# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION - NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE PROVISIONS**

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| **Reference no.** | **2023/CL/91342/W** |
| **Site Address** | **Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth, HD9 2SD** |
| **Description** | **Prior notification for change of use from agricultural building to three dwellings with associated works** |
| **Recommending Officer** | **William Simcock** |

**DECISION – DETAILS APPROVED SUBJECT TO CONDITIONS AND UNITATERAL UNDERTAKING**

**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.**

Kevin Walton

***AUTHORISED OFFICER***

**Date: 12-Dec-2023**

**Application**: **2023/91342**

**Site**: Moss Edge Farm, Moss Edge Road, Holmbridge HD9 2SD

**Proposal**: Prior notification for change of use from agricultural building to three no. dwellings (Part 3, Class Q)

## Site Description

The buildings that are the subject of this application are situated approximately 1km south of Holmbridge. They are accessed by means of Moss Edge Road, a private track which proceeds north off the adopted Hollin Brigg Lane close to the junction with Woodhouse Lane, serves at least four other dwellings close to the adopted highway, then continues as a private track to serve Moss Edge Farm. The total distance from the buildings to the adopted highway is roughly 800m. The middle and upper parts of its length, which serve Moss Edge Farm only and are in their ownership, are surfaced in tarmac.

## Description of Proposal

The proposal is for the conversion of two agricultural buildings, one known as the West Barn, the second comprising two elements known as the North Barn and The Stables, into three dwellings.

The West Barn is to be converted to a two-storey 4-bedroom dwelling comprising 129 and 113sqm of space at ground floor and first floor respectively. The North Barn would become a single-storey 4-bedroom dwelling with a floor area of 220sqm. The Stables is proposed to be converted into a single storey 2-bed dwelling, the floor area measuring 98.7 sqm. Each would have two parking spaces.

A structural inspection report produced by Marsh Design concludes that both buildings are in a sound and stable structural condition. Conversion works will include insertion of new windows and doors, installation of an inner skin of plasterboard, breathable roofing membrane and insulation, solid floor at ground floor level, and the reintroduction of a first floor in the west barn.

## Relevant Planning History

2022/93783 – Demolition of existing barn and erection of one dwelling. Withdrawn

## History of Negotiations

28-Jul-2023: Amended plan submitted showing more details of gradients and passing places and showing increased parking provision within the site; amended site plan showing increased parking. The amendments were not

subject to new publicity because it was considered that they did not raise substantial new issues.

Negotiations also took place over the possibility of entering into a Unilateral Undertaking to ensure that the track remained free of snow and ice in the winter.

**Consultations**

- KC Highways Development Management – Do not support.
- KC Environmental Health – No objection subject to conditions.
- KC Ecology – No objection subject to condition.

**Procedural Matters and Policy Context**

The above-described proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015, Schedule 2 Part 3 Class Q permits the following development:

> ***(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and***
>
> ***(a) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Outlined in Paragraph Q.1 development is not permitted by Class Q if:

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| (a) the site was not used solely for an agricultural use as part of an established agricultural unit—<br><br>(i) on 20th March 2013, or<br><br>(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or<br><br>(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins; | **Pass**: In the absence of clear evidence to the contrary, officers are satisfied on the balance of probabilities that the site was used solely for agricultural use as part of an agricultural unit on 20th March 2013, or that if the agricultural use ceased before this date, it has not undergone a material change of use since. |

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| "(b)in the case of—<br>(i)a larger dwellinghouse, within an established agricultural unit—<br>(aa)the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or<br>(bb)the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres; | **Pass** |
| (c)in the case of—<br>(i)a smaller dwellinghouse, within an established agricultural unit—<br>(aa)the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or<br>(bb)the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres; | **Pass** |
| (d)the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—<br>(i)a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;<br><br>(ii)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5; | **Pass**: the agricultural unit has no other Class Q approvals. |

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| (e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; | **Pass**: The application states the site is not within an agricultural tenancy. |
| (f) less than 1 year before the date development begins—<br>(i)an agricultural tenancy over the site has been terminated, and<br>(ii)the termination was for the purpose of carrying out development under Class Q,<br>unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use; | **Pass**: The application states the site is not within an agricultural tenancy, nor was one year prior. |
| (g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—<br>(i)since 20th March 2013; or<br>(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins; | **Pass**: No development under Class A(a) or B(a) has taken place within the agricultural unit. |
| (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;"; | **Pass**: The dimensions are not to be exceeded. |
| (i) the development under Class Q(b) would consist of building operations other than—<br>(i) the installation or replacement of—<br>(aa) windows, doors, roofs, or exterior walls, or<br>(bb) water, drainage, electricity, gas or other services, | **Pass**: |

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| to the extent reasonably necessary for the building to function as a dwellinghouse; and<br><br>(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i); | |
| (j) the site is on article 2(3) land | **Pass**: The site is not article 2(3) land. |
| (k) the site is, or forms part of—<br><br>(i) a site of special scientific interest;<br>(ii) a safety hazard area;<br>(iii) a military explosives storage area; | **Pass**: The site is none of these. |
| (l) the site is, or contains, a scheduled monument; or | **Pass**: The site is none of these. |
| (m) the building is a listed building. | **Pass**: The buildings are not listed. |

Procedural matters – Curtilage and "reasonably necessary" building operations:

Part 3, Class Q, allows change of use of a building "and any land within its curtilage". Part 3 includes the following notes in the glossary of terms at the end, "Interpretation of Part 3":

"curtilage" means, for the purposes of Class Q, R or S only—
(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building.

In this case the existing buildings lack a clearly defined curtilage but there is a roughly triangular piece of land to the south and a smaller linear strip of land to the north which are enclosed by stone walls and have an appearance distinct from the surrounding farm land. These areas could therefore be considered curtilage. The proposed patios and garden areas allocated to the new dwellings do not go beyond this zone and it is considered that they would still fall within the definition of "any land within its curtilage."

**Note**: Regarding Q.1 (i), this section has been clarified in the Planning Policy Guidance - Paragraph 105.

*'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right'*

Whether the operations amount to works that are "reasonably necessary" to allow the building to function as a dwelling house or whether they exceed this and amount to "new structural elements" is a matter of fact and degree.

Reasonably necessary is indirectly expanded upon within PPG 105, stating that;

*However,* [Class Q] *recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of …. exterior walls… It is not the intention of the permitted development right to include the construction of new structural elements for the building.*

This is concluded by the following;

*Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right'*

It is considered on balance that the structural evidence submitted confirms that the buildings could be successfully converted to dwellings without works having to be undertaken going beyond those allowed by Class Q.

For the reasons outlined above the proposal is deemed to be Permitted Development under Part 3 Class Q.

Where the proposal is development under Class Q(a) together with development under Class Q(b), the proposal is permitted subject to the condition that before beginning the development, the developer must apply to

the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

a) transport and highways impacts of the development,
a) noise impacts of the development,
b) contamination risks on the site,
c) flooding risks on the site,
d) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
e) the design or external appearance of the building,
f) Impact on the amenity of future occupiers in terms of light and internal floor space.

The provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The application for Prior Approval is to be submitted and assessed in accordance with the '*Procedure for applications for prior approval under Part 3'*, as outlined in Section W of Part 3.

Representations

Publicity was by site notice thereby fulfilling the procedures set out in Class Q.

Site notice expiration: 22.06.2023

- Holme Valley Parish Council – No observation. Defer to Kirklees officers.

6 representations were received from other third parties. The following is a summary of the comments made;

- The property is located on an open hillside viewed from all directions.

- The location of the property is not environmentally situated for residential use.

- The site is located within the greenbelt.

- Limited access to the property up a very narrow private track, not suited for frequent daily use by a large number of vehicles. Said private track is accessed from a private road which already services a number of residential properties which is already to the limit of properties allowed on a private road. Access will cause disruption to the existing residents.

- Increased access to the development would impact on the residents of Hollin Brigg Lane which is already becoming extremely busy with traffic using the vineyard and local school, each situated close the entrance to the private access road of said development. At the beginning and end of the

school day there is always a bottle neck of traffic at the junction of Acre Lane, Hollin Brigg Lane and Woodhouse Lane which is used as a turning circle for parents dropping off and picking up children. Additional traffic exiting the private Moss Edge Lane onto the main highway would cause extra difficulty. Accordingly, residents of the Hollin Brigg hamlet avoid going out and coming back at these times because of the huge volume of traffic and the jams which occur.

- There is a limited visibility splay at the access from Moss Edge Road to the junction of Hollin Brigg Lane, Acre Lane and Woodhouse Lane. This area is especially busy during school runs, at weekends and evenings with cyclists taking on the challenging climb/descent of Woodhouse Lane, and with visitors to events at the Shevling Winery. Poor visibility combined with the extra traffic to and from the proposed properties poses a significant hazard to drivers, cyclists and pedestrians, including young children.

- The site is in an area of beauty in the midst of the local countryside, it borders the
  moorlands and the north end of the Peak District.

- I have no objection to the renovation of the existing farmhouse and barns to bring them up to a more up to date construction but whilst still maintaining their original character, appearance and use.

- The erecting of three new dwellings would open the doors and set a precedent to the building of further properties in this location.

- The road up the hill is flanked by a steep and unprotected drop to the eastern side, which has the potential to cause drivers, particularly those who are not acquainted with the terrain, to veer off and have a serious accident in poor weather.

- The road is prone to ice and snow coverage during the winter months. The previous owners of the farm routinely left their vehicles at the bottom of the lane in poor weather, because the lane can very quickly become impassable. Many emergency vehicles would be unable to gain access during these periods and some vehicles (e.g., ambulances) would struggle to negotiate the lane even in better weather conditions. In his supporting statement Mr Heleine stated that he has a snow plough and gritting equipment. We can confirm (and have photographic evidence) that during the cold spell of March 2023 where snow remained on the ground in this area for 3 days, Mr Heleine did not use this equipment but, as per the previous owners, left cars at the bottom of the steep 800m section of track, behind Hollin Brigg Mill.

- Two proposed local developments, one at Mistake Farm and the other at Elysium Farm were refused planning on the grounds of their remoteness and unsuitability of the access routes in poor weather. In both of these cases, the properties are closer to public highways and more accessible than is Moss Edge Farm.

- B10 Access and Facilities for the Fire Service states that a new dwelling house shall be so designed and constructed such that there is adequate provision for access for fire appliances and such other facilities. In the case of a material change of use of a building to a dwelling house, it will be necessary to assess the access and facilities for the fire services.

- We note the Class Q requirement that buildings are 'converted' and not rebuilt, and as such any external changes should be minimal.

- We also draw attention to developments carried out by Mr Heleine that may have been undertaken without the required permissions or appropriate consultation with Hollin Brigg residents. One such development was the laying of Moss Edge Road to tarmac up the hill to the farm. As a result, essential access to, and maintenance of, water piping from the well and water tank on Mr Heleine's land to Hollin Brigg Mill and Hollin Brigg Cottage has been impeded substantially. As per Land Registry Title Number WYK244286 Hollin Brigg Cottage is entitled to the free running of water from the well marked D (on Mr Heleine's land) on the plan associated with this deed, and from time to time, access to inspect, cleanse, repair, remove or replace the pipes connecting the well to our property The water supply has dried up and we may need to excavate the road to repair the supply, thereby preventing access to emergency vehicles during this time. We note also that an accommodation block (which subsequently burned down) was built without apparent permission at Moss Edge Farm.

- Furthermore, as part of class Q application there should be no new building built/erected there within the last 10 years but in fact there was a residential dwelling built there in 2022 which was destroyed by fire in Autumn of the same year. Also the principal qualifying criteria of a class Q application is that the building(s) must have been in agricultural use on 20 March 2013. If the buildings were brought into agricultural use after that date, a period of 10 years must pass before development under Class Q begins. The age of the previous owner of the farm may have prevented him for farming for a number of years. I understand that others rented the land but am not sure if they also used these buildings for agricultural purposes. The local authority could verify livestock levels recorded to the previous owner at Moss Edge Farm.

- The Peak District National Park have previously commented on the negative impact of increasing urbanisation (mostly housing) and this development is extremely close to the Parks boundary. The development with its accompanying parking spaces, bin storage and gardens would be detrimental to the Park landscape which Local authorities are obliged to have regard to (Section 65 of the Environment Act 1995).

- The proposal of three additional properties would increase light pollution in an intrinsically dark landscape and be conspicuously out of keeping with local nocturnal light levels.

- The passing places on the proposed plans would be inadequate to take the increased volume of traffic which would include residents' cars, delivery vehicles etc. Any additional passing places will further damage the woodland and be detrimental to the wildlife in it.

- The right of access exists for agricultural purposes only.

**Assessment**

The following matters are considered in the assessment below –

1) Transport and Highways impacts of the development
1) Noise Impact of the development and Siting of the building(s)
2) Contamination and flood risks on site
3) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use
4) The design or external appearance of the building(s)
5) Impact on the amenity of future occupiers in terms of light and internal floor space
6) Representations
7) Other issues
8) Conclusion

<u>1) Transport and Highways impacts of the development</u>

The development would not be taking access to a trunk or classified road, or a proposed highway, so the requirements of Part 3, Class Q, paragraph W5(a-b) do not apply. Consequently, the local highway authority and Secretary of State for Transport have not been consulted.

Whilst the former agricultural use of the site would have generated vehicular journeys above and beyond those arising from a purely domestic use, it is expected that the change of use would give rise to a net increase in vehicle trips along the unadopted road. Highways Development Management were consulted and made the following observations:

1, No information is provided to demonstrate that the existing track is constructed to a suitable standard to provide residential or emergency access to the site.
2, No information is provided regarding the gradient or width of Moss Edge Road, objectors refer to it being steep, just 2.7m in width with significant unprotected drops on the eastern side and poor visibility at the Woodhead Road junction.
3, A bin collection point is shown on the plans in front of the dwellings. Waste Management report that refuse from Moss Edge Farm is currently presented at a point adjacent the highway near Hollin Brigg on collection days approximately 700m from the farm. Manual for streets recommends that

residents should not have to carry waste more than 30m and waste collection vehicles should be able to get within 25m storage point.
4, No details are provided of refuse vehicle turning facilities.
5, No information is provided regarding the condition of the passing places along Moss Edge Road. These should be at 40 m internals, a minimum of 4.5m in width and there should be good intervisibility between the spaces.
6, No information is provided regarding emergency access and turning.

Highways DM did not raise concerns about the visibility or junction layout where the lane meets the adopted highway. At this point there is a junction where Hollin Brigg Lane, which is the main means of access to Holmbridge and Hinchliffe Mill, joins Acre Lane which approaches it from the north-east with give way lines at the junction, and Woodhouse Lane which approaches it from the south. The main constraint on visibility, from the point of view of emerging drivers, is the bend at the point where Woodhouse Lane joins Hollin Brigg Lane. It is noted however that the carriageway is unusually wide at this point and provides an area in which emerging motorists can edge forward before completing their turn into Hollin Brigg Lane or Acre Lane and thereby get an improved view of any vehicles oncoming from the Woodhouse Lane direction. It is therefore considered that the increased number of vehicles using this junction would not form the basis of a justifiable reason for refusal since it is unlikely to give rise to an increased risk of road traffic accidents.

Following this, the applicant's agent submitted a further plan showing widths and gradients, details and dimensions of passing places, an expanded bin collection point at the bottom of the steeper section of road.

Ideally, passing places should be at 40 m internals, a minimum of 4.5m in width and there should be good intervisibility between the spaces. The layout shown on the plan submitted 28th July shows seven designated passing places plus the area just before the unsurfaced track meets the metalled track. This, it is acknowledged, is the best that can be realistically achieved, and whilst it would result in vehicles having to back for longer distances than preferred, the Highways Officer no longer objects on the grounds of inadequate passing provision.

The bin collection point would be a long way (some 600m) from any of the new dwellings. It is already used as a collection point for existing residents. The way that waste disposal would operate would be that the waste containers would be permanently kept at that location and residents would deposit individual items of waste whenever they were passing. Whilst somewhat inconvenient, it is considered that this arrangement would work. The designated bin storage and collection point lies within land outside the applicant's ownership; in the event, however, that the owner of the land were minded to refuse permission for further refuse containers to be put there, an alternative would be to place them at the bend where the tarmac part of the track begins, which should not present any practical difficulties in collection.

A new plan was also provided showing increased parking provision. 8 private parking spaces would now be provided to serve the new development plus one for visitors. Two spaces are shown serving the existing dwelling.

Highways Development Management confirmed that they still have concerns regarding these proposal, namely:

1, the width of the access track at 3m which is insufficient for an emergency vehicle,

2, the gradient at 1 in 6 and 1 in 7 which is more than the maximum recommended standard for a private drive of 1 in 8. This would result in difficult access for emergency and refuse vehicles which could become impossible in inclement weather.

3, the condition of the track between Woodhouse Lane and Hollin Brigg Cottages.

Highways DM do not therefore consider that the applicants have demonstrated that Moss Edge Road is a suitable access for residential, refuse vehicle and emergency vehicles.

The width of the track is variable but the measurement on the site plan shows that the upper stretch is 3.8m wide and other annotations on the plan (and scaled measurements) indicate that it is at least 3m wide at all points. This is also confirmed by measuring from a recent aerial photograph held by the Council. The following are possible “pinch points” for large vehicles: (i) near the junction with the adopted Hollin Brigg Lane; (ii) the westward bend just before Hollin Brigg Cottages; and (ii) towards the southern end of the main track where it bends sharply to the west after its climb north.

A standard fire engine is 10.2m by 2.4m and as such would probably find it difficult to negotiate this bend. Smaller models of fire engine exist, which may have a length of only 8.2 or 7.6m but these would probably find the route challenging. The applicant has not provided a swept path for a fire engine despite this having been highlighted as a concern at an early stage. The applicant’s agent however asserts that three full-size fire engines attended a fire at the site last winter. This is confirmed the submission of an attendance log by the local Fire Service. It is therefore considered on balance that the layout of the road does not prohibit access for large emergency service vehicles, although it may make it difficult for them. The case officer has observed that Moss Edge Road has steep gradients in places. The Highway Design Guide recommends that a private drive should not have a gradient of more than 1:8. Steep gradients may give rise to increased safety risks because of the increased possibility of cars losing their grip on the road when turning or having to brake in icy conditions. Possible risks arising from snow and ice can be ameliorated (see section 4 below). Refuse vehicles will not need to negotiate the track. Steep gradients, including on parts of the adopted highway network, are a notable feature of the Holme Valley. The road does not continue to provide access to other dwellings or places of employment, nor does it carry the route of a Public Right of Way, so any residual risk arising from the steep gradients will be borne principally by the future occupants themselves and occasional visitors. It is therefore considered on balance that whilst gradients are in places

more than recommended, it would, for a track serving four dwellings, be difficult to substantiate as a safety-based reason for refusal.

The condition of the track between Woodhouse Lane and Hollin Brigg Cottages is noted. In places it is narrower than 3m and is also unsurfaced. It does however benefit from a potential passing place 60m in from the junction (although not designated as one on the applicant's plan) with the public highway and a further informal passing place outside Hollin Brigg Cottages some 70m further on. Along most of the stretch of unsurfaced road that serves Hollin Brigg Cottages, it is not possible for two vehicles to safely pass each other. It might sometimes happen that one car will be about to emerge from the junction on to the adopted highway at the same moment that another car is about to make the turn off the adopted highway. If this occurred, then it would be possible for one car to wait on the carriageway (which is unusually wide at that point) whilst the other car completed its manoeuvre. If any such conflict occurred elsewhere on the unsurfaced track, one vehicle could back as far as one of the passing places (it is noted that these are not within the applicant's ownership and it is not therefore possible to guarantee they are kept permanently free of obstruction, but again Highways DM latest comments do not object on this factor). With three additional dwellings being thus served, it would be liable to cause some additional inconvenience for future and existing users of this lane, but given that vehicle speeds are likely to be low on account of the width and surfacing of the lane, and as there are no significant impediments to visibility except possibly at the corner where the track bends to the west, it would be difficult to demonstrate that it would give rise to a materially increased risk of accidents. Increased use of the track by vehicles may cause deterioration of the surface. The upkeep of a private access track is, in general, viewed as a private matter in determining planning applications. Whilst usage of this degree – resulting from the occupation of three additional dwellings – could be treated as a material planning consideration, it is considered that it would be difficult to substantiate a refusal on this issue alone. Future occupants and owners, it is assumed, would reach an agreement among themselves concerning financial liability for future maintenance of the track.

The plans do not include the provision of barriers protect unfenced drops. For most of the track's length there is a steep drop to the east to Dobb Dike, with only a low earth bund standing between the track and the drop. The Highway Officer, in his updated comments, does not object to this aspect of the proposal. It is considered that in view of the likely number of vehicles using this route, it would be disproportionate to require the applicant to erect security fencing, walls, or bollards, at the edge of the track.

Weighing the above considerations, officers' observations are that some aspects of the access arrangements are substandard, and for a development comprising a significantly larger number of dwellings, they might be judged unacceptable. It is considered on balance, given the small number of additional dwellings served, it would be difficult to demonstrate that it would materially harm the safety of highway users or the efficient operation of the highway network, subject to a condition that the passing places be retained free of obstructions.

2) Noise impact of the development: The site is within a remote location, predominantly surrounded by fields. It is considered that future residents would not be exposed to sources of noise of a level likely to cause disturbance. It is therefore considered to accord with the aims of LP24(b) and LP52 of the Local Plan.

3) Contamination and flood risk of the site: The site is within Flood Zone 1 and is not within an area which is identified as having critical drainage problems.

The NPPF states that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land instability, including pollution, arising from previous uses. The site is not registered as being potentially contaminated; the Environmental Health Officer has however highlighted that there is a possibility of contamination owing to the site's past agricultural use and proposed groundworks (construction of an insulated solid floor), and recommends the imposition of the standard contaminated land conditions (Phase 1 report, etc).

The agent has confirmed that disposal of foul sewage would be dealt with via a Klargester Alpha Septic Tank (STS04610) or similar, with associated drainage field (within the applicant's ownership). To ensure that safe and satisfactory arrangements are in place, in the interests of health and amenity and to prevent any possibility of pollution of the water environment, it is recommended that details of this should also be conditioned.

It is considered that subject to the above there would be no conflict with the aims of LP27, 52 and 53.

4) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use:

The Planning Practice Guidance paragraph 108 advises that, because impractical or undesirable are not defined in the regulations, the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgement. Impractical reflects location and siting which would 'not be sensible or realistic' and undesirable reflects that which would be 'harmful or objectionable'.

A local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. The applicant's agent, in correspondence with the case officer, has highlighted the East Hertfordshire District Council v Secretary of State for Communities and Local Government & Anor [2017] case in which it was established that in assessing whether the location is "impractical and undesirable", local planning authorities should not apply the test in such a way as to frustrate the purpose of introducing Class Q permitted development rights

in the first place – which is, to increase the development of residential uses in locations where it would not ordinarily be contemplated by the undiluted application of NPPF policies relating to location. In reaching a decision on this application, officers have been mindful of the implications of this case. Location of an agricultural building where the local planning authority would not normally grant permission for a new dwelling owing to its remoteness is not sufficient reason for refusing prior approval. This means, for example, that unsustainability – being in a location that would compel future residents to make frequent and lengthy car journeys to serve most of their daily and weekly needs – would not form a valid reason to refuse an application of this type, as is made clear by paragraph 109 of the PPG.

There may, however, be circumstances where the practical disadvantages of the siting cannot be mitigated acceptably. The PPG gives as a hypothetical example an agricultural building on the top of a hill with no road access, power source or other services. These specific factors do not apply here. The barns benefit from an access track which is surfaced along the greater part of its length and the agent has confirmed they would also be connected to existing services (currently serving the farmhouse) in the form of electric, telecommunications and drinking water (via a borehole). This is accepted by the Council.

The agent has made further observations about the accessibility of the site in inclement weather (see below) and has also highlighted the recent consultation (24th July 2023) the Government undertook regarding the possible expansion of permitted development rights, especially paragraph 55-63:

> "55. This consultation seeks views on amendments that would further support housing delivery by allowing more homes to be delivered through the right, expanding the type and location of buildings that can benefit from the right and extending the scope of works that can be undertaken under the right. These changes would support farm diversification and local communities by making effective use of existing buildings and reducing the pressure for new development on greenfield land."

One of the effects of the proposed changes would be to allow up to 10 homes of various sizes up to a maximum aggregate square meterage. This indicates that the Government continue to take a positive view of agricultural building conversions. But as this is only a consultation and may not be implemented, little weight can be placed on it.

It is accepted that the test to be met is less rigorous in the case of Class Q applications that it would be for full planning applications. An application that might be deemed to fail the test if the proposal were a full application, might be deemed to pass the test if submitted as a Prior Approval. However, the degree of weight to be placed on factors that may make change of use impractical or undesirable is a matter for the judgement of the decision maker in each case, drawing on precedents where appropriate.

As previously stated, access would be by means of an unadopted lane, Moss Edge Road.

In this section, reference will be made to another application of the same type (notification under Class Q) for another site in the Holme Valley, 1.3km away. This was application reference 2018/91842, which was refused. It was considered it would be impractical and undesirable for the building to change from agricultural use to a dwellinghouse because the measures necessary to ensure access during bad weather (heavy snow and ice) could not be relied upon and the issue could not be realistically mitigated. The LPA's decision to refuse 2018/91842 was appealed, with the appeal being dismissed. In dismissing the appeal, the Inspector made the following observations:

> "The appeal site is in a remote, high altitude, hillside location on a north facing slope. Accounts from local people report that ice and snow have impaired access to the site over a number of years. These factors, in combination, indicate that the appeal site is susceptible to periods of inclement weather.
>
> The appellant provides evidence of employment of a contractor to 'clear snow as required' for access to forestry operations in the area. However, there is not detailed contractual specification and record of this service before me, to illustrate its contribution to delivering practical access to the appeal site in severe winter weather conditions. Moreover, such a service could not necessarily be relied on in perpetuity, and would not be secured through planning condition as the access route to the appeal site is not on land wholly owned by the appellant. In addition, the evidence of the Council's Street Scene department is that Cartworth Moor Road, which makes up much of the access route to the appeal site, is seldom ordinarily gritted. Taking the above together, I find that the proposed development would be substantially vulnerable to impaired accessibility during snow and ice conditions.
>
> Future occupants of the proposed dwelling (even if working from home) would be likely to require frequent access to goods, services and facilities, including during the winter. As such, I find that the site's vulnerability to severe winter weather conditions, as described above, weighs significantly against the proposal in terms of practicality.
>
> In conclusion, I find the location and siting of the building would make it impractical, in respect of access arrangements, for the building to change from agricultural use to a dwellinghouse."

There are both similarities and differences between this and the current proposal, which will be elaborated on below.

Moss Edge Farm and the access track leading to it also occupy a position on a north-facing hill slope. Elysium Farm is at an altitude of 335-400m, Moss Edge Farm at an altitude of 295-300m (the latter being roughly 150m higher than the centre of Holmfirth). By far the greater part of the access road to Moss Edge

Farm has a permanent sealed surface, which that leading to Elysium Farm does not. But the access road to Moss Edge Farm also has a much steeper gradient. The north-south stretch has steep gradient, highlighted earlier, which is liable to make it more hazardous in icy or snowy weather, unless thoroughly cleared and gritted.

It has not been possible to obtain objective records of average minimum temperatures, snowfall, etc over a long period for specific locations within Kirklees. As a matter of common observation, however, the higher the altitude, the more likely a location is to experience snowfall in the winter months, and once fallen it is likely to remain on the ground for longer. In the event of an episode of snowfall that made the Moss Edge Road either impossible or extremely difficult to negotiate by motor vehicle, residents would experience severe inconvenience. The nearest grocery store is over 1.5km away, the nearest GP's surgery is over 4km away, and there are no alternative routes providing quick or easy foot access from the site to the adopted highway network.

The applicant's agent has also argued that the weight to be attached to this matter is extremely limited given:

i. The fact that over the past decade there have been very few days out of the 3600+ days when snow would have physically blocked the access road;

ii. More accurate weather forecasting (and advanced weather warnings) nowadays allows rural residents to plan ahead and leave their car on a nearby publicly cleared / gritted road. It is common throughout the Holme Valley for residents to move their cars to a more accessible road;

iii. In the rare event heavy snow is forecast, and in some cases (as in the single day of heavy snow this past winter), official warnings actually advise people not to travel (i.e. it should not be assumed that residents have a need or right to travel in private vehicles 100% of the time).

Officer comments on this are that there have been a succession of relatively mild winters but this is no guarantee for the future. Whilst climate change is expected lead to higher global temperatures and generally higher peak summer temperatures, the disruption to weather systems may on occasions result in longer spells of extreme weather both in the summer and winter. The general trend towards milder winters therefore cannot be relied upon to continue. It is possible that more accurate weather forecasting will allow future residents to plan ahead and leave their cars on a public road which has been cleared and gritted. Again, this sort of precautionary behaviour cannot be relied upon since some residents, especially those who have recently moved to the area or to that specific address, may underestimate the difficulty of getting their cars from their private parking spaces on to the public highway in snowy or icy conditions. Whilst it is advisable to minimise travel in wintry conditions, it is possible that at least some future residents would find themselves in the position of having to

undertake essential journeys in such conditions, such as visiting dependent relatives, or other personal or family commitments.

The next matter to be considered is what remedies might be available. The applicant's original statement makes the claim that the applicant (who owns the existing farmhouse) has a snow plough and gritting equipment for the rare occasions when the road is affected by snow. The applicant also owns the access track (other than the lowest 160m before it joins the public highway). There would be obvious difficulties in ensuring that snow removal and gritting would in fact be undertaken whenever required. For example, the applicant may sell the house or move away, or may happen not to be present at a time when heavy snowfall or icy conditions occur, or the equipment may break down or not be properly maintained. The applicant has proposed that this difficulty could be overcome by means of a Unilateral Undertaking. The second schedule of the draft document supplied by the applicant sets out the owner's obligations:

The Owner covenants with the Council as follows:

1. Not to Occupy, nor cause, permit or allow the Occupation of any of the Dwellings until the Owner has submitted the Winter Service Operations Scheme [a scheme to ensure that the track leading to the site is kept in a safe condition to use, free from snow and ice, by precautionary gritting, and snow clearance and application of a de-icing agent, as the context requires, as well as the provision and maintenance of one gritting bin in each passing place] to the Council for approval, and the Council has approved the same in writing.

2. The Owner will be responsible of the Development or (if earlier) until such time as Roadway A, i.e. the metalled part of the track (or responsibility for the implementation of the Winter Service Operations Scheme in respect of Roadway A) has been transferred to the Management Company. Any transfer of Roadway A and/or contract for the implementation of the Winter Service Operations Scheme in respect of Roadway A by a Management Company shall contain a covenant to carry out the Winter Service Operations in accordance with the approved Winter Service Operations Scheme in respect of both Roadway A and (if necessary pursuant to paragraph below) Roadway B.

3. In the case of "Roadway B", the non-metalled part which the applicant does not own, the Owner is obliged to (i) use "reasonable endeavours" to ensure that the owners of Roadway B carry out the Winter Service Operations during each Winter Service Period for the lifetime of the Development, to ensure the safe and uninterrupted access to the Site over Roadway B during each Winter Service Period, and (ii) in the event of failure on their part, to undertake the operations themselves, and (iii) in the event of default by the Owner, the Owner authorises the Council pursuant to its rights under paragraph 5 of the Property Register of Land Registry Title Number WYK240571 to enter upon Roadway B as a "person authorised by them" in order to carry out those Winter Service Operations which the Council reasonably considers are necessary in

order to remedy the said default and to recover the reasonable and proper costs of doing so from the Owner.

A covenant would be included in transfers of dwellings, to the effect that the purchaser of the said dwelling has through the transfer entered into a covenant to contribute to the cost of keeping Roadway A and (if necessary) Roadway B in good repair and free from obstruction including the carrying out of Winter Service Operations and the associated implementation of the Winter Service Operations Scheme during each Winter Service Period.

It is apparent that a right of way exists for agricultural purposes and for residential occupancy of the existing farmhouse, and this would presumably include access for a snowplough or gritting vehicle if required for the needs of existing occupants. The ownership of Roadway B should therefore not provide any impediment to carrying out winter service operations on Roadway A. As for Roadway B, the existing occupants presumably have their own arrangements for the part of the track that they use. As for the part of Roadway B lying west of no. 1 Hollin Brigg Cottage, just before it joins Roadway A, this is a stretch of track that the occupants of the existing dwellings served by Roadway B would normally have no reason to use, so the provisions of point (iii) would become relevant. The case officer's comments on point (iii) above are that the Land Registry Title only explicitly allows the Owner and persons authorised by them access to their own property. On a strict literal reading this may not necessarily imply the right to undertake snow clearance or other works on any part of Roadway B, but the right of access could be taken to imply the right to clear temporary obstacles to access, such as snow. It is therefore considered very unlikely that ownership issues would render the agreement inoperable.

It is considered that the provisions of the proposed Unilateral Undertaking, in its final draft, provide a legally enforceable means of ensuring that the new dwellings do not become isolated in severe winter weather and that the track will remain safe to use.

In conclusion, it is recognised the proposed development, due to the siting and location on a remote hillside, accessed via a substantial length of private road with a steep gradient, at a relatively high altitude and on a north facing slope, presents potential challenges to ensuring access throughout the winter and as such the conversion of the buildings to residential use would be deemed impractical and undesirable in the absence of satisfactory mitigation measures. It has been demonstrated that such mitigation measures can be delivered and enforced by means of a Unilateral Undertaking. This test is therefore passed.

5) The design or external appearance of the building(s): The proposed conversion would leave the external appearance of the buildings almost unchanged, with no significant rebuild or extension having to be undertaken and existing openings being reused. It is therefore considered that the rural agricultural character of the buildings would be unaffected and that the

conversion would have no adverse impact on the wider landscape or distant views.

The land associated with the West Barn would be formed into a patio. For the other two dwellings, the balance of hard and soft landscaping would be roughly equal, or with majority soft landscaping. Ideally a greater amount of soft landscaping might be preferred for the West Barn for purposes of visual amenity and maintaining the openness of the Green Belt; Class Q however does not require details of landscaping or state that this is a matter to be considered in the assessment of such proposals.

In conclusion, the design and appearance of the scheme is acceptable and in accordance with the aims of Policy LP24(a).

6) Impact on the amenity of future occupiers in terms of light and internal floor space: Consideration is required to be given to the impact on the amenity of future occupiers in terms of the gross internal floor area and the adequacy of natural light to all habitable rooms.

All habitable rooms are to be served by openings which are considered to offer an adequate amount of natural light.

The proposal has been considered against the Government's Nationally Described Space Standards (NDSS) for dwellings and it is confirmed that all three new dwellings would offer an amount of internal space in excess of these figures.

It is therefore considered that the level of amenity provided to future occupants would be acceptable having regard to light and internal floor space and accords with the aims of LP24(b).

7) Representations: Concerns relating to the principle of development have been assessed in the main part of this report but these and other issues raised are summarised here with officer responses:

Holme Valley Parish Council – No observation. Defer to Kirklees officers.

6 representations were received from other third parties. The following is a summary of the comments made;

- The property is located on a open hillside viewed from all directions.

**Response**: This is noted – and the impacts of the design and external appearance have been considered in this report.

- The location of the property is not environmentally situated for residential use.

**Response**: Environmental sustainability does not provide grounds for refusal in applications of this type (see Planning Practice Guidance, paragraph 108).

- The site is located within the greenbelt.

**Response**: Again, this is noted but does not mean there is a presumption against conversion of agricultural buildings and associated works.

- Limited access to the property up a very narrow private track, not suited for frequent daily use by a large number of vehicles. Said private track is accessed from a private road which already services a number of residential properties which is already to the limit of properties allowed on a private road. Access will cause disruption to the existing residents.

**Response**: The nature of the access track has been observed and commented earlier in this report. It is preferred that no more than five dwellings should be served by a road that cannot be brought up to adoptable standards. This is however not an absolute rule and larger numbers of dwellings served by an unadoptable access may be allowed if it can be demonstrated that no adverse impact on highway safety would occur or that any likely problems can be mitigated to an acceptable degree.

- Increased access to the development would impact on the residents of Hollin Brigg Lane which is already becoming extremely busy with traffic using the vineyard and local school, each situated close the entrance to the private access road of said development. At the beginning and end of the school day there is always a bottle neck of traffic at the junction of Acre Lane, Hollin Brigg Lane and Woodhouse Lane which is used as a turning circle for parents dropping off and picking up children. Additional traffic exiting the private Moss Edge Lane onto the main highway would cause extra difficulty.

**Response**: It is considered that given the Highway Officer's comments it would not be possible to justify a refusal on this factor.

- There is a limited visibility splay at the access from Moss Edge Road to the junction of Hollin Brigg Lane, Acre Lane and Woodhouse Lane. This area is especially busy during school runs, at weekends and evenings with cyclists taking on the challenging climb/descent of Woodhouse Lane, and with visitors to events at the Shevling Winery. Poor visibility combined with the extra traffic to and from the proposed properties poses a significant hazard to drivers,cyclists and pedestrians, including young children.

**Response**: Based on site observations (and the opinion of the Highway Officer), visibility is acceptable.

- The site is in an area of beauty in the midst of the local countryside, it borders the moorlands and the north end of the Peak District.

**Response**: The site is some 200m from the nearest point on the Peak Park boundary. It is considered that it would have very little impact on the wider landscape and that it would no impact on the setting of, or views into, the Peak Park.

- I have no objection to the renovation of the existing farm house and barns to bring them up to a more up to date construction but whilst still maintaining their original character, appearance and use.

**Response**: Renovation and improvement of the existing buildings whilst maintaining their current or most recent use would not necessarily require any form of consent from the local planning authority. This application must be assessed on what is being applied for, not hypothetical alternatives.

- The erecting of three new dwellings would open the doors and set a precedent to the building of further properties in this location.

**Response**: This objection appears to be based on a misapprehension as to what the application is for, which is change of use not new build.

- The road up the hill is flanked by a steep and unprotected drop to the eastern side, which has the potential to cause drivers, particularly those who are not acquainted with the terrain, to veer off and have a serious accident in poor weather.

**Response**: It is considered that it would be difficult to substantiate a refusal on this issue in view of the amount of traffic that the road would take.

- The road is prone to ice and snow coverage during the winter months. The previous owners of the farm routinely left their vehicles at the bottom of the lane in poor weather, because the lane can very quickly become impassable. Many emergency vehicles would be unable to gain access during these periods and some vehicles (e.g., ambulances) would struggle to negotiate the lane even in better weather conditions. In his supporting statement Mr Heleine stated that he has a snow plough and gritting equipment. We can confirm (and have photographic evidence) that during the cold spell of March 2023 where snow remained on the ground in this area for 3 days, Mr Heleine did not use this equipment but, as per the previous owners, left cars at the bottom of the steep 800m section of track, behind Hollin Brigg Mill.

**Response**: It is acknowledged that snow and ice may cause accessibility problems but that the issue can be overcome in this case.

- Two proposed local developments, one at Mistake Farm and the other at Elysium Farm were refused planning on the grounds of their remoteness and unsuitability of the access routes in poor weather. In both of these cases, the properties are closer to public highways and more accessible than is Moss Edge Farm.

**Response**: The first property referred to is in fact known as Intake Farm (2018/92425). This was not refused on the grounds that the conversion

was considered “impractical or undesirable” and is therefore not considered relevant to the present application.

- B10 Access and Facilities for the Fire Service states that a new dwelling house shall be so designed and constructed such that there is adequate provision for access for fire appliances and such other facilities. In the case of a material change of use of a building to a dwelling house, it will be necessary to assess the access and facilities for the fire services.

**Response**: Access arrangements for a fire service vehicle are far from ideal, as previously noted, but it is considered it would be difficult to substantiate a refusal on such grounds.

- We note the Class Q requirement that buildings are ‘converted’ and not rebuilt, and as such any external changes should be minimal.

**Response**: It is considered that the external changes are minor. On the basis of the evidence submitted, they would not involve substantial rebuilding.

- We also draw attention to developments carried out by Mr Heleine that may have been undertaken without the required permissions or appropriate consultation with Hollin Brigg residents. One such development was the laying of Moss Edge Road to tarmac up the hill to the farm. As a result, essential access to, and maintenance of, water piping from the well and water tank on Mr Heleine’s land to Hollin Brigg Mill and Hollin Brigg Cottage has been impeded substantially. As per Land Registry Title Number WYK244286 Hollin Brigg Cottage is entitled to the free running of water from the well marked D (on Mr Heleine’s land) on the plan associated with this deed, and from time to time, access to inspect, cleanse, repair, remove or replace the pipes connecting the well to our property. The water supply has dried up and we may need to excavate the road to repair the supply, thereby preventing access to emergency vehicles during this time.

**Response**: The claims about disruption to water supply cannot be objectively verified and it would not be possible to justify a refusal based on a theoretical short-term disruption to access arrangements.

- Furthermore, as part of class Q application there should be no new building built/erected there within the last 10 years but in fact there was a residential dwelling built there in 2022 which was destroyed by fire in Autumn of the same year. Also the principal qualifying criteria of a class Q application is that the building(s) must have been in agricultural use on 20 March 2013. If the buildings were brought into agricultural use after that date, a period of 10 years must pass before development under Class Q begins. The age of the previous owner of the farm may have prevented him for farming for a number of years. I understand that others rented the land but am not sure if they also used these buildings for agricultural purposes. The local

authority could verify livestock levels recorded to the previous owner at Moss Edge Farm.
**Response**: Recent unauthorised development (not under Class Q) is immaterial to the validity of this application or its determination. In the absence of clear evidence to the contrary, the Local Planning Authority is satisfied, on the balance of probability, that the buildings have an historic agricultural use and have not been used for other purposes since that time.

- The Peak District National Park have previously commented on the negative impact of increasing urbanisation (mostly housing) and this development is extremely close to the Parks boundary. The development with its accompanying parking spaces, bin storage and gardens would be detrimental to the Park landscape which Local authorities are obliged to have regard to (Section 65 of the Environment Act 1995).
  **Response**: The site, as previously noted, is more than 200m from the Park boundary at its closest point and it is considered it would have no material impact upon the setting of the Park or views into or from it. The formation of gardens would not, in officers' opinion, extend beyond the historic curtilage of the buildings.

- The proposal of three additional properties would increase light pollution in an intrinsically dark landscape and be conspicuously out of keeping with local nocturnal light levels.

**Response**: It is doubtful that this would constitute a defensible reason for refusal since light pollution is not explicitly mentioned in the text of Class Q nor in the Planning Practice Guidance.

- The passing places on the proposed plans would be inadequate to take the increased volume of traffic which would include residents' cars, delivery vehicles etc. Any additional passing places will further damage the woodland and be detrimental to the wildlife in it.

**Response**: Not all of the passing places are set out to modern standards, but they are the best realistically achievable and it is considered that the level of traffic they would experience would make it difficult to sustain a refusal.

- The right of access exists for agricultural purposes only.

**Response**: In general, private access rights are a private civil matter and not a material planning consideration. In the event of approval being given, it would not override any private land ownership rights or confer new rights of access.

8) Other issues

*Ecology*
The Council Ecologist is of the view that the proposed development would have no impacts on any ecological receptors and has no objection subject to the

inclusion of a sparrow terrace so as to deliver biodiversity net gain (BNG). Since mandatory BNG in new development has not yet been introduced at the national level, and since ecological impacts do not fall within the matters to be assessed (a-g) as set out earlier in the report, it is considered that it would not be appropriate to impose this as a condition.

9) Conclusion

The proposed development is considered to benefit from a general planning permission under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) in accordance with Part 3, Class Q of Schedule 2 of the Order.

**Recommendation**: GRANT PRIOR APPROVAL

**Application Number**: **2023/91342**

**Decision Authorisation:** Delegated Powers

**Officer Recommendation**:

**Conditions and reasons**

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:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24, of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. All parking spaces to serve the new dwellings as shown on the approved plan 166-23-PL102 Revision A shall be laid out with a hardened and drained surface before the dwelling to which they relate is first occupied, and shall be so retained thereafter.

**Reason:** To ensure that sufficient parking space is provided to serve the development in the interests of highway safety, and to accord with the aims of Policy LP21-22 of the Kirklees Local Plan and Highway Design Guide Supplementary Planning Document.

3. All of the areas designated as passing places on the approved plan 166-23-PL101 Revision E shall be cleared of obstructions to their use before any new dwelling is occupied, and shall thereafter be so retained at all times.
**Reason:** In the interests of ensuring a safe and convenient means of access for future occupants and visitors, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

4. A minimum of one electric vehicle recharging point shall be installed within the parking space to serve each dwelling before the dwelling to which it relates is first occupied. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle recharging points provided shall be retained thereafter.
**Reason:** In the interests of promoting modes of transport with ultra-low emissions and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local
Planning Authority.

**Reason**: This information is required pre-commencement to ascertain the presence or otherwise of contamination on site and so ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1), groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
**Reason**: This information is required pre-commencement to ascertain the presence or otherwise of contamination on site and so ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2), further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
**Reason**: This information is required pre-commencement to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the
Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
**Reason**: To ensure the safe occupation of the site in accordance with Policy LP53 of the
Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy
Framework.

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.

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.

NOTE: The proposed development is in a rural location and relies on alternative sources of water for its drinking water supply. It is therefore important that it does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute a potential risk to human health. The applicant must ensure a suitable, sufficient and wholesome drinking water supply can be provided for the proposed development and that the use of the proposed supply will not adversely impact on other private water supplies in the vicinity. The drinking water must comply with drinking water quality standards so as not to constitute a potential danger to human health, and it must be acceptable to consumers in appearance, odour and taste. Wholesome is defined in Part 2 Regulation 4 of the Private Water Supplies (England) Regulations 2016 or in any new legislation that supersedes this. For further information regarding Private Water Supplies contact: watersampling@kirklees.gov.uk.

Plans and specifications schedule:-

| **Plan Type** | **Reference** | **Version** | **Date Received** |
|---|---|---|---|
| Application plan | | | 09-May-2023 |
| Location Plan | PL101 | C | 09-May-2023 |
| Existing site / block layout | 02 | A | 09-May-2023 |
| Existing floor plans – ground | 04 | | 09-May-2023 |
| Existing floor plans – first | 05 | | 09-May-2023 |
| Existing elevations | 07 | | 09-May-2023 |
| Existing elevations | 08 | | 09-May-2023 |
| Proposed site / block layout | 166-23-PL102 | A | 28-Jul-2023 |
| Proposed floor plans | 166-23-PL103 P3 | | 09-May-2023 |
| Proposed elevations | 166-23-PL104 P3 | | 09-May-2023 |
| Location plan with details of gradients and passing places | 166-23-PL101 | E | 28-Jul-2023 |
| Structural appraisal | MDL-8338 | | 09-May-2023 |
| Methodology statement | 166-23-R1 | | 09-May-2023 |

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Supporting statement | | | 09-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 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 expressed concerns about the access and parking arrangements. In response, the applicant submitted amended / additional plans which informed the final assessment.

**Report Dated:**

23-Nov-2023