

**Consultation Response from KC, Policy**

**2023/91406 Land south of, 98, Burn Road, Birchencliffe, Huddersfield, HD2 2EG**

**Outline application for erection of residential development**

**Date Responded:**

**Responding Officer: Jacob Parker-Henry**

This application proposes 4 new dwellings on part of housing allocation site HS35 as identified on the Kirklees Local Plan and shown on the map below. The application site adjoins the grounds of Middle Burn Farm which is a Grade II listed farmhouse building and is in close proximity to Lower Burn Farm which is also a Grade II listed building.

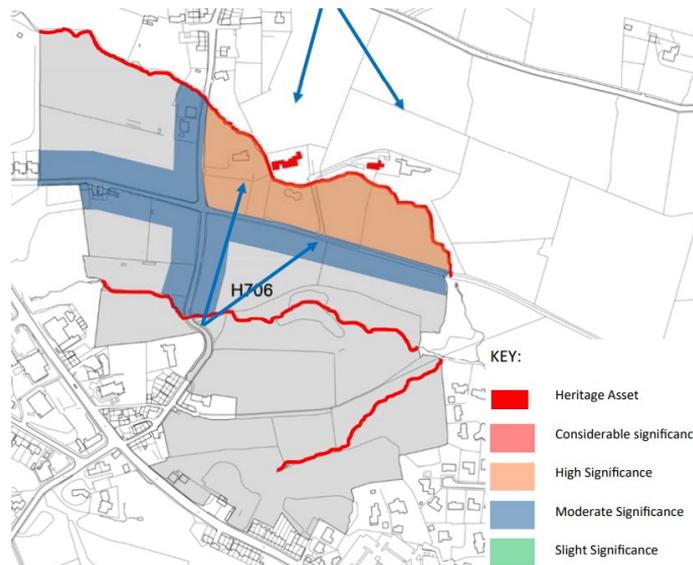


The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Although, the land subject to this application is within an allocated housing site, the site constraints box for site HS35, as set out under Local Plan Policy LP65 (Housing Allocations), states there are site specific considerations that are relevant in this case. These specific site considerations are;

- In order to safeguard the setting of the Grade II listed buildings known as Middle Burn Farm and Lower Burn Farm, no development shall take place on the field/area marked as high significance in Councils Heritage Impact Assessment to the south of the listed buildings.
- Proposals will identify an appropriate layout, scale, appearance, and materials of the proposed residential development to minimise harm to the setting of the Listed Buildings, taking into account the evidence presented in the Councils Heritage Impact Assessment or any updated Heritage Impact Assessment submitted by the applicant as part of the planning application process.

The application site is in close proximity to the listed buildings Middle Burn Farm, and Lower Burn Farm, and as such, the Council's Heritage Impact Assessment for Land Adjacent to Burn Road, Prince Royd (see [Heritage Impact Assessment - H706 Land adjacent to Burn Road, Prince Royd \(kirklees.gov.uk\)](http://kirklees.gov.uk)) identifies an area of land immediately south of the listed buildings as high significance. As stated in the site specific constraints, no development shall take place within this area. The following map illustrates this, with the area of high significance highlighted in orange.



The application site is located wholly within this area of high significance, as shown by the map above, and as such, the proposed development would not accord with the development principles set out in the site allocations box for housing allocation HS35 under Local Plan Policy LP65

Furthermore, an application for two dwellings adjacent to this site (2021/92091) was refused based on the site specific constraints, stating; *“The proposed development of this part of housing allocation HS35 would not accord with the development principles set out within the allocations box and therefore be contrary to Policy LP65 of the Kirklees Local Plan. This is due to the site falling within an area, which specifically states no development shall take place on the field/area marked as high significance in the Council’s Heritage Impact Assessment for Land adjacent to Burn Road, Prince Royd (site reference number: H706) to the south of the listed buildings, in order to safeguard the setting of the Grade II Listed Buildings known as Middle Burn Farm and Lower Burn Farm.”*

Application 2021/92091 was then dismissed at appeal as *“the proposal would give rise to significant harm to the setting of the listed building, Middle Burn Farm.”*

### Conclusion

To conclude, the proposed development would not accord with the development principle for housing allocation HS35 that no development shall take place in the area of high significance, as set out in the Council’s Heritage Impact Assessment for Land Adjacent to Burn Road, Prince Royd.