

**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>2023/62/92178/W</b>
Site Address:	Land Adj, 71, Woodhead Road, Honley, Holmfirth, HD9 6PP
Description:	Formation of new vehicular access
Recommending Officer:	Kevin Walton

**DECISION - REFUSED**

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date:** 18<sup>th</sup> December 2023

## **OFFICER REPORT**

**Planning Application – 2023/92178**

**Development:** Formation of new vehicular access  
**Site:** Land adj. 71 Woodhead Road, Honley, Holmfirth,  
HD9 6PP  
**Applicant:** N & P Blake & Mitchell

### **1. Introduction**

- 1.1 This application seeks the grant of planning permission for engineering operations to form a new vehicular access from Woodhead Road onto land currently used for the storage of stone.

### **2. Site**

- 2.1 The proposed access is located between 71 and 69b Woodhead Road although the red line boundary for the application also includes 71 Woodhead Road and an existing access to land at the rear of 71 Woodhead Road. The frontage of the site adjacent Woodhead Road is bound by a low drystone wall behind which the land is relatively level for approximately 10 metres where it sharply drops away by 2.5 metres to a lower plateau which extends towards the river Holme to the north. This land is currently used as a stone storage area. A row of several mature protected trees run along the site frontage.
- 2.2 The proposed development consists of the removal of a 7.5 metre section of drystone wall from the existing timber boarded fence adjacent to 71 Woodhead Road. The land behind is proposed to be surfaced at a width of 7.5 metres and a length of 10.5 metres beyond which the land levels are proposed to be raised to form a 14.9 metre ramp to allow vehicular access to the lower plateaux.

### **3. History of negotiations/amendments received**

- 3.1 No negotiations/amendments were proposed by the applicant despite being made aware of concerns from consultation responses.

### **4. Relevant Planning History**

4.1 The land has the following planning history:-

#### Planning Applications

2005/90189 – Erection of detached garage – approved – not implemented

2018/90143 – Outline application for erection of two dwellings - refused

2019/91405 – Outline application for erection of two dwellings – approved – not implemented

2021/91030 – Erection of two detached dwellings and associated works – approved – not implemented

Enforcement History - None

### **5. Representations**

Publicity - neighbour notification letters, expiration 9<sup>th</sup> November 2023.

5.1 – No representation received

### **6. Consultation Responses**

6.1 - **Trees** – Object – Loss of amenity

6.2 - **Highways Development Management** – Object – Further information required to understand sight lines, access construction and relocation of bus stop.

### **7. Planning Policy**

7.1 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. National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework(NPPF) updated 5<sup>th</sup> September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The statutory Development Plan for Kirklees includes the Local Plan (adopted 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

National Planning Policy Framework [“NPPF”]

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving the Enhancing the Natural Environment

#### Kirklees Local Plan Policy [“KLP”]

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP21 – Highways and Access
- LP24 – Design
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP52 – Protection of Improvement of Environmental Quality

#### Holme Valley Neighbourhood Development Plan (“HVNDP”) -

Policy 1 – Landscape Character – The site is within LCA 7 ‘River Holme Wooded Valley’.

Policy 2 – Protecting and Enhancing the Build Character of the Holme Valley and Promoting High Quality Design

### **8. Assessment**

#### Principal of Development

8.1 The proposed development is located on land unallocated with the KLP although is in part on land designated within the Strategic Green Infrastructure Network. As such the principle of development maybe considered acceptable having regard to KLP policy LP1, LP2 and LP3, NPPF chapters 2 & 4 and HVNDP but only in so far as the proposed development accords with the development plan. In this instance relevant development plan policies aim to achieve good design with regard to visual and residential amenity, safe use of the highway network, protection of the natural environment and meeting the challenges of climate change.

#### Design

8.2 In visual amenity terms LP24 of KLP, Policies 1 and 2 of the HVNDP and chapter 12 of the NPPF aim to achieve good quality design which

respects and enhances the character of the landscape. The area is characterised by several interspersed stone built dwellinghouses adjacent to Woodhead Road. Land between the dwellinghouses is largely made up of vegetated areas principally including a number of mature trees leading to a less than urban character. LCA 7 of the HVNDP is described as:

Key landscape characteristic of the area are

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

8.3 The applicant at section 9 of the application form indicates the vehicle access and hardstanding would be constructed from crushed compacted stone and concrete. The opening of the low stone wall will offer views into the site whereby the proposed crushed stone will be able to be viewed from the public realm. However, the majority of the proposed development will be at a lower level than Woodhead Road resulting in the visual impact from the public realm, discounting the loss of trees to be assessed later in the report, not being significant. Moreover, any views of the proposed ramp from nearby dwellinghouses will not be harmed by reason of separation distances and scale of development. Consequently, the proposed access is not considered to be contrary to LP24, Policy 2 of the HVNDP or chapter 12 of NPPF in terms of general visual amenity, but not the public amenity or impact regarding the loss of trees assessed later.

8.4 Chapters 12 & 15 of NPPF along with KLP policies LP24 and LP52 also aim to protect residential amenity and in particular protection from noise, vibration with regard to LP52. The applicant has not provided any substantial information setting out the need for the proposed new access, particularly as the land to the rear can be accessed from the existing

access. However it is understood from the annotations on plan ref: 20/ACC/03d that the existing private access rights between the two applicants at 71 Woodhead Road will be extinguished although they provide no further information why. Notwithstanding any private matters between the two applicants, the new access will be sited directly adjacent 71 Woodhead Road. While not expressed in the application it is considered the existing access is not suitable for HGV's and therefore a new access is proposed to serve the stone yard to the rear (no relevant planning history exists as to the lawfulness of this use) and therefore likely to result in HGV's using the new access. Given the very close proximity to the existing dwellinghouse it is considered the engine noise and vibrations from HGV's using the access will negatively impact upon the residential amenity of the future occupiers of the adjacent dwellinghouse contrary to KLP policies LP24, LP52, Policy 2 (10) of the HVNDP and chapters 12 & 15 of NPPF.

### Highway Impact

8.5 KLP policy LP21 and NPPF chapter 9 seek to prevent unsafe accesses and significant impact on the highway network. Upon consultation Highway Development Management comment that there is insufficient information within the application to properly assess the impact of the development. In particular the applicant is lacking in construction detail, agreement of the relocation of bus stop and acceptance of the loss of trees to secure visibility splays. These details are required to ensure the access can be created without causing significant danger to highway users. Trees were also consulted by reason of the potential impact/loss the development will have on mature protected trees. Trees officers were not persuaded that the impact upon visual amenity through the loss of the trees could be mitigated by the planting of replacements or was justified in any way. Consequently, without securing consent for the loss of trees, visibility splays are unlikely to be achieved. Given the lack of further information it is not possible to conclude that the proposed development would not be contrary to KLP policy LP21 and NPPF chapter 9.

### Protection of Natural Environment

8.6 KLP policies LP24, LP31 & LP33, NPPF chapter 15 and HVNDP policy 2 aim to achieve an enhanced natural environment, protecting biodiversity, ecology links and in this instance the loss of trees which go towards preserving the character of the area, including the landscape characteristics of LCA 7 set out earlier in this report, visual amenity and local ecology. Upon consultation with the Trees officer, it is considered the loss of the mature protected trees along the boundary of the site would lead to a significant loss of visual amenity leading to an unacceptable impact upon the semi natural character of the area. While it is understood the apparent extinguishment of the private right of way over the existing access may necessitate a new access, this does not justify or outweigh

the loss of visual amenity provided by the protected trees. Moreover, the surrender of the private right of way appears to be by choice and therefore access to the land at the rear is not lost and as such there is no evidence to suggest the operation of the stone storage use, for which there is no record of a formal planning application, would be economically affected in the event a new access is not permitted.

Consequently, there is no evidence to justify the loss of the trees. The proposed access and consequential loss of trees which significantly contribute to public amenity is therefore contrary to KLP policies LP24, LP31, which seeks to preserve the function and connectivity of green infrastructure networks & LP33, NPPF chapter 15 and HVNDP policy 2.

### Climate Change

8.7 Chapter 14 of NPPF seeks to mitigate impacts upon climate change through supporting proposals that minimise vulnerability and improve resilience to climate change. In this instance the applicant states the materials will be locally sourced and crushed stone would be recyclable thus going some way towards the effects of climate change. However, it is also considered the loss of trees would equally have a negative affect upon climate change. Consequently, it is considered the proposal has a neutral impact upon climate change and therefore no weight is given to any benefit the proposal may have upon the protection of climate change.

### Conclusion

8.8 The proposal has been assessed against relevant policies with the development plan and all other material considerations and while the impact the new access has on visual amenity is inconsequential, the overall impact is considered unacceptable.

8.9 The loss of a number of protected trees leads to a significant impact upon visual amenity and harm to local biodiversity contrary to KLP policies LP24, LP52, chapter 15 of NPPF, and HVNDP policy 2.

8.10 Moreover, without securing the removal of the protected trees sufficient visibility splays from the new access could not be achieved thus contrary to KLP policy LP21 and NPPF chapter 9.

8.11 The probable use of the new access by HGV's from the stone yard served by the access is also likely lead to a detriment of residential amenity of the future occupiers of the adjacent dwellinghouse contrary to KLP policies LP24, LP52, HVNDP Policy 2 and chapters 12 & 15 of NPPF.

## 9 RECOMMENDATION – REFUSE

### DECISION NOTICE TEXT –

1. It is considered the loss of a number of protected trees as a result of the development leads to a significant negative impact upon visual amenity and harm to local biodiversity through disrupting the connectivity of the strategic green infrastructure network contrary to Kirklees Local Plan policies LP24a, LP31, LP33, Chapter 15 of National Planning Policy Framework, and Holme Valley Neighbourhood Development Plan policy 2.

Without securing the removal of the protected trees, sufficient visibility splays from the new access could not be achieved thus detrimental to the safety of highway users and contrary to Kirklees Local Plan policy LP21 and National Planning Policy Framework chapter 9.

The probable use of the new access by heavy goods vehicles accessing and exiting the land served by the access would lead to a detrimental impact on residential amenity of occupiers of the adjacent dwellinghouse by reason of noise and disturbance contrary to Kirklees Local Plan policies LP24, LP52 and, Policy 2 of the Holme Valley Neighbourhood Development Plan and chapters 12 & 15 of National Planning Policy Framework.

This decision is based on the following details(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Tree Constraints Plan	WC.201 1a 4	-	27/07/2023
Existing topography	20/ACC/05	-	27/07/2023
Proposed Site Plan and New Access Section	20/ACC/03	D	25/08/2023
Existing Block Plan	20/ACC/02	-	27/07/2023
Location Plan	22/ACC/01	-	27/07/2023
Arboriculture Impact Assessment	WC-201.1a	-	27/07/2023
Climate Change Statement	20/ACC	-	27/07/2023

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, including the receipt of amended plans. The agent was informed of objections to the proposal.

