

HOLME PLANNING

Partnership

Planning Statement

**1 Mag Bridge,
Honley,
HD9 6NA**

March 2023

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1.0 Introduction

Background

- 1.1 Holme Planning Partnership Ltd have been instructed by Mr and Mrs Davies to prepare a planning statement to support a retrospective planning application for the following development, namely:

“Retrospective application for the erection of a single storey ancillary building in the garden of 1 Mag Bridge, Honley.”

- 1.2 This statement will address the relevant national and local planning policies that deal with the principle of the proposed development, and the pertinent planning matters associated with the scheme. This will be addressed as set out below:

Section 2 - Application Site Context

Section 3 - Planning History

Section 4 - Relevant Planning Policy – National Planning Policy Framework

Section 5 - Relevant Planning Policy – Kirklees Development Plan

Section 6 - Other Material Considerations

Section 8 - Conclusions

Principle of Development

- 1.3 The National Planning Policy Framework is supportive as a matter of principle of new development which is well designed and well positioned, particularly on sites which are sustainably located.
- 1.4 It is therefore our view that the development subject of this retrospective application is compliant with the provisions and principles of local and national planning policy. Further, that there are other material considerations which also weigh in favour of the grant of consent, and we would therefore kindly request that this application be approved without delay.

Submitted Documentation

- 1.5 This planning application is supported by the following documents and drawings:
- Existing and Proposed Elevations, and Floor Plans;
 - Site Layout Plan (Existing and Proposed);
 - Location Plan;
 - Planning Statement; and
 - Heritage Impact Assessment.

2.0 Application Site Context

- 2.1 The application site is located in the area known locally as 'Magdale'. The site is located between the settlements of Netherton and Honley.
- 2.2 The site currently comprises of a previously extended end terraced cottage. The property benefits from a large plot with garden areas to the front and side, with pedestrian access provided on the site frontage off White Gate. The property is situated within a residential area, but is also noted to be located within designated Green Belt and the Honley Conservation Area. In addition, it is noted that D P Dyers fabric unit is also located directly to the south of the application site.
- 2.3 The property is well related to the settlements of Netherton and Honley, with their associated shops, education facilities, medical facilities, restaurants and public transport connections, many of which are sited within walking distance of the property. The site is therefore understood to be sustainably located.
- 2.4 From a review of the Historic England mapping service, the site subject of this application is not listed, however the residual properties within the terrace are noted to be Grade II Listed. There are also no locally listed buildings within the vicinity of the site. The application site is however noted to be located within the Honley Conservation Area.
- 2.5 From a review of the Environment Agency Flood Map it is noted that the area of the application site within which the ancillary outbuilding has been erected, is not located within an area at risk from flooding.

Proposed Development

- 2.6 This retrospective application seeks to formalise planning permission for an as constructed single storey ancillary outbuilding within the garden of 1 Mag Bridge. The structure is in the order of 2.5 metres in height, and is less than 15sqm in footprint. The structure has a flat roof and timber clad elevations, with areas of glazing on the frontage overlooking the garden area, with distant views into Honley.
- 2.7 The structure is located to the west of the existing property and adjacent to the site boundary, behind which is an existing single storey garage owned by the adjacent property. This garage is not in the best state of repair, and is much larger in height and footprint than the development subject of this application.
- 2.8 The development should also be viewed in the context of D P Dyers fabric business located within the valley, and the fact that there is extensive tree cover on site to assist in virtually completely screening the development subject of this application during the summer months. The existing trees on site remain unaffected by the development proposed.

- 2.9 The detached structure is in use as ancillary accommodation to the main dwelling, and the Applicants would be content to accept a planning condition tying the development to the main building should this be deemed necessary. The structure is however clearly very small in scale, and is not suitable for conversion into a single dwelling in any event.
- 2.10 The proposed development has no greater impact on the visual amenities in the local area, nor on the wider heritage setting of the site, nor on the amenity of neighbouring residents, who in fact cannot even see the development from their homes and outdoor amenity spaces. In many instances, such developments are erected under the provisions of permitted development, and as such the scheme is not deemed to result in a level of harm as to warrant refusal of the application.

3.0 Planning History

- 3.1 Having reviewed the site planning history on the Council website, it is noted the site has been the subject of previous approvals for development as follows:

Application Reference: 2012/92077

Description of Development: Conservation Area Consent for Demolition of Unsafe Structure

Decision: Approved

Date of Decision: 3rd September 2012

Application Reference: 2012/92076

Description of Development: Demolition of Unsafe Structure and Erection of Two Storey Rear Extension and Terrace (within a Conservation Area)

Decision: Approved

Date of Decision: 3rd September 2012

- 3.2 It is noted that this application secured planning permission to demolish the existing flat roofed single storey structure to the side of the main dwelling, and to replace it with a more effective and well designed two storey extension. This application was approved and the works have since been implemented.
- 3.3 The site is also noted to have been the subject of applications for works to protected trees, but none of these further applications are deemed to be of relevance to the current proposal.

4.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

4.1 The development subject of this application needs to be assessed against the provisions of the Development Plan which comprises the Revised National Planning Policy Framework and the adopted Kirklees Development Plan. This section of the report will focus on the national planning policy position, with local policies addressed at Section 5.

Revised National Planning Policy (NPPF) July 2021

4.2 The Revised National Planning Policy Framework was last updated in July 2021, and sets out the Government’s planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the determination of this application read as follows:

Section 2 - Achieving Sustainable Development

“Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

“Paragraph 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”

“Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; “*

“Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 4.3 **Comment:** The application site is sustainably located with good access to key local services and facilities, including public transport links. The proposed development is sited within an area characterised by residential uses. In short, the scheme is deemed to be in a suitable and sustainable location, represents the effective use of a previously developed site, and is of a scale and design which is deemed to be both acceptable and appropriate.

Section 4 - Decision Making

- 4.4 In relation to decision-making the NPPF states:

“Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

- 4.5 **Comment:** The proposed development represents an effective use of land and is therefore deemed to be acceptable. The application is also supported with the required documentation to demonstrate the suitability of the development in its setting, and in relation to its impact on neighbouring amenity, heritage assets and the street scene. The scheme is very minor in nature and simply seeks provision of a small outbuilding for additional ancillary accommodation to the main dwelling. The structure is small in height and footprint, and sits well within its setting and context. It is therefore our view that the development proposed is compliant with the provisions of the Development Plan when read as a whole, and we would therefore kindly request that planning consent be granted for the development.

Section 11 - Making Effective Use of Land

- 4.6 Attention is drawn to paragraphs 119 of the Framework which reads as follows:

“Paragraph 119: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

- 4.7 **Comment:** The proposal represents an effective use of a previously developed within the settlement of Honley. The scheme as submitted does not result in detrimental impacts to neighbouring properties, nor impact on the character of the local area, or the Conservation Area. The scheme will secure the retention of large areas of outdoor amenity space for use by the applicants, and no harm to the visual character and environmental credentials of the locality. The NPPF is clear therefore in its support for developments which represent an effective and efficient use of land such as that proposed, and in this regard we would kindly request that planning permission be granted for this scheme.

Section 12 - Achieving Well-Designed Places

- 4.8 The importance of good design is addressed at section 12 of the Framework and includes the following guidance:

“Paragraph 126: Advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

“Paragraph 130: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where*

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. “

- 4.9 **Comment:** The development comprises the erection of a single storey small ancillary outbuilding in the garden of the application site. The structure is deemed to be acceptable and appropriate in both scale and height, and has been well designed in relation to its form, siting and use of materials to sit within the site and wider landscape. The proposal does not result in harm to the amenities of neighbouring properties, who cannot in reality see the development from their properties or outdoor amenity spaces, and is deemed to represent a positive addition to the Conservation Area. When viewed in context, the scheme is deemed to be fully compliant with the provisions of the Development Plan.

Section 13 – Protecting Green Belt Land

- 4.10 **“Paragraph 137:** *The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

“Paragraph 147: *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

“Paragraph 149: *A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”**

- 4.11 **Comment:** The application site is noted to be located within the defined Green Belt. The scheme given its minor scale, form and good design, as well as its position within the garden area of the application property, is not deemed to represent inappropriate development within the Green Belt. Even when factoring in the previously approved extension on site, which itself must be assessed against the development previously in situ, the erection of this outbuilding is not in our view deemed to represent a disproportionate addition to the property. In addition, given the existing boundary treatment and other neighbouring outbuildings, the structure subject of this application is deemed to be suitable, appropriate and well located so not to result in harm to the openness of the Green Belt. The development is therefore deemed to be compliant with the provisions of the NPPF.

Section 16 – Conserving and Enhancing the Historic Environment

- 4.12 As set out within section 2 of this report, whilst the application site is not listed, it is located adjacent to listed buildings and within the Honley Conservation Area. The impact of the proposals on the historic environment is clearly therefore of importance, and attention is drawn to the following paragraphs (although the impact on the historic environment is addressed in further detail within the Heritage Impact Assessment submitted with the application):

“Paragraph 194: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

“Paragraph 197: In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

“Paragraph 202: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 4.13 **Comment:** The impact of the proposed development on the heritage environment has been assessed and addressed in detail within the Heritage Impact Assessment, and has been shown to be acceptable and compliant with the provisions of section 16 of the NPPF. The development proposed whilst resulting in change, is very minor in nature, and sits well within its context. It's well designed and well located to ensure it results in no harm to the settings of the adjacent listed buildings, and no harm to character and appearance of the Conservation Area. Any perceived impact must be assessed in relation to the context of the wider local area, including the adjacent commercial use, and any impact must be seen to be negligible. The scheme is therefore compliant with the provisions of section 16 of the NPPF.
- 4.14 **Summary:** It is clear for the reasons set out above that the development proposed is in accordance with the paragraphs and requirements of the National Planning Policy Framework. Therefore, in line with the provisions of paragraph 11 of the Framework, we would kindly request that the Council grant consent for this retrospective application without delay.

5.0 Relevant Planning Policy – Kirklees Development Plan

5.1 The Development Plan for Kirklees comprises of the Kirklees Local Plan adopted in 2019, and relevant supplementary planning documents. The key policies and extracts of the aforementioned documents are addressed in detail below.

Adopted Kirklees Local Plan (2019)

5.2 The Local Plan was adopted in February 2019. The Proposals Map sets out the proposed allocations for the local area, and as shown in the plan extract included below, confirms that the application site is located within the Valley Slopes Landscape Character Area, within the Green Belt and within the Honley Conservation Area.



Figure 1: Proposals Map Extract

5.3 The document sets out a number of policies relating to a plethora of developments and environmental issues. However, given the small scale of the development subject of this further application, specific attention is drawn to the provisions of the following policies:

- Policy LP3 – Location of New Development;
- Policy LP7 – Efficient and Effective Use of Land and Buildings;
- Policy LP24 – Design;
- Policy LP35 – Historic Environment; and
- Policy LP57 – The Extension, Alteration or Replacement of Existing Buildings (in the Green Belt);

5.4 As set out within earlier sections of this report, the proposals subject of this application are very minor in nature, and simply relate to the erection of a single storey ancillary garden room at the application site. The proposal is well related to the existing building and well positioned within the site to secure the amenities of neighbouring residents, whilst protecting the openness of the Green Belt (when viewed in relation to the built context behind the new structure), and the visual amenities of the streetscene. The proposal is well proportioned and uses high quality built materials to ensure that the character and appearance of the Conservation Area, and the setting of adjacent heritage assets are also protected.

5.5 The scheme is not deemed to represent a disproportionate addition within the Green Belt, even when accounting for previous extensions at the property, and there will not therefore be any resultant harm to the Green Belt over and above the previous position. The proposal is therefore compliant with the provisions of the above adopted policies.

Supplementary Planning Documents

5.6 In addition to the provisions of the Local Plan as set out above, due regard also needs to be paid to the provisions of the following policy documents, namely:

- Holme Valley Neighbourhood Plan (2021); and
- House Extension and Alteration SPD

5.7 In relation to the provisions of the Neighbourhood Plan, we can confirm that the development proposed respects the character and appearance of the local area, and is in reality a positive addition to the local area. It does not undermine or result in harm to views into and out of the Neighbourhood Plan area, nor within the Conservation Area. The scheme respects its setting and neighbour amenity, and is therefore deemed to be compliant with the key characteristics set out within the adopted document.

5.8 In relation to the House Extension and Alteration SPD, Section 5.6 is noted to deal with outbuildings, and advises that outbuildings such as garden offices should reflect the style, shape and architectural features of the existing house, and not be detrimental to the space around the building.

5.9 The SPD goes on to advise that outbuildings should be subservient in footprint and scale to the original building and its garden, taking into account other extensions and existing outbuildings. Such structures should be set back behind the building line of the original building, and preserve a reasonable private amenity space appropriate to the potential number of occupants of the house (with a general principle that no more than 50% of the garden space should be lost). It is clear when viewing the form, design, siting and scale of the outbuilding erected at 1 Mag Bridge, that the proposal is wholly compliant with the provisions of the adopted SPD.

Development Plan Summary

5.10 For the reasons laid out above and throughout this supporting statement, we are of the view that the scheme as submitted to the local planning authority is compliant with the provisions of the Development Plan when read as a whole. We would therefore kindly request that the authority now seek to issue a timely approval of this application.

6.0 Other Material Considerations

6.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

- **Sustainable Development:** The scheme as submitted represents a sustainable form of development given that it simply reflects the erection of a small ancillary outbuilding to an existing residential property. The application site is well located for access to public transport and other key local services and facilities. Furthermore, the proposal has been designed to ensure the protection of the privacy and amenity of neighbouring residents, and the visual amenities of the street scene, and the character and appearance of the Honley Conservation Area.
- **Character of the Area:** The application site is located within an area characterised by residential uses and such forms of development are clearly supported within the adopted development plan. Furthermore, as set out above, the proposal is simply seeking to secure retrospective approval for a small scale ancillary outbuilding within the garden of the existing property. Given the limited changes resultant from the proposed development, the proposal will not undermine or harm the character of the local area, but will in fact enhance it.
- **Permitted Development:** It is noted that the scheme subject of this application is of a suitable scale and form to generally be secured under the provisions of the General Permitted Development Order. It is merely the siting of the structure to the side of the existing dwelling that has necessitated the submission of a planning application. If the structure had been to the rear of the property (which is not possible in this instance as there is no rear garden), then planning permission would not have been required. It is therefore material to assess the fact that such a small scale development would in most cases represent permitted development, and local authority consent would not normally be required.

6.2 As such, whilst we remain of the view that the development is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the grant of consent which also tip the balance in favour of the development as submitted. We therefore kindly request that this application be approved without delay.

7.0 Conclusions

- 7.1 It has been demonstrated throughout this submission that the development subject of this application, accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Furthermore, numerous other material considerations weigh in favour of the grant of consent, and these have been dealt with in detail above.
- 7.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal, and issue a grant of consent for this application without delay.