

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2023/70/92163/W
Site Address:	Holmroyd Nook Farm, Knoll Lane, Netherthong, Holmfirth, HD9 3UR
Description:	Variation condition 2 (plans and specifications) on previous permission 2010/93437 change of use of barn to dwelling with alterations and extension to Listed Building, replacement of stable block with garage/home office to amend the height of the development
Recommending Officer:	John Holmes

DECISION – Approve Variation of Condition

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: 06-Sep-2023

THE SITE

Holmroyd Nook Farm is 18c/19c grade II listed farm house with attached barn and mistle, and is characteristically typical of a Laithe House. It forms part of a small grouping of agricultural buildings and small vernacular cottages located at the end of a private tarmac drive off Knoll Lane. The property has private gardens to the south-east and north-west, and a stable block to the south. To the east of the site is neighbouring property Holmroyd Nook Cottage which is also grade II listed. The site is located within designated green belt. Public Footpath HOL/56/40 runs from west to east through the curtilage of the site.

THE DEVELOPMENT

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission for the variation of condition 2 (plans and specifications) on previous permission 2010/93437 which granted permission for change of use of barn to dwelling with alterations and extension to Listed Building, replacement of stable block with garage/home office

The purpose of the application is to amend the height of the development

PLANNING HISTORY

The most relevant planning history for the site relates to the following:-

2010/93437: Change of use of barn to dwelling with alterations and extension to Listed Building, replacement of stable block with garage/home office:
Approved 12th September 2011

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2015).

The application has been publicised on the Council's website, and by neighbour notification letter. The expiry date of the publicity period was 2nd September 2023

[Note – The word 'letter' below should be taken to include hand-written letters, emails and online representations.]

Letters of Objection

None

Letters of Support

None

Letters of Comment

None

CONSULTATIONS

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Conservation & Design – No Objection

Holme Valley Parish Council – Confirms they have no comments to make

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

ALLOCATION AND POLICIES

Since the determination of the previous application the Council has adopted a new local plan and also supplementary planning document, as well as the Holme Valley neighbourhood development plan. National policy has also changed, with the adoption of the National Planning Policy Framework.

The site falls within the Green Belt and the Strategic Green Infrastructure Network as indicated upon the Kirklees Local Plan. The site also falls within an area at low risk of ground movement as a result of former mining activity.

The site is within the Holme Valley Neighbourhood Development Plan area, which has an associated landscape character area (LCA 5) Netherthong Rural Fringe.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1: Achieving Sustainable Development
- LP2: Place Shaping
- LP7: Efficient and effective use of land and buildings
- LP11: Housing Mix and Affordable Housing
- LP21: Highway and Access
- LP22: Parking
- LP24: Design
- LP31: Strategic Green Infrastructure Network
- LP35: Historic Environment
- LP51: Protection and Improvement of Local Air Quality
- LP57: The extension, alteration or replacement of existing buildings
- LP60: The re-use and conversion of buildings

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

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 6: Building homes for the future

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

Policy 12: Promoting Sustainability.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is within Landscape Character Area 5 - Netherthong Rural Fringe

Key landscape characteristic of the area are

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

The following Key Characteristics also apply to Holmfirth.

- The town centre is defined by its prominent Georgian church and mid-Victorian buildings.
- The Picturedrome, Civic Hall, Masonic Lodge and the former Holmfirth Technical college reflect local history and provide focal points in the streetscene.
- Mid-19th century terraces constructed largely of millstone grit with slate roofs form the predominant residential building style and often feature ornamental iron railings.
- Built form is generally aligned to the back of the pavement giving a strongly defined building line and distinctive layout.

Key built characteristic of the area are

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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

Chapter2	Achieving sustainable development
Chapter5	Delivering a sufficient supply of homes
Chapter11	Making effective use of land
Chapter12	Achieving well-designed places
Chapter13	Protecting Green Belt land
Chapter15	Conserving and enhancing the natural environment
Chapter16	Conserving and enhancing the historic environment

Supplementary Planning Documents

Kirklees Highway Design Guide (adopted November 2019)
 Housebuilders Design Guide SPD (adopted June 2021)
 Holme Valley Neighbourhood Development Plan
 The Biodiversity Net Gain Technical Advice Note

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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 interest which it possesses'.

ASSESSMENT

This Section 73 application seeks minor material variations to the originally approved plans which have come about by a change in the design of the development.

It is considered that the key determining issues in the consideration of this application are:

- Green Belt
- Impact upon Visual Amenity including the Historic Environment
- Impact upon Residential Amenity

The development, which was granted permission in 2011 has been started, and there is potential for it to be completed in accordance with the approved scheme (drawing ref: 09096D-04-P01 listed upon the 2011 decision notice.)

As such the principle of the development is considered to have been established by the previous permission. The proposal would see drawing no. 09096D-04-P01 replaced by submitted drawing 3429(0-) 07.

The proposed replacement drawing makes marginal amendment to the scheme as approved and would see an increase in the ridge height of the extension element of the approved scheme from 5.3m to 5.9m.

Green Belt

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 149 and 150.

Section 13 ('Protecting Green Belt Land') of the National Planning Policy Framework is relevant and in particular paragraph 150 (d) which sets out that the re-use of buildings provided that the buildings are of permanent and substantial construction can be considered an acceptable exception in the Green Belt subject to the development having an acceptable impact in relation to openness / purposes of including land in the Green Belt.

Policy LP60 of the Kirklees Local Plan relates to the re-use and conversion of buildings within the Green Belt. Policy LP60 states (amongst other things) that conversions of buildings within the Green Belt will normally be acceptable where the building to be re-used or converted is of a permanent and substantial construction, the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape and is of a high quality and appropriate design.

Within paragraph 149 the exception listed at part c) is for 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.

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

In the consideration of the 2010 application, the following was concluded in relation to the extension element of the proposal: -

The proposed extension would be sited to the rear of the property connecting the barn to the existing dwelling and would accommodate a garden and loggia room at ground floor level and a master bedroom and dressing room at first floor level. It is proposed the roof would overhang on timber columns to provide shelter to the glazing at first floor level and provide a loggia at ground floor. It is considered the proposed extension would not be disproportionate in scale to the mass of the existing dwelling.

Whilst national and local policy has been updated since the consideration of the previous application. Given the minor scale of the proposal when considered in light of the realistic fall back that the majority of the extension could be undertaken in any event it is concluded that the proposal would not significantly alter the scheme from that as approved and is acceptable in terms of impact upon the openness of the Green Belt / purposes of including land within the Green Belt having regard to policies LP57 & LP60 and policies within Chapter 13 of the NPPF.

Impact upon Visual Amenity including the Historic Environment

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Netherthong Rural Fringe (LCA5).

Policy 2 of the Holme Valley Neighbourhood Development Plan 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.

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work

and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, 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.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The proposal incorporates a mix of glazing, masonry / render and stone tile roof with one elevation consisting of a glazed wall. The materials of construction are detailed upon the submitted drawing as being to be in keeping with those of the 2010 application.

The Council's Conservation Team have been consulted, they state that as the application proposes minor changes to the approved application 2010/93437 they have no objection as the impact on the character and significance of the listed building is considered to be neutral.

The proposal would not be significantly different to that as previously approved (which can still be completed). The previous approval included a condition which requires the materials of construction to match those of the existing building. It is recommended that this is included as worded in the instance of any grant of permission, save for an update to the reason to include the relevant local / national policies.

On the basis of the inclusion of the recommended condition, the proposal is not considered to have a significantly different impact than that of the extant permission which could be completed in any event. Having regard to the extant consent and response of the Conservation Team, and the scheme which is proposed as part of this application, it is considered the development

would not cause harm to the historic environment / heritage assets and would not have a detrimental impact upon the setting of a Grade II listed building.

As such the proposal is considered to be acceptable in this regard, taking into account the aforementioned policy.

Impact upon Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Policy 2 of the HVNP 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.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The proposal is of a scale which is not considered to significantly impact upon neighbouring occupiers over and above that of the extant consent (which could be undertaken in any case) in relation to overlooking or leading to overshadowing / an overbearing feature.

The floorspace is the same as that for which permission was granted, as such given the extant consent and fact this can be completed in any case, the proposal is considered to be acceptable with regard to provision of habitable space and amenity space, in accordance with principles 16 and 17.

Review of conditions

In the instance of any grant of approval of a S73 application a new consent is issued by the LPA, as such all conditions upon the original consent are

required to be reviewed and where necessary re applied or amended. This section sets out a review of all conditions upon consent 2010/93437.

Condition no.1

This condition requires the development to be started within 3 years of the date of permission, as the development is largely implemented it is considered inclusion of this condition is not necessary in the instance of any grant of permission.

Condition no.2

It is recommended this condition remains as worded (with the reason updated to reflect the now applicable local / national policies), and the plans table upon the decision be updated to reflect the fact the proposal relates to drawing 3429(0-) 07 rather than drawing 09096D-04-P01.

Condition no.3

This condition requires materials to match, it is recommended this condition is re-imposed as worded upon any grant of permission (with the reason updated to reflect the now applicable local / national policies).

Condition no.4

This condition requires that the development shall be carried out in accordance with the Dusk Emergence Bat Survey by Whitcher Wildlife Ltd dated 30th September 2010 and the Additional Dusk Emergence Bat Survey and Mitigation Strategy REF 110519/1 dated 23rd August 2011 and the mitigation measures detailed in section 5 and 6 of the 2011 report including the provision of a Schwegler IFF bat box.

Given the majority of the works have been completed, and sections 5 and 6 related, in the main, to works to the existing building. It is considered that it is more appropriate in this case to require the provision of one bat box, and inclusion of an informative note upon any grant of permission advising the applicant of the requirement to consult Natural England and cease all works on site in the event bats are discovered.

Condition no.5

This condition requires the proposed home office shall be used for purposes ancillary to the residential use of the property known as Holmroyd Nook Farm and for no other purpose. It is recommended this condition is re-imposed as worded upon any grant of permission (with the reason updated to reflect the now applicable local / national policies).

Other Matters

Whilst a number of policies, SPD's and legislation are listed in the policies section of this report it has not been considered necessary to refer to them all, in detail, as to how they are applicable to the application. The consideration of this application has been undertaken on the basis of what issues are applicable in relation to amending the condition and the inclusion of all policies has been for completeness.

CONCLUSION & RECOMMENDATION

There has been no significant change to the site allocation or national/local planning policy and guidance since the 2011 consent. It is therefore considered that, subject to the wording of conditions being amended, where relevant, to the wording set out in the 'Review of Conditions' section of this report and all informative notes re-imposed on the proposal is acceptable.

It is therefore concluded that the variations to the approved plans proposed under this Section 73 application are acceptable and do not alter the conclusions reached and the recommendation made for application 2010/93437.

Approval is recommended.

Recommendation: Approved Removal / Modification of Conditions

Decision Authorisation: Delegated Powers

Application Number: 2023/92163

Officer Recommendation: Approve Removal / Modification of Conditions

Conditions

1. 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, LP7, LP11, LP21, LP22, LP24, LP31, LP35, LP51, PL57 & LP60 of the Kirklees Local Plan, principles 4, 6, 7, 13, 14, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD, Policies 1, 2, 6, 11, 12, and 13 of the Holme Valley Neighbourhood Development Plan Plan and Policies within Chapters 2, 5, 11, 12, 13, 15 and 16 of the National Planning Policy Framework.
1. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP11 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD, Policies 1 and 2 of the

Holme Valley Neighbourhood Development Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

2. One bat box and one bird box shall be incorporated into the dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. The bat and bird boxes shall be provided prior to first occupation of the dwelling hereby approved and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.

3. The proposed home office shall be used for purposes ancillary to the residential use of the property known as Holmroyd Nook Farm and for no other purpose.

Reason: In the interests of highway safety and to avoid a detrimental intensification in traffic generation and to accord with policies LP20 & LP21 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed Plans and Elevations	3429(0-) 07		19 th July 2023
Plans Submitted as part of application 2010/93437	Reference	Version	Date Received
Design & Access Statement	09096T-001-P01		29.12.10
Site Location	09096D-00-P03		29.12.10
General Arrangement As Existing	09096D-01-P02		29.12.10
General Arrangement As Existing	09096D-02-P01		29.12.10
Outline Proposals Site Layout	09096D-05-P03		06.04.11
Outline Proposals Garage/Home Office Building	09096D-20-P01		29.12.10
Dusk Emergence Bat Survey	100907		29.12.10

Plan Type	Reference	Version	Date Received
Additional Dusk Emergency Bat Survey	110519		19.05.11

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 5th September 2023

Coal – low