

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/91910/E
Site Address:	Ash Tree Cottage, 72, The Village, Thurstonland, Huddersfield, HD4 6XX
Description:	Erection of wood framed greenhouse (Listed Building within a Conservation Area)
Recommending Officer:	Edward Cheseldine

DECISION – Full Conditional Permission Granted

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.

Helen Bower

AUTHORISED OFFICER

Date: 25-Sep-2023

Officer Report

2023/91910 - Ash Tree Cottage, 72, The Village, Thurstonland, Huddersfield, HD4 6XX

Site Description

Ash Tree Cottage is a historic weaver's cottage with origins that date the building to late 18th century. The cottage stands as a three-storey, detached building. Within the curtilage of the land there lies a large rear outdoor area. The garden backs onto designated green belt land. Ash Tree Cottage is situated on The Village, a country lane that serves as the main access point for Thurstonland. The listed building is set within a row of other residential dwellings on the lane.

Application Description

The application is for Listed Building Consent for the erection of a greenhouse within the curtilage of a listed building.

History of negotiations / amendments received

None.

Access Considerations

None.

Climate Change Emergency

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal will have a timber frame which is a renewable material, complying with the climate emergency requirements. There will be no energy requirements for the greenhouse.

Consultation Responses

KC Conservation & Design were consulted on the submitted plans. They determined there to be a neutral impact to the listed heritage asset and conservation area.

Public Consultations

The application has been publicised with a site notice and a press notice.

Date site notice expired: 25 August 2023

Publicity expiry date: 09 September 2023

No representations were received as a result of the publicity.

Kirkburton Parish Council were consulted on the proposed plans. They had no objection to the proposal.

Policies

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

Kirklees Local Plan

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The following policies are considered relevant to this application:

LP 1-Achieving Sustainable Development

LP 2 – Place Shaping

LP 24 – Design

LP 35 – 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.

Chapter 2 Achieving sustainable development

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

Assessment

The proposal is for the erection of a timber framed garden greenhouse. The outbuilding is proposed to be 2.346m (W) x 3.582 (L). In terms of height the outbuilding would be 2.054m to the eaves, reaching a maximum height of 3.549m including the pitched roof. The proposed size and scale of the greenhouse will be subservient to the listed building and will not dominate the outdoor area. The greenhouse will be constructed in a traditional style with cedar wood and a high amount of glazing. The outbuilding will be ancillary to the listed building, being placed to the rear of the site in the garden. Such a position will protect the aesthetic of the listed building from the impact of introducing a new outbuilding. Landscaping within the garden area will provide additional screening of the greenhouse, as there is a dense array of trees and shrubbery within the site. In terms of visibility, the greenhouse will not be distinguishable from public domain.

It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conclusion

Paragraph 199 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 goes on to state that:

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

The addition of the greenhouse will result in a neutral impact to the significance of the heritage asset. The harm of installing a greenhouse within the residential curtilage of the building will neither impact the visual character of the historic weaver’s cottage, nor result in an out of character addition.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall 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.

The proposal will have a neutral impact to the heritage asset and conservation area, albeit the construction can easily be dismantled and removed to protect the special architectural or historical interest if it was required to do so. There will be no irreversible damage to the historic structure.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

As the proposed works are minimal, reversible and justified the proposal is considered to preserve the character and significance of the conservation area.

It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The application has been assessed against relevant policies in the development plan and other material considerations. The construction of the ancillary greenhouse will have a neutral impact on the listed building and conservation area. It is therefore recommended for approval.

Recommendation

Grant Consent

Decision Authorisation - Delegated Powers

Application Number: - 2023/91910

Officer Recommendation: Grant Consent

Conditions and Reasons:

1. The development shall be begun within three years of the date in which this consent 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 Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Conservation/Heritage Assessment	CAH	1	03/07/2023
Design and Access Statements	DAS	1	26/06/2023
Location Plan	LP	1	05/07/2023
Grouped Plans and Elevations	001	1	30/06/2023

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. No amendments were sought.

Report Dated:

11 September 2023

