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:	**2023/62/92111/W**
Site Address:	Long Ing Farm, Shaw Lane, Holmfirth, HD9 2PY
Description:	Demolition of existing outbuilding and erection of new outbuilding for equestrian store/feed store
Recommending Officer:	Laura Yeadon

DECISION – CONDITIONAL FULL PERMISSION

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.

John Holmes

AUTHORISED OFFICER

Date: 31st January 2024

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92111

Site Description

Long Ing Farm forms part of a tight cluster of buildings within Long Ing, accessed off Shaw Lane and under an archway. The north elevation of the property is single storey in height and faces the courtyard with the south elevation facing the amenity space for the property being two storeys in height. The buildings within the cluster of dwellings are listed however the application site itself is not.

The site subject to this application is under the ownership of Long Ing Farm and is located to the west of the host property which comprises of a small timber shed which is used for food store for serving horses on a plot of land which is 4.5 acres and comprises of 2 no. fields, one of which hosts a small stable block.

Residential dwellings are located to the north, south and east with open fields to the west.

The site located within the defined Green Belt and Strategic Green Infrastructure Network within the Kirklees Local Plan.

Description of Proposal

The application is for the demolition of the existing outbuilding and erection of new outbuilding for equestrian store/feed store.

The existing building has the following measurements:

- 3.2 metres in width
- 3.4 metres in depth
- 2 metres to eaves and 2.9 in overall height

The building is constructed from timber with a corrugated mono-pitched roof.

The proposed building would have the following dimensions:

- 4.2 metres in width
- 8 metres in depth
- 2.1 metres to eaves and 3m in overall height

The proposed building would be constructed from timber with a concrete tiled roof.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

However, further confirmation was requested in terms of the number of horses the building would serve, the amount of land it would serve, the size of the proposed building and the equipment to be stored.

Relevant Planning History

Host property:

2023/91692 Erection of single storey side extension with accommodation within the roof space
Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 10th November 2023

Holme Valley Parish Council - support the application.

As a result of the public consultation period one representations have been received with the summary of comments set out below:

- Incorrect block plan in terms of ownership
- No. 9 has a right of access over the strip of land subject to the application with no clear reference on the plans that the building would not obstruct this access
- Omission of boundary on the block layout is misleading and makes it difficult to judge whether the proposed development would impact the vehicular access to the field

Consultation Responses

None required

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) and Holme Valley Neighbourhood Development Plan.

The site is within the Green Belt and Strategic Green Infrastructure Network on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area LCA4, the River Holme Settled Valley Floor

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** – The extension, alteration or replacement of existing buildings

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

The key landscape characteristics of the area are:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

The key built characteristics of the area are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

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 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 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Assessment

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

Green Belt

The site is within the Green Belt and therefore the main issues are:

- whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- the effect of the proposal on the openness of the Green Bely, and on the character and appearance of the area
- if found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other consideration, so as to amount to the very special circumstances, necessary justify development

Policy LP57 of the Kirklees Local Plan is relevant and states the following:

'Proposals for the extension, alterations or replacement of buildings in the Green Belt will normally be acceptable provided that:

b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing….

Turning to national planning policy detailed within the NPPF, the following is relevant:

Paragraph 152: *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Paragraph 153: *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting form the proposal, is clearly outweighed by other considerations.'*

Paragraph 154: *'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The principle of a building in this location is established via the existing shed that is already in situ. However, the building which proposes to replace the existing is considered to be materially larger by virtue of the footprint more than doubling in size. Therefore, is considered the proposal constitutes inappropriate development within the Green Belt.

As defined within paragraphs 152 and 154 of the NPPF, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances which clearly outweigh the harm caused.

Very special circumstances

The application has been submitted and further information requested as to the requirement of the size of the building and the contents of what the building would be used for.

The applicant has detailed that the building is larger because some of the horse materials (rugs, saddles, tack etc) are currently kept in the shed adjacent to the house. This storage provision is due to be lost as the host dwelling has been granted permission to extend the existing dwelling with the shed being lost as a result. The applicant has confirmed that the building would serve agricultural land which extends to 4.5 acres which is split into 2 x fields. The building would also store feed, equine equipment, electric fencing and tools for maintenance and grooming.

It is noted that the two existing sheds, when added cumulatively would have a similar footprint to that proposed. The genuine use and need of the storage space is considered to be demonstrated by the applicant with confirmation provided within an email dated 21st November 2023, which outlines the wider land parcel in a plan attached with their email which sets out where the equestrian use is taking place.

It is noted that there is external storage taking place within the area outlined in red on the plan attached with the applicant email email, this external storage is not to a degree that a material change of use is considered to have taken place and therefore can lawfully be undertaken in any event. The external storage of equestrian associated items upon the site is considered to have a harmful visual impact given the countryside setting of the locality. The fact a condition of any approval could restrict this external storage and ensure that there was none within the area outlined in red on the plan attached to the applicants email dated 21st November 2023 is a factor which is considered to weigh in favour of the proposal.

Historical maps dating back to 1955 indicate that there was a large building in this location which had a similar width but significantly longer length than that proposed in this case. This is a factor which can be afforded a small level of weight in favour of the proposal.

As the development would be for a timber constructed unit, albeit with a solid roof, this would imply that it would be a building associated with a sport and recreation or agricultural use due to the nature of the construction. The use of materials would be in keeping with other rural development around the district and is on the fringe of other buildings within the immediate area and is a factor which weighs in favour.

It is also noted the use would be associated with the equestrian use of the land, and it is considered necessary to condition this is the use of the building, its use with an associated wider sport and recreation use is considered to be a factor in favour of the proposal.

The site is close to existing built form and whilst the replacement building would effectively double the size of the built form, the overall size of the building is not considered to be of a significant scale in terms of height and footprint.

The factors in favour of the proposed development are, in this case when taken cumulatively, concluded to constitutes very special circumstances which clearly outweigh the harm of the development to the Green Belt. This is concluded on the basis of the inclusion of the condition relating to external storage. This consideration is also drawn in light of the likelihood an extension to the existing building could likely be concluded to meet the requirements of LP57 and were such an application of that nature to come forward there would not be a justification to restrict the undertaking of external storage which there is a clear justification in place to do so in this case.

In summary factors which weigh in favour of this proposal as circumstances which can be constituted to amount to very special circumstances are considered to exist in this case.

Principle of development – Conclusion

The building itself is single storey in height and limited to 3 metres in overall hight. The replacement building would effectively replace 2 no. sheds which are currently used in association with domestic equine use at the site. Factors are considered to be present in this case which, in combination, constitute very special circumstances which can be concluded outweigh the harm of the development.

The principle of development is therefore considered to be acceptable and it is not considered that the development would conflict with Green Belt Policy within the National Planning Policy Framework.

Impact on visual amenity:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been

informed by the key characteristics of the Local Character Assessment (LCA 4, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The land to the north and west of the building is open although the is located to the west of existing development to the east and south. The submitted site plans indicate that the building would have an east elevation would be located on a similar building line as the existing building. Due to the proximity of the building being located close to existing buildings which are unconnected to the application site, the building would still be read in conjunction with existing built development.

Whilst the proposal would encroach into land which is currently open, it would replace an existing feed store and the use of the building would incorporate an area for the storage of feed as confirmed in writing by the applicant. Furthermore, the wider land parcel would be subject to condition that external storage does not take place, which would have a visually beneficial impact over and above that which is currently undertaken on the site.

The site is in proximity to a listed building, however taking account of the size and scale of the proposal and distance it is from the listed building (42m to the west, with intervening development between) it is not considered that the proposal would affect the setting of the Listed Building.

It is considered that in terms of visual amenity the scheme is considered to comply with Policy LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and advice within Chapter 12 of the NPPF. Notwithstanding the plans and application form submitted, a condition requiring the external materials of construction of the walls and doors to be timber of a brown / dark brown colour finish, the window to be of a brown / dark brown colour finish and roof to be of a dark grey colour finish is recommended to be included to ensure the impact of the proposal is not significant having regard to its setting.

Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

The location of the building would be to the north of the detached garage which serves Ingleside which site further south than the detached garage. Due to the use of the proposed building being for non-habitable use, as with the existing garage to the neighbouring property, it is not considered that there would be significant harm to the amenity of the neighbouring property that would give rise from overlooking, overshadowing or being overbearing.

Due to the siting of other residential properties, it is not considered that the building would cause undue harm, especially as the building is proposed for domestic use with no commercial use introduced.

Therefore, it is considered that the proposed development is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, as well as Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application.

No alterations are proposed to the existing highway and parking arrangements and no works are proposed to provide vehicular access to the building. As such, there are no significant concerns regarding the development upon highway safety and parking with the proposal having a largely neutral impact given it would see a continued operation of the site as exists already.

Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity – Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. This is mirrored in Policy 13 of the Holme Valley Neighbourhood Development Plan.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the existing building being a small timber constructed single storey building.

Strategic Green Infrastructure Network – The site is within the Strategic Green Infrastructure Network and therefore Policy LP31 is of relevance in this instance. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the building would replace an existing building, it is not considered that the works would affect the function of the Network.

Representations:

One letter of representation has been received with the following being a summary of issues raised and the LPA response:

- Incorrect block plan in terms of ownership
- No. 9 has a right of access over the strip of land subject to the application with no clear reference on the plans that the building would not obstruct this access
- Omission of boundary on the block layout is misleading and makes it difficult to judge whether the proposed development would impact the vehicular access to the field

Response: The matters relating to ownership and private rights of access are not considered to be a material planning consideration in this case. The granting of planning permission does not override any private rights of ownership and it would be the applicant's responsibility to ensure they have the legal right to carry out the approved works.

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 **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2023/92111

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of 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: 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, LP21, LP22, LP24, LP30, LP31, LP51 and LP57 of the Kirklees Local Plan, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 4, 11, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. There shall be no external storage within the within the area outlined in red upon the plan attached to the applicants email dated 21st November 2023.
Reason: In the interests of the Green Belt and visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

4. The external materials of construction of the walls and doors of the development hereby approved shall be timber of either a brown / dark brown colour finish, the external colour finish of the window shall be of a brown / dark brown colour finish and the colour finish of the roof shall be dark grey. The materials and colour finishes approved by this condition shall be thereafter retained.
Reason: In the interests of the Green Belt and visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

5. The building hereby approved shall only be used for storage in connection with the equestrian use of the land and at no time shall be used for any other purpose.
Reason: In the interests of the Green Belt allocation of the site and for the avoidance of doubt as to what is approved by this permission to accord with policies within Chapter 13 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: The granting of planning permission does not convey with it, the right to build on land not owned by the applicant. It is the applicant's responsibility to ensure that he or she is legally entitled to carry out the approved development.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed site plans	22219 – 01 - B		17th August 2023
Existing elevations and floor plan	22219 – 03		17th July 2023
Proposed elevations and floor plan	22219 – 04		17th July 2023
Photos	22219 – 02 – A		17th July 2023
Climate Change Statement	Appendix A		17th August 2023
Applicants email dated 21st November 2023	-		21st November 2023
Land ownership plan outlining land owned in red attached to the applicants email dated 21st November 2023	-		21st November 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. Confirmation was requested in terms of the number of horses the building would serve, the amount of land it would serve, the size of the proposed building and the equipment to be stored.

Report Dated: 30th January 2023

Coal – none