

**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:	<b>2023/62/92159/E</b>
Site Address:	Lower Halstead Farm, Halstead Lane, Thurstonland, Huddersfield, HD4 6XT
Description:	Erection of detached garage and store
Recommending Officer:	Katie Wilson

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 30 August 2024

## HOUSEHOLDER DELEGATED REPORT

<b>Application Number</b>	2023/92159	
<b>Location</b>	Lower Halstead Farm, Halstead Lane, Thurstonland, HD4 6XT	
<b>Proposal</b>	Erection of detached garage and store	
<b>Publicity end date</b>		
<b>Number of representations received</b>	None	
<b>Kirklees Local Plan Allocation/Designation</b>	Green Belt	
<b>Extension to Time (EoT)</b>	Yes	EoT Date: 30 <sup>th</sup> August 2024
<b>Recommendation</b>	Conditional Full Permission	

	NO	YES
<b>Applicant a Council Member or Officer in Investment and Regeneration (Skills and Regeneration)</b>	✓	
<b>Contrary to previous decision</b>	✓	
<b>Called in by Ward Member</b>	✓	
<b>Significant number of representations received</b>	✓	

### If 'No' to all above, proceed with a fast track report

By indicating that the development proposal complies with relevant national and local policy and the 'House Extensions and Alterations' Supplementary Planning Document, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during any site visit, any comments received in connection with the application and any other considerations which are material to the decision.

#### **Policy**

##### **National**

National Planning Policy Framework (NPPF) Dec 2023

National Planning Practice Guidance (NPPG)

- NPPF Chapter 2 – Achieving sustainable development
- NPPF Chapter 12 – Achieving well-designed places
- NPPF Chapter 13 – Protecting Green Belt Land
- NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

- NPPF Chapter 15 – Conserving and enhancing the natural environment

Local

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 51** – Protection and improvement of air quality
- **LP 57** – Extensions, alterations or replacement buildings in the Green Belt

Supplementary Planning Document ‘House Extensions and Alterations’ (2021).

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

	<b>YES / NO</b>	<b>SUMMARY</b>
Negotiations/Amendments during course of application	No	
Parish/Town Council comments sought  (Kirkburton Parish Council)	Yes	No comment
Planning History		2023/91440 – Class Q Prior notification for change of use from

		<p>agricultural building to one dwelling. Details approved and subject to conditions.  <a href="#">Planning application details   Kirklees Council</a></p> <p>Adjacent dwelling to south at Lower Halstead:</p> <p>2012/93165 – Erection of single and two storey extension. Conditional full permission.  <a href="#">Planning application details   Kirklees Council</a></p> <p>2020/93663 – Erection of extensions and alterations. Conditional full permission.  <a href="#">Planning application details   Kirklees Council</a></p>
Consultations required	No	

**Assessment**

The Kirklees SPD sets out that outbuildings should comply with certain parameters set out at paragraph 5.30 on page 33 (and listed below) and if they do not, they need to be justified:

<b>Outbuildings should:</b>	<b><u>Yes - COMPLY</u></b>	<b><u>No - JUSTIFY</u></b>
Be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;	Yes	
Be set back behind the building line of the original building so that they do not impact on the street scene; and	Yes	

Preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost	Yes	
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**Design and Visual Amenity:** Are the considerations in the following table acceptable?

*Summary of local street scene/character:*

*The application site is in the north eastern corner of a farm complex within a wider rural setting. The site consists a detached stone agricultural building / barn facing more recent low mono-pitched barn and concrete yard inbetween. To the north, the back of the stone agricultural building abuts Halstead Lane with fields and hedgerows beyond. To the south the outbuilding / barn is adjacent to a detached garage / outbuilding at neighbouring property (in same ownership). To the east is a farm track / PROW with fields beyond. To the west is a farmyard and outbuildings associated with wider farm and further agricultural buildings beyond that.*

*The application site and surrounding area are in the Green Belt and the land slopes gently from north west to south east, and located to the south east of the village of Thurstonland and south west of the village of Stocksmoor.*

*The stone agricultural building is subject to extant Class Q - prior notification for change of use from agricultural building to residential use. The case officer's site visit was carried out in August 2023 although later Google Maps images indicate that the change of use has now occurred, and the following assessment has been undertaken on that basis.*

Consideration has been given here in terms of the proposals impact on the local character and street scene, including subservience, terracing and building line.

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on the Local character and street scene	<ul style="list-style-type: none"> <li>• KDP1 of the SPD</li> <li>• Policy LP24 Design (a) and (c)</li> </ul>	The application site is in a countryside setting and sparsely populated area between the villages of Stocksmoor and	

	<p>of the KLP Policy LP57 The extension, alteration or replacement of the building in the Green Belt</p> <ul style="list-style-type: none"> <li>• Chapter 12 NPPF</li> <li>• Chapter 13 NPPF</li> </ul>	<p>Thurstonland.</p> <p>More specifically, it is at the northern corner of wider farm complex, surrounded by fields and woodland.</p> <p>The site is also in the Green Belt. NPPF para 154 states that local planning authorities should regard the construction of new buildings as inappropriate development in the GB. However, it goes on to list exceptions including c) the extension or alteration of the building provided that it does not result in disproportionate additions over and above the size of the original building.</p> <p>Policy LP57 of the Kirklees Local Plan reflects and expands on this saying that the extension, alteration or replacement of existing buildings will normally be acceptable provided that:</p> <p>For extensions the original building remains the dominant element in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.</p>	
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		<p>In this instance the proposed garage would be within the curtilage of a detached agricultural building recently granted consent to change to a dwellinghouse under Class Q of permitted development rights and it shares exactly the same red line boundary.</p> <p>The proposed development would require demolition of an existing lean-to extension to the western side of the main building, in order to create a new driveway to the garage from Halstead Lane.</p> <p>The proposed development would also be on approximately half the footprint of an existing detached low barn with mono-pitched roof (opposite the front of the main building). This existing detached low barn would also need to be demolished in order to erect the proposed garage.</p> <p>The scale and volume of the proposed garage would be significantly smaller than the side extension and detached low barn to be removed. As such it would have less impact on openness in terms of scale than the buildings to be demolished.</p> <p>In terms of character,</p>	
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		<p>whilst the shape of the proposed garage and store building is quite simple and domestic, the external wall and roof materials would be in stone and tiles to match the existing. It is considered that this would help it fit quite comfortably into its agricultural setting, where most of the buildings are made with natural stone.</p> <p>It is noted that the extant Class Q prior notification (ref: 2023/91440) for change of use from agricultural building to one dwelling was granted with several conditions including removal of permitted development rights included within Classes A-E of Part 1 of Schedule 2 of the T&amp;CP (GPDO) 2015 as amended. Class E is for detached buildings within the curtilage of the dwellinghouse that are incidental to the enjoyment of the dwellinghouse.</p> <p>The proposed detached garage and store would fall under Class E.</p> <p>The reason for condition 4) was to ensure unsatisfactory extensions and outbuildings do not have an unacceptable impact upon openness of the Green Belt. As a result of the assessments above and below, it is considered that the current proposal would result in a satisfactory</p>	
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		<p>garage and store being built in the curtilage of the house for purposes incidental to the enjoyment of the dwellinghouse, and that it would have an acceptable impact upon the openness of the Green Belt.</p> <p>C</p> <p>As such condition 4 of 23/91440 has been considered and served its purpose. It also remains in place to protect the Green Belt and ensure good design</p> <p>In officers' opinion therefore, there would be no significant impact upon the openness and character of the Green Belt, and the proposal complies with the aims of chapter 12 of the NPPF and policy LP57 of the Kirklees LP.</p> <p>In terms of impact upon local character and street-scene, the area is rural and the development site is at north eastern corner of farm complex, adjacent to Halstead Lane to the north and other farm buildings largely to the south and west. Beyond the farm complex are open fields, a network of hedges and footpaths, and blocks of woodland.</p> <p>In officers' opinion the demolition of the side extension and outbuilding / barn would have very limited impact upon the</p>
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		<p>local character and street scene.</p> <p>The proposed garage would be subordinate in scale and set back from the lane where it would be screened to a large extent by surrounding buildings.</p> <p>Its design would also be acceptable for a domestic outbuilding in a rural setting. As such it is considered to have an acceptable impact upon Local character and street-scene and compliant with relevant policies.</p>	
Impact on original house	<ul style="list-style-type: none"> <li>• KDP2 of the SPD</li> <li>• Policy LP24 Design (c) and (d) of the KLP</li> <li>• Policy LP35 (Conservation areas) of the KLP</li> <li>• Policy LP57 (extensions, alterations and replacement buildings in the Green Belt)</li> <li>• Chapters 12, 13 and 16 of the NPPF</li> </ul>	<p>In this instance, the original house is thought to be the associated barn which could be converted into a house (ref:23/91440).</p> <p>As such it is considered that the proposed garage would be subservient in terms of scale, and in terms of design it is also thought to be acceptable, for the reasons detailed above.</p>	
Height, scale and massing	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Policy LP35 (Conservation areas) of the KLP</li> </ul>	<p>As stated before the proposed garage would be significantly smaller than the existing elements to be demolished and subordinate to the detached barn building that would remain and is subject to conversion to residential use.</p>	

	<ul style="list-style-type: none"> <li>• Policy LP57 (extensions, alterations and replacement buildings in the Green Belt)</li> <li>• Chapters 12, 13 and 16 of the NPPF</li> </ul>	This is considered satisfactory and acceptable in terms of relevant policies.	
Facing materials and detailing	<ul style="list-style-type: none"> <li>• KDP 9 of the SPD</li> <li>• Policy LP24 Design (d) (iii) of the KLP</li> <li>• Policy LP35 (Conservation areas) of the KLP</li> <li>• Policy LP57 (extensions, alterations and replacement buildings in the Green Belt)</li> <li>• Chapters 12, 13 and 16 of the NPPF</li> </ul>	The external wall and roof materials would be to match those on the existing detached building and are therefore considered acceptable.	
Roof style	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24 Design (a), (c) and (d) of the KLP</li> <li>• Policy LP35 (Conservation areas) of the KLP</li> <li>• Policy LP57 (extensions, alterations and replacement buildings in the Green Belt)</li> <li>• Chapter 12, 13 and 16 of the NPPF</li> </ul>	As above.	
Window proportions	<ul style="list-style-type: none"> <li>• KDP 1 and 2 of the SPD</li> <li>• Policy LP24</li> </ul>	The proposed windows in the end elevation would be larger and more	

	<p>Design (a), (c) and (d) of the KLP</p> <ul style="list-style-type: none"> <li>• Policy LP35 (Conservation areas) of the KLP</li> <li>• Policy LP57 (extensions, alterations and replacement buildings in the Green Belt)</li> <li>• Chapter 12, 13 and 16 of the NPPF</li> </ul>	<p>modern than would be expected in an agricultural setting, but given its extant permission to change the use to residential accommodation, it is considered acceptable.</p>	
Accessibility for all users	<ul style="list-style-type: none"> <li>• KDP 17 of the SPD</li> <li>• Policy LP24 Design (f)</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>Private domestic garage/store which would not change the existing access into / around the property</p>	

The design of the proposal is therefore acceptable and accords with policies LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Residential Amenity:** Are the considerations in the following table acceptable?

*The application site is in the north eastern corner of a farm complex, adjacent to Halstead Lane to the north, and other farm buildings to the south and west. Given the nature of the proposed outbuilding, its limited scale and that it would be at least approximately 18.0m from the nearest house which appears to be in the same ownership, it is considered that the proposed building would have very limited, if any impact upon the residential amenities of the nearest neighbouring houses.*

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on privacy of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 3 &amp; 4 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>Given the nature of the proposed building and the separation distance to the nearest neighbouring property described above, it is considered that there would be no adverse impact upon privacy of</p>	

		neighbouring properties.	
Impact on light and outlook of neighbours (to sides, rear and front)	<ul style="list-style-type: none"> <li>• KDP 4, 5, 6 of the SPD</li> <li>• Policy LP24 Design (b)</li> <li>• Chapter 12 of the NPPF</li> </ul>	As the proposed outbuilding would be single storey and a significant distance for the nearest neighbouring property it is considered that there would be no adverse impact in terms of overshadowing and overbearing.	
Remaining garden space of application property	<ul style="list-style-type: none"> <li>• KDP 7 of the SPD</li> <li>• Policy LP24 Design (b) and (c)</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>The proposal would be on approximately half of the same footprint as an existing barn to be demolished.</p> <p>As such it would create a little more outdoor amenity space for this residential premises and a similar space to that granted permission with class Q notification 23/91440.</p> <p>It would ensure an appropriately sized and usable area of private outdoor space is provided for the future occupiers of the associated barn conversion.</p>	

The proposal is therefore acceptable in terms of residential amenity and accords with policy LP24 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Highways and Parking:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on highway safety	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> </ul>	The barn conversion recently granted prior approval (ref: 23/91440) would have four bedrooms and a new	

	<ul style="list-style-type: none"> <li>Chapter 12 of the NPPF</li> </ul>	<p>access from Halstead Lane would be formed by demolishing a single storey lean-to extension to the western side of the existing barn. The approved scheme had the same access and three parking space on the footprint of the proposed garage. No objections were raised by Highways. The current proposal would have the same access and two parking spaces together with a store on the adjacent third space.</p> <p>Halstead Lane is an adopted primary road and therefore internal turning, although perhaps desirable, would not be required. Therefore a third car could be parked in front of the garage or storage space, if required. This would create sufficient off street parking for the housing unit.</p> <p>It is also noted that a PROW (KIRK/120/20) runs north / south on land adjacent to the eastern boundary of the site. The proposed development would be on the western side of the application site and as such it is considered that the PROW would be unaffected by the proposed garage and new access. As such the class Q notification ref: 2023/91440 was not advertised as affecting a PROW and likewise the current application for the</p>	
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		<p>same reasons.</p> <p>To conclude, it is considered that the proposal would not be harmful to highway safety.</p>	
Parking provision	<ul style="list-style-type: none"> <li>• KDP 15 of the SPD</li> <li>• Policy LP22 Parking (f) of the KLP</li> <li>• Chapter 12 of the NPPF</li> </ul>	Please see the above.	
Provision for waste storage	<ul style="list-style-type: none"> <li>• KDP 16 of the SPD</li> <li>• Policy LP24 Design (d) (iv)</li> <li>• Chapter 12 of the NPPF</li> </ul>	<p>Details of bin storage have not been provided, however there is an existing dwelling on site which is situated further from the highway.</p> <p>It is noted that condition 3 of Class Q prior approval (ref: 23/91440) seeks provision of details for all areas to be used for storage and collection of wastes. It is considered that this should be acceptable for the development site.</p>	

The proposal is therefore acceptable in terms of highways and parking and accords with policies LP21 and LP22 of the adopted Kirklees Local Plan, the SPD and the NPPF.

**Other matters:** Are the following acceptable?

	<b>Relevant key design principle (KDP) of the SPD, Policy in the Kirklees Local Plan and the NPPF</b>	<b>Further comments</b>	<b>✓ / X / N/A</b>
Impact on trees	<ul style="list-style-type: none"> <li>• KDP 13 of the SPD</li> <li>• Policy LP24 Design (d) (i) (iv)</li> <li>• Policy LP33 Trees</li> </ul>	N/A	

	<ul style="list-style-type: none"> <li>Chapter 12 of the NPPF</li> </ul>		
Landfill gas	<ul style="list-style-type: none"> <li>Policy LP53 of the KLP</li> </ul>	N/A	
Coal mining legacy	<ul style="list-style-type: none"> <li>Policy LP53 of the KLP</li> </ul>	<p>The site is identified as an area of low coal mining risk as defined by the Coal Authority.</p> <p>However a standard footnote for development within low coal mining risk areas will be applied should the application be approved.</p>	
Carbon Budget / Climate change statement	<ul style="list-style-type: none"> <li>KDP 8, 9, 10 &amp; 11 of the SPD</li> <li>Policy LP51</li> <li>Chapter 14 of the NPPF</li> </ul>	Small scale domestic development to an existing dwelling. As such, no special measures required in terms of the planning application with regards to carbon emissions.	✓
Drainage and Flood Risk	<ul style="list-style-type: none"> <li>KDP 14 of the SPD</li> <li>Policy LP24 (d) (vii), LP27 and LP34 of the KLP</li> </ul>	The site is not located within an identified Flood Risk Zone 2 or 3 area.	✓

The proposal is therefore acceptable in terms of the above listed other matters and accords with policies set out in the Kirklees Local Plan, the SPD and the NPPF.

**Representations, including Parish/Town Council comments:**

Summary of Representation	Officer response	Addressed ✓ / X / N/A
Kirkburton Parish council	No comment	

**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: **CONDITIONAL FULL PERMISSION**

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### **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/92159

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP35 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12, 13 and 14 of the National Planning Policy Framework

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays,

08.00 and 13.00 hours, Saturdays,

with no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	Dwg no. (EX)002		18 <sup>th</sup> July 2023
Block plans, existing and proposed	Dwg no. (20)003		18 <sup>th</sup> July 2023
Proposed garage plan and elevations	Dwg no. (20)002		18 <sup>th</sup> July 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 proposed development was considered acceptable.

**Report Dated: 03/07/2024**