior to the commencement of works to the roof, detailed plans shall be submitted to the Local Planning Authority for approval in writing and shall show the repair, retention and replacement of timbers and the build-up of insulation within the roof. Details should be submitted at a scale of

1:10 – 1:20. Thereafter the works shall be completed in accordance with the approved details and retained.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

7. Prior to the commencement of works to any stairs or stairwells, joinery details shall be submitted at a scale of 1:10 to the Local Planning Authority for approval in writing. Thereafter the works shall be completed in accordance with the approved details and retained.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

8. Prior to the commencement of any works for the repair, rebuilding or repointing of the host building, mortar specifications shall be submitted for approval in writing by the Local Planning Authority. Samples shall be provided on request. Thereafter the works shall be completed in accordance with the approved details and retained.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

9. All insulation to be used within any part of the works of the historic listed barn, shall ensure that it is entirely permeable. There shall be no use of ‘Kingspan’, ‘Celotex’, other similar foiled-backed PIR board or any other impermeable materials.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

10. Notwithstanding the submitted plans, details of all rainwater goods shall be submitted for approval in writing by the Local Authority before any works to alter existing rainwater goods take place. Thereafter the rainwater goods shall be altered and/or installed in accordance with the approved details and retained thereafter.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

11. There shall be no use of cement or concrete on the exterior or interior of the historic listed barn. This includes the external facing wall which will be within the new extension, and any required substrates or new floor build-up.
Reason: In the interests of visual amenity and to protect and enhance the setting and significance of Listed Buildings, to accord with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

12. Notwithstanding the submitted plans and details, any new subfloor or foundations required to be created at ground floor level within the barn shall be formed of limecrete only.
Reason: In the interests of visual amenity and to protect and enhance the setting and significance of Listed Buildings, to accord with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

13. There shall be no use of filler or expandable foams in any part of the works to the listed historic building.
Reason: In the interests of visual amenity and to protect and enhance the setting and significance of Listed Buildings, to accord with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

14. Within the historic listed building all plastering shall be undertaken using lime plaster only.
Reason: In the interests of visual amenity and to protect and enhance the setting and significance of Listed Buildings, to accord with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

15. All render to be used in the repair of the listed building shall be lime render only and shall only apply to the areas denoted on the plans.
Reason: In the interests of visual amenity and to protect and enhance the setting and significance of Listed Buildings, to accord with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

16. Notwithstanding the submitted plans and details all roof lights to be installed shall be conservation style and sit entirely flush to the roof.
Reason: In the interests of visual amenity and to protect and enhance the setting and significance of Listed Buildings, to accord with LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan as Existing	EX0001	A	19th April 2023

Site Plan as Existing	EX002	C	19th April 2023
Information as Existing House and Barns A+B	EX006	C	19th April 2023
Site Plan as Proposed	AL0002	C	29th September 2023
Demolitions as Proposed	AL0004	C	29th September 2023
Information as Proposed	AL0006	B	29th September 2023
Noise Impact Assessment – Supporting Information	8428MB	001	19th April 2023
Air Quality Assessment – Supporting Information	6042r1	1	19th April 2023
Climate Change Statement – Supporting Information	-	-	19th April 2023
3D Visuals Proposed Barn Conversion – Supporting Information	-	-	29th September 2023
Design & Access Statement – Supporting Information	-	B	19th April 2023
Schedule of Works – Supporting Information	-	-	29th September 2023
Arboricultural Impact Assessment – Supporting Information	AIA-1749-1	-	24th October 2023
Heritage Assessment – Supporting Information	-	-	19th April 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. Following receipt of comments received from consultees, amended plans have been received during the course of this planning application in respect of the overall scale and design of the proposed extension and works to the existing barn.

Report Dated: 21/12/2023