

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	<b>2023/70/91296/W</b>
Site Address:	The Cottage, Snowgate Head Lane, New Mill, Holmfirth, HD9 7DH
Description:	Variation condition 2 (plans) on Listed Building consent 2021/91601 for erection of single storey rear extension, replacement front door and associated alterations
Recommending Officer:	Laura Yeadon

**DECISION – VARIATION OF CONDITION APPROVED**

**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.**

John Holmes

***AUTHORISED OFFICER***

Date: 20-Jun-2023

## Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91296>

## Site Description

The application relates to The Cottage, Snowgate Head Lane, New Mill. The dwelling is one of a terrace pair of Grade II Listed Buildings dating to the late 18th century. The building is constructed from hammer dressed stone with a pitched roof to the front, along with a rendered rear elevation, which also benefits from a two storey rear extension. The site is located within a small cluster to residential and farmstead buildings.

The properties listing description is as follows (Historic England ref: 1228484):

*Cruck framed barn. C17 or earlier origin. Walling C18. Coursed rubble. Quoins. Stone slate roof, part repaired with sheet material. Later C18 outshuts to south. Main walls mostly obscured by later lean-to extensions. Interior: 3 cruck trusses, some blades supported on stone footings. The cruck blades are very angular and have upper collar. Tie beams are extended into walls. One tie beam has had the central part cut out. Lever holes at base of blades. Wall plates have been raised above level of extended tie beams at time of stone walling. 'Early Timbered Buildings of the Huddersfield District', James Walton, 1955.*

Alongside the above, the site is also located within the Green Belt on the Kirklees Local Plan.

## Description of Proposal

The application is to vary condition 2 of Listed Building Consent under application number 2021/91601 for the erection of a single storey rear extension, replacement front door and associated alterations.

Condition 2 stated the following:

*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 significance of the designated heritage asset is preserved and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.*

The plans are proposed to be varied due to changes to the internal layout.

It is proposed that the external door and patio doors would be switched in their position and also the roof lantern relocated to be above the repositioned home office.

There are no other proposed changes to the works already approved.

### **History of negotiations/amendments received**

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

### **Relevant Planning History**

1986/05561 Listed Building Consent for internal and external alterations including re-opening existing windows and erection of replacement garage  
*Consent Granted*

1995/92650 Erection of conservatory (Listed Building)  
*Conditional Full Permission*

2000/90502 Erection of two storey extension and porch (Listed Building)  
*Conditional Full Permission*

2000/90619 Listed Building Consent for erection of two storey extension  
*Consent Granted*

2021/91600 Erection of single storey rear extension, replacement front door and associated alterations  
*Conditional Full Permission*

2021/91601 Listed Building Consent for erection of single storey rear extension, replacement front door and associated alterations  
*Consent Granted*

2023/91308 Non material amendment to previous permission 2021/91600 for erection of single storey rear extension, replacement front door and associated alterations  
*Approved*

### **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 17<sup>th</sup> June 2023 – no representations received

Holme Valley Parish Council – no observation

## Consultation Responses

K.C Conservation and Design – informal comments – no objection

### Policy

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

The site is within the Green Belt on the Kirklees Local Plan.

#### Kirklees Local Plan:

- **LP 24** – Design
- **LP 35** – Historic environment

#### Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The site falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 8 – Settled Slopes of the Holme Valley.

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

The key landscape characteristics of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.

- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

The key built characteristic of the area are

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

#### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21<sup>st</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

#### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on the character and significance of the Listed Building
- 2) Representations
- 3) Conclusion

#### 1 – Principle of development:

The principle of this development has already been established under application number 2021/91601 whereby a full assessment of the works were assessed in accordance with planning policy and guidance. As part of this current application, the proposed alterations to the approved plans are that the external door and patio doors would be switched in their position and also the roof lantern relocated to be above the repositioned home office.

The host building is a Grade II Listed Building. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a general duty for the protection of listed buildings. For development that impacts upon these, the Local Planning Authority should have special regard

to the desirability of preserving the building or its setting, including any features of special architectural or historic interest which it benefits from.#

Policy LP35 of the Kirklees Local Plan further outlines that proposals which affect designated heritage assets should preserve and enhance the significant of the asset, More specifically in cases like to “result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment.”

This is also reiterated in the National Planning Policy Framework (NPPF) which also sets out how Local Planning Authorities (LPAs) are to determine planning applications that impact upon Listed Buildings and Conservation Areas. In particular Chapter 16 relates to the conservation and enhancement of the historic environment with paragraph 195 stating how LPAs are to identify and assess the significance of any heritage asset that may be affected by the proposal with paragraph 197 setting out the criteria that LPAs are required to take into account. This includes the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

As part of the previous application, it was considered that the main considerations of the application was whether the proposed development would preserve the special architectural and historic character of the building and its setting. The Conservation and Design Team were consulted whereby it was considered that there were no objections to the proposal, following the submission of additional justification.

It is therefore considered that for the reasons above, the principle of development is considered to be acceptable.

## 2 – Impact on the character and significance of the Listed Building

Listed Building Consent is sought to vary condition 2 of the previously approved application number 2021/91601 for erection of single storey rear extension, replacement front door and associated alterations. The proposed alterations to the approved plans are that the external door and patio doors would be switched in their position and also the roof lantern relocated to be above the repositioned home office.

The previous Officer Report undertook a full assessment of the works where it was noted that the extension would be located to the rear of the building and therefore not overly prominent within the wider street scene. As a Grade II Listed Building any scheme including any alterations to the approved plans is required to be of high a quality and in the interests of the significance of the building whist being sensitive to both the historic environment (especially in regard to the original building) and the natural landscape.

The design of the extension is as previously approved being an identical projection, flat roofed design and light lantern. The proposed materials of construction (render) are also as previously assessed and approved.

The proposed alterations to the proposed fenestration details have been discussed with the Conservation and Design Officer and no concerns have been raised with regard to these changes. It is considered that natural light would be afforded into the accommodation. Whilst being a contemporary addition, it is considered, in line with the previous assessment, that the original building would remain the dominant feature within the site with its historic significance retained. It is not considered that the alterations to the proposed fenestration details within this application would increase any further harm to the building over and above what already exists.

The description of development also includes a replacement front door. The submitted plans are annotated to state that the existing front door shall be replaced in accordance with the approved application. Notwithstanding this, the previous assessment considered that the replacement door would be an enhancement to the existing detail and therefore considered acceptable.

In addition, it is proposed that the windows to the front and rear elevation would be painted cream. This was also previously proposed and considered acceptable.

Therefore, in line with the previous application, as with the previous application, the slight harm caused is outweighed by the other proposed works to replace the door and paint the windows and it was concluded that the scheme would not have any detrimental impact on either the setting of the Listed Building or its significance in its own right and therefore can be supported.

To conclude, the proposed changes are therefore deemed not to result in significant harm to the significance of the Listed Building. This was justified as part of the 2021/91601 application due to the previous alterations and extension which had taken place. As such, the proposed works would not cause significant harm to the character and distinctiveness of the building or the neighbouring Listed Buildings. The harm to the heritage significance would therefore be less than substantial.

It is therefore considered that the harm to heritage has been considered to be acceptable with the works complying with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

### 3 – Representations:

None

### 4 – Conclusion:

Paragraph 199 of the NPPF provides comment in terms of the nature of harm to the significance of heritage assets and whether such harm is deemed to be substantial or less than substantial. The impacts of the works were detailed within the previous application and the alteration to the fenestration details in this application is considered to cause less than substantial harm, complying with paragraph 202 of the NPPF. The slight harm from the works in their totality to the Listed Building were previously assessed and it was considered that the harm caused to the Listed Building was weighed up with the public benefits, including securing its optimum viable use and that the proposed enhancement off-set the harm allowing for a continuing long term viable use of the building.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the duty of the Local Planning Authority with all decisions shall preserve or enhance the character of a Listed Building. The proposed development discussed in this and the previous report will not cause substantial harm to the significance of the Listed Building and is concluded as such to ultimately preserve the character and distinctiveness of the Listed Building.

Therefore, it is considered that Section 16 of the Act and Paragraph 202 of the NPPF regarding Listed Buildings have been fully met and is acceptable for approval of Listed Building Consent.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2023/91296

**Officer Recommendation:** Approve

**Conditions:**

1. The development shall be begun by 23<sup>rd</sup> August 2024.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 significance of the designated heritage asset is preserved and to accord with Policies 1, 2, 3 and 12 of the Holme Valley Neighbourhood Development Plan, Policies LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

3. All new window frames shall have a cream painted finish, to accord with the details shown on the approved plans before the new extension is first brought into use.

**Reason:** To preserve and enhance the architectural significance of the listed building and to accord Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The replacement entrance door shall be installed before the new extension is first brought into use.

**Reason:** To preserved and enhance the architectural significance of the listed building and to accord Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

**NOTE** This listed building consent should be read in conjunction with the allied planning permission 2021/91600 and subsequent non-material amendment under application 2023/91308.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	025-21-PL03	A	26 <sup>th</sup> April 2021
Existing floor plans and elevations	025-21-PL01	-	26 <sup>th</sup> April 2021
Design and Access Statement	025-21-R1_-	-	26 <sup>th</sup> April 2021
Proposed site plan, elevations and floor plan	025-21-PL02a	A	2 <sup>nd</sup> May 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 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

**Report Dated:** 19<sup>th</sup> June 2023

