

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	2023/65/91660/W
Site Address:	Butternab Farm, Butternab Road, Beaumont Park, Huddersfield, HD4 7BA
Description:	Listed Building Consent for erection of extensions and alterations to convert former agricultural buildings to form one detached dwelling
Recommending Officer:	William Simcock

DECISION – Grant Listed Building Consent

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Jul-2023

Officer Report 2023/91660

Butternab Farm – Listed Building Consent

Site Description

The site comprises a group of former agricultural buildings situated off Butternab Lane and accessed by a short driveway that also provides access to three dwelling houses collectively known as Butternab Farm, which are arranged in an east-west row on the north side of a shared yard where they face the outbuildings. The former agricultural buildings consist of two large buildings near the access (Buildings 1 & 2) and three small sheds further in (Buildings 3-5). Building 1 is faced in timber panelling and has a profiled metal roof. Building 2 comprises three linked structures; a large metal-framed element which was formerly roofed over but is now open, and two mono-pitch stone and slate structures joining it to the side and rear. To the east of the buildings is a parcel of land which has some domestic characteristics, being partially maintained as a lawn with ornamental planting, but merges into agricultural land beyond. To the south is deciduous woodland.

Description of proposed development

The proposal is for Listed Building Consent for erection of extensions and alterations to convert former agricultural buildings to form one detached dwelling.

The demolition of the timber sheds is proposed to form garden space, with the dilapidated steel framed structure removed to create a parking area. The conversion and extension of the remaining outbuildings is proposed to form a detached dwelling.

The proposed materials are stone, timber and brick, metal corrugated roof, aluminium windows and doors.

History of amendments

None.

Relevant Planning History

2022/93525 – Erection of extensions and alterations to convert former agricultural buildings to one detached dwelling. Approved; development not yet commenced.

Representations

Final publicity date expires: 21-Jul-2023. Publicity by site notice and press notice in accordance with Town & Country Planning (Listed Buildings and Conservation Areas) Regulations 1990.

1 representation made (objection).

Summary of concerns raised:

- The plans indicated a shared drive; in fact both the entrances are privately owned. The applicants have a right to pass and repass but this does not confer the right to add a new dwelling. Permission to amend the title deeds have not been sought;
- Increase in traffic both during construction and subsequent occupancy;
- Consideration should be given to the Listed status of the neighbouring properties;
- Inconsistencies in number of bedrooms;
- The existing garage is in fact asbestos, which will need a specialist for survey and removal.
- Will all work be conducted from their own property?
- The red line boundary appears to be an attempt at “land-grabbing”

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Planning Conservation & Design – No objections subject to details of external material samples and details of hard landscaping.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within land designated as Strategic Green Infrastructure Network on the Local Plan proposals map. Butternab Farmhouse and Cottage (now three dwellings) is Grade II Listed. List description:

“BUTTERKNOB LANE 1. (East Side) 5113 Netherton Butterknob Farmhouse and Cottage SE 1213 47/281 II 2. C18. Hammer-dressed stone. Pitched stone slate roof. East gable coped, with moulded kneelers. 2 storeys. One lean-to outshut with catslide roof on each side. Various C19 sashes except at west end, where there is one range of casements.”

Listing NGR: SE1283613795

Kirklees Local Plan (LP):

- LP35 – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Section 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: As the application is for Listed Building Consent, the only issues that fall to be considered are the impact the development would have on the character and significance of the Listed Building.

Under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering whether to grant listed building consent for any works have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is supported by policy LP35 of the Local Plan.

2 – Impact on character and significance of Listed Building: Butternab Farm Cottage is part of a short terrace of three dwellings dating to the 18th century and situated on a hillside above Armitage Bridge. The proposal is to convert former agricultural buildings to the south into a single detached dwelling. The proposed development requires Building Consent because it involves works to what are considered to be original curtilage buildings.

The existing buildings which are now redundant are of varying ages and designs and are constructed in a piecemeal fashion, typical of evolving farmyard development. The construction materials of the building vary from the earliest structures (which are curtilage listed) built in coursed stonework with stone slate pitched roofs, and later buildings built from timber, cement cladding and corrugated sheet roofing along with lightweight timber structures.

The demolition of the timber sheds and the removal of the dilapidated steel framed structure will enhance the setting of the historic listed buildings and remove unsightly clutter from the site.

The conversion of the remaining outbuildings is proposed to form a detached dwelling. The proposed materials are stone, timber and brick, metal corrugated roof, aluminium windows and doors, with low stone boundary walls. It is considered that the conversion and reuse of the surviving historic stone outbuildings would be undertaken in such a way as to respect the agricultural character of the site.

The Conservation and Design Team has no objections to this proposal, subject to new external material samples and a sample panel of pointing being submitted for approval, along with details of hard landscaping including boundary features. It is noted that conditions relating to facing materials and landscaping were attached to the planning permission and will therefore not be repeated here. The planning permission did not however contain a condition on pointing and it is considered appropriate to apply it here.

It is considered that the proposal would respect and enhance the character of the site and the setting of the principal Listed Building, with derelict vacant buildings restored and negative elements demolished.

It would thereby accord with the aims of Policy LP35, NPPF Chapter 16, and the Council's obligations under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Representations: One representation was made. The concerns raised are summarised below with officer responses.

- The plans indicated a shared drive; in fact both the entrances are privately owned. The applicants have a right to pass and repass but

this does not confer the right to add a new dwelling. Permission to amend the title deeds have not been sought;

Response: Notice has been served on one other property owner. The granting of planning permission and/or Listed Building Consent does not override any private land ownership rights, or confer new rights of access.

- Increase in traffic both during construction and subsequent occupancy;
Response: These matters are outside the scope of a Listed Building Consent application.
- Consideration should be given to the Listed status of the neighbouring properties;
Response: The applicant's dwelling and the two neighbouring properties are covered by a single designation as a Grade II Listed Building. This assessment has taken into account the character of the heritage assets affected.
- Inconsistencies in number of bedrooms;
Response: This issue is not a material consideration in a Listed Building Consent application.
- The existing garage is in fact asbestos, which will need a specialist for survey and removal.
Response: It has not been possible to independently verify this claim. The applicant will be notified by means of a note on the decision notice of the obligations imposed by the Control of Asbestos Regulations 2012.
- Will all work be conducted from their own property?
Response: Access to, or via, neighbouring land during construction, is a private civil matter.
- The red line boundary appears to be an attempt at "land-grabbing"
Response: The red line boundary is in exactly the same place as on the linked application for planning permission, except for a narrow strip of land to the south of the entrance. This is in any case immaterial for the purposes of determining an application for Listed Building Consent since the only relevant parts of the proposal are those that directly affect Listed buildings or structures.

4 – Conclusion: The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
CONSENT**

GRANT LISTED BUILDING

Decision Authorisation - Delegated Powers

Application Number: 2023/91660

Officer Recommendation: Grant Listed Building Consent

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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

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: To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

3. Work shall not commence on the external walls of the extensions until a mortar mix, together with its sand/aggregate specification, has been submitted to and approved in writing by the Local Planning Authority. A 1 sq. metre sample shall be prepared on site for the inspection and approval in writing of the Local Planning Authority before construction is commenced. The works shall be carried out in accordance with the approved mortar mix thereafter.

Reason: To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

NOTE – It is the responsibility of the developer to ascertain the presence, or otherwise, of asbestos, on site, and to ensure that demolition and disposal of waste materials are conducted in full accordance with the Control of Asbestos Regulations 2012.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			06-Jun-2023
Location plan	EX0001	C	06-Jun-2023
Plans and elevations as existing	EX0005	A	06-Jun-2023
Plans and elevations as proposed	AL0005	D	06-Jun-2023
3-D images as proposed			06-Jun-2023
Planning statement			06-Jun-2023
Heritage assessment			13-Jun-2023

Plan Type	Reference	Version	Date Received
Bat report			06-Jun-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 request amended plans or supporting information since these were not considered necessary.

Report Dated: 24-Jul-2023