

**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:	2023/62/92054/E
Site Address:	Church Field Farm, Church Lane, Hartshead, Liversedge, WF15 8ET
Description:	Erection of detached open garage
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 26 November 2024

Officer Report

Reference No. 2023/62/92054/E

Site Address: Church Field Farm, Church Lane, Hartshead, Liversedge, WF15 8ET

Proposal: Erection of detached open garage

Site Description

The application relates to Church Field Farm, a two-storey semi-detached property situated on Green Belt land in Hartshead, Liversedge. The dwelling is faced in stone and incorporates a dual-pitched/hipped roof finished in stone tiles. The neighbouring properties are of residential use and comprise two storey dwellings of similar materials, sizes and architectural styles. The site is not within a conservation area, nor are there any listed buildings nearby. However, there is a public right of way (SPE/153/20) located south of the application site.

Description of Proposal

The application seeks planning permission for the erection of a detached garage. The structure would have a width of approx. 8.95m, a depth of approx. 7.5m and a maximum height of approx. 4.8m. The garage would be predominately faced in timber cladding with a lower course of natural stone and would incorporate a dual-pitched roof finished in stone tiles.

The current proposal has been submitted following the withdrawal of an earlier application for a larger garage with storage above.

Relevant Planning History

- **2023/90742:** Erection of detached open garage with store above. [Planning application details | Kirklees Council](#) – Withdrawn
- **2019/92585:** Demolition of existing barn / workshop and erection of 3 dwellings with parking courts. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2001/90275:** Erection of extensions to form granny annexe and link from garage to main house. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **98/91946:** Replacement of existing shed with detached outbuilding to form offices and parking ancillary to farm house. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **89/06194:** Change of Use of farmhouse/barn/outbuildings/ farmland to Class C2 Residential Institution preferably an environmental health farm. [Planning application details | Kirklees Council](#) – Refused

- **89/04812:** Change of Use to Class C1 Hotel, Boarding or Guest House, or Hostel, with no significant element of care provided. [Planning application details | Kirklees Council](#) – Refused
- **89/04811:** Change of Use to Class B1 Business - (b) An establishment for research and development of products or processes. [Planning application details | Kirklees Council](#) - Withdrawn
- **89/04810:** Change of Use to Class C3 dwellinghouses - 3 no houses and garages. [Planning application details | Kirklees Council](#) – Granted Conditionally

Representations

The application was publicised by neighbour notification letters, which expired on 3rd October 2023. As a result of the above publicity, no representations have been received.

Consultation Responses

Not Applicable.

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 located within a designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 57** - Extension, Alterations or Replacement within Green Belt

Supplementary Planning Guidance/Documents:

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As

such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Extensions and Alterations SPD (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, 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.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be considered acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

Paragraph 2.12 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

Paragraphs 153 and 154 of the National Planning Policy Framework states that certain forms of development are exceptions to 'inappropriate development'. One of these is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

The host property is a residential dwelling located off Church Lane. In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal would introduce additional built development within the Green Belt which would have some effect on the character and openness. The submitted plans confirm that the property currently benefits from a number of extensions. Therefore, it is important to begin by understanding what constitutes the “original building.” The glossary within the National Planning Policy Framework defines “original building” as: “A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Original Building in 1948:

Original House - 153.4m²

Total Floor Space: 153.4m²

Existing Extensions to remain:

- Link Extension - 74m²
- Annex Extension - 70m²
- Office Outbuilding - 158m²

Total Floor Space: 302m²

Proposed Extensions:

- Detached Garage - 67m²

Total Floor Space : 67m²

The proposed detached garage cumulatively with the existing additions would result in an increase of approximately 92.8% in the overall floor space of the dwelling which would result in disproportionate additions over and above the size of the original building. It is therefore considered that the impact of the proposals on the openness of the Green Belt, both spatially and visually, would be unacceptable. As such, the proposal would fail to accord with Policy LP57 of the Kirklees Local Plan and the guidance contained within Chapter 13 of the NPPF.

In addition to the above, as an aside, it is noted that the proposal would be located on the site of an existing timber outbuilding which presumably would be removed to make way for the proposal. Whilst this does not appear to have the benefit of planning permission, aerial images indicate that it has been in situ since at least 2018 and is therefore likely to be lawful due to the passage of time. Whilst the proposed garage could potentially be considered as a replacement building in this context, it would be materially larger than the one it is to replace and have a greater impact on openness in any case and therefore would be contrary to Policy LP59 of the KLP.

Impact on Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

The House Extensions and Alterations SPD states that outbuildings such as detached garages should normally be subservient in footprint and scale to the original build, be set back behind the original building line and preserve a reasonable private amenity space appropriate to the potential number of occupants of the house.

Part of Policy LP57 of the Kirklees Local Plan stipulates that *'the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.'*

The detached garage would be open to the east and west and would have a width of approx. 8.95m, a depth of approx. 7.5m and a maximum height of approx. 4.8m. The garage would be predominately faced in timber cladding with a lower course of natural stone and would incorporate a dual-pitched roof finished in stone tiles. Although the structure would have a large scale, it would be of a simple form and would not appear overly prominent or incongruous within the rural landscape given the scale of the site. Therefore, it is considered that the proposed development would not have a detrimental visual impact on the character and appearance of the surrounding area.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the surrounding area and would comply with Policy LP24 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

1. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on

overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The submitted plans confirm that no properties located east, west and south of the application site would be affected by the proposed works.

Impact on Church Field View

Church field View is a residential property located north of the application site. It is noted that the proposed garage would occupy a position approximately 25m from the rear elevation of Churchfield View. Therefore, given that a sufficient separation distance would be retained, it is considered that the proposed development would have an acceptable impact on the neighbour's residential amenity.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

2. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

3. Other Matters

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Public Right of Way

Public Right of Way SPE/153/20 is located south of the application site. Given the distance retained between the proposed development and the footpath, it is considered that the proposal would not have a significant impact on the amenity of the footpath or its users. As such, the proposal was not advertised as affecting a Public Right of Way in this instance as is considered to accord with Policy LP23 of the Kirklees Local Plan.

There are no other matters relevant to the determination of this application.

4. Representations

No representations were received following the statutory publicity.

5. Negotiations

No amendments were sought or received during the course of the application.

6. Conclusion

This application for the erection of a detached garage at Church Field Farm has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

The cumulative impact of the proposed detached garage when considered in conjunction with previous additions, would result in disproportionate additions over and above the size of the original building. The proposal would represent inappropriate development, which is harmful to the Green. No very special circumstances that clearly outweigh the harm to the Green Belt have been demonstrated. To permit the development would be contrary to Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

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. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2023/92054

Officer Recommendation: Refuse

Reason for refusal

1. The application site is located within the designated Green Belt, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. The cumulative impact of the proposed detached garage when considered in conjunction with previous additions, would result in disproportionate additions over and above the size of the original building. The proposal would represent inappropriate development, which is harmful to the Green Belt. No very special circumstances that clearly outweigh the harm to the Green Belt have been

demonstrated. Therefore, to permit the development would be contrary to Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Site Location Plan	EX01	A	10/08/2023
Proposed Garage	GA01	C	10/08/2023
Proposed Site Plan	EX02	B	10/08/2023
Climate Change Statement	-	-	10/08/2023

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 submitted plans were considered unacceptable in principle due to the impact of the proposal on the Green Belt. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, the alterations required would be beyond the scope of the application. As such, no amendments were sought thereafter.

Report Dated: 19/11/2024

