



PLANNING SUPPORT STATEMENT

PLANNING APPLICATION FOR THE
CONSTRUCTION OF A DETACHED GARAGE

WICKING CLOUGH FARM,
BEDDING EDGE ROAD,
HEPWORTH,
HOLMFIRTH,
HD9 1TP.

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CONTENTS

- 1.0 INTRODUCTION
- 2.0 THE SITE, THE PROPOSAL AND PLANNING HISTORY
- 3.0 PLANNING POLICY
 - 3.1 Central Government Guidance
 - 3.1.1 The National Planning Policy Framework
 - 3.2 Local Planning Policy
 - 3.2.1 Kirklees Local Plan
 - 3.2.2 Holme Valley Neighbourhood Development Plan
- 4.0 THE ISSUES - THE DEVELOPMENT PLAN & OTHER MATERIAL CONSIDERATIONS
 - 4.1 The Development Plan
 - 4.2 Other Material Considerations
 - 4.2.1 The Green Belt
 - 4.2.2 Visual Impact
- 5.0 CONCLUSION

1.0 INTRODUCTION

The proposal which forms the subject of this application seeks planning permission for the construction of a detached garage at Wicking Clough Farm, which constitutes a detached bungalow located off Bedding Edge Road, Hepworth, Holmfirth. There is currently no garaging provision on site.

The following supporting documents/information are submitted with the application:-

- (i) Full plans and details – Stephen Welcer; and
- (ii) Planning Support Statement – Townsend Planning Consultants.

This statement is provided to assist the Council in the discharge of its development control function. It is considered that this statement clearly demonstrates to the Council that the proposal accords with planning policy and, when judged against this and all material considerations, it is clearly the case that planning permission should be granted.

This statement now proceeds to give details of the site, the proposal and background, including the planning history. Relevant Planning Policy and Central Government advice in the form of the National Planning Policy Framework is then outlined. The issues that the proposal raises are examined and finally the conclusion reached that permission should be granted for the proposal to proceed.

2.0 THE SITE, THE PROPOSAL AND PLANNING HISTORY

The subject site constitutes a “U” shaped stone bungalow located off Bedding Edge Lane, accessed via a short access track. The site is located in the open countryside a short way from the village of Hepworth.

Planning Permission was granted by the Council in May 2017 (ref 2017/62/91222/W) for the construction of the dwelling on the site following demolition of the commercial stables on the site. Following the grant of planning permission the dwelling was subsequently constructed. In June 2023, a Certificate of Lawfulness (ref 2023/CL/90968/W) for existing development, for “Building operations comprising the construction of a detached dwelling”.

This proposal seeks the development of an ancillary detached garage. The garage has been designed to be in keeping with the host property in terms of design, scale and form. The garage is to be constructed in stone with a stone slate roof in keeping with the host dwelling which is characteristic of buildings within the wider area.

The extent and volume of the proposals falls within the Council's usual parameters for extensions to buildings within the Green Belt. The volume of the existing dwelling is 380.3m³ and the proposed garage is 110.3m³. This amounts to a percentage increase of 29% which is within the Council's parameters regarding acceptable extensions in the Green Belt.

It is considered that this proposal will not give rise to any issues of harm. The garage does not constitute a disproportionate addition to the original dwelling and is in keeping with the form and nature of the host property. It will be constructed in materials to match and is clearly subservient in form, scale and design.

This submission fully demonstrates that the proposal as submitted wholly conforms with national and local planning policy and does not give rise to any issues of harm. As such, it is anticipated that planning permission should be forthcoming. Nevertheless, the applicant is willing to discuss all aspects of the details of the proposal with the Council.

3.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

3.1 Central Government Policy Advice

3.1.1 The National Planning Policy Framework

The following are comments on the advice in the Framework which is considered to be relevant to the consideration of the proposal:

Para 2 of the 'Introduction' sets out that:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.”

Section 2 relates to achieving sustainable development. The paragraph 8 sets out that there are three objectives (Paragraph 8) to sustainable development comprising economic, social and environmental objectives. The environmental objective includes contribution to protecting and enhancing our natural, built and historic environment.

Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

“c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Paragraph 47 reaffirms that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 12 relates to achieving well designed places. Para 124 stresses the Government’s commitment to achieving good design, high quality buildings and places.

Section 13 deals with Protecting Green Belt Land. At Para 147 it states:

“Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.”

Para 148 goes on to state:

“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 from the proposal, is clearly outweighed by other considerations.”

Para 149 goes on to set out the form of development which is not considered inappropriate and states:-

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

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”*

The garage proposed does not constitute a disproportionate addition.

This proposal clearly constitutes a form of development deemed acceptable in the Green Belt and does not constitute “inappropriate development”. As such, it is therefore not necessary to provide “very special circumstances” to justify the development.

3.2 **Local Planning Policy**

3.2.1 **Kirklees Local Plan**

The Development Plan for the Kirklees District is the Kirklees Local Plan (2019). The site on the supporting proposals map is identified as being wholly within the Green Belt.

The following policies are considered relevant to the consideration of this application:-

- (i) **Policy LP24 Design**

The policy sets promotes good design and sets out a checklist for all development proposals. It is considered that the proposals do not conflict with the requirements of the policy. In relation to subjection (c) the garage proposals have been drawn up to be subservient to the original building in relation to scale, materials and minimising impact on residential amenity of future and neighbouring occupiers.

- (ii) **Policy LP57 The extension, alteration or replacement of existing buildings**

The policy covers extensions, alterations and replacement of buildings in the Green Belt. Whilst the subject garage is physically separated from the host dwelling and forms an outbuilding, it can be regarded as a normal domestic adjunct to the dwelling. In relation to extensions it sets out that:-

- “a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative*

impact of previous extensions and of 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”.

It is considered that the garage as proposed ensures the original dwelling remains the dominant element. The building has not been extended previously.

It further sets out that:-

“c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access”.

The proposals will not result in a greater impact on openness as the area falls within the curtilage of the existing dwelling.

Furthermore it sets out at d that:-

“d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”

It is considered that the proposals are suitable in design, utilising stone to ensure it retains the character of the existing building.

3.2.2 Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan became part of the statutory development plan for Kirklees Council in December 2021. The application site falls within the Neighbourhood Plan Area, it also defines the site as being within LCA3 Hade Edge Upland Pastures Character Area. It should be noted that this is a Neighbourhood Development Plan designation and the whole Neighbourhood plan area is covered by character areas.

(i) Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

The policy sets out that:-

“All development proposals should demonstrate how they have been informed by the key characteristics of the LCA in which they are located. Proposals should be designed in accordance with the character management principles in respect of landscape set out in paragraph 4.1.17 for each of the LCAs in order to avoid detrimental impact on the LCA.”

The application site is located in the LCA3 Hade Edge Upland Pastures which covers a large area including settlements. Reference is made in the LCA to an open and agricultural landscape. The management plan fails to recognise the sporadic equestrian development in the area, which is a clear characteristic.

It goes on to state that *“proposals should aim to make a positive contribution to the quality of the natural environment”*.

It sets out that the design and siting of new development and associated landscaping schemes should address including;

- 1) Respecting long distance views and minimising any impact on the wider landscape.
- 3) Boundary treatment should be sensitive to the character area.
- 4) Landscaping scheme to be submitted with applications.

The proposals seek the garage will have minimal impact on the wider landscape. Boundary treatment and landscaping are to remain as approved.

(ii) Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

The policy forms a general policy for all developments in the Holme Valley in relation to building character and design, some of which is not relevant to the proposals. It is considered that:-

- (i) The proposals do not cause issues in relation to the built character. The proposed garage is in keeping with the host building and the wider area through sensitive use of materials; and

- (ii) The proposals seek to use traditional materials as per the existing dwelling and respects the scale, mass and height of the existing dwelling.

4.0 THE ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of this application. Quite clearly by reference to the Development Plan, this refers applicants to national policy advice and, therefore, it is considered that the proposals fall to be considered against the provisions of the NPPF.

As outlined previously, the NPPF sets out that extensions to existing buildings in the Green Belt are not “inappropriate” provided that they are not “disproportionate” additions over and above the “original building”. By reference to the adopted Local Plan policy LP57 the proposal would not be disproportionate.

4.2 Other Material Considerations

It now falls for the proposal to be considered in the light of all material considerations which, as will be demonstrated, point to the grant of planning permission.

4.2.1 The Green Belt

Advice is clear in the NPPF and the adopted Development Plan that subject to the development not being disproportionate over and above the ‘original’ building, this does not constitute ‘inappropriate’ development. It is clear from the details of the submission that the proposal is not disproportionate (as it falls within the Council’s guidelines in respect of what is disproportionate) and, therefore, does not constitute inappropriate development. As such, “very special circumstances” do not need to be demonstrated to justify the development.

In terms of the proposed garage, whilst the subject garage is physically separated from the host dwelling and forms an outbuilding, it can be regarded as a normal domestic adjunct to the dwelling. The building being physically separated does not prevent the development from being regarded as an extension to an original building. Case law backs up this position as will be outlined below:-

In Sevenoaks District Council v. Secretary of State for the Environment and Dawe (1997) EWHC Admin 1012 it was held that a garage was capable of being treated as part of a dwelling even though physically separated from it.

Here the High Court held that when considering development within the Green Belt the Inspector was entitled to find that an existing garage was part of the dwelling, in the sense that it was a normal domestic adjunct. The mere fact that the buildings were physically separate from the dwelling did not prevent them from being regarded as part of the dwelling.

The following appeal decisions applied the dicta in **Dawe** to various applications for detached outbuildings/garages:

Appeal Decisions

- (i) In **APP/X0415/D/16/3146147 (Buckinghamshire)** the Inspector was considering whether a detached wooden garage was not appropriate development within the Green Belt as an extension to a dwelling. The Inspector reached the following decision:

“...as a typical normal domestic adjunct that is closely related to the dwelling, I am satisfied that the proposal could be considered as an extension of a building for the purpose of the Framework.”

- (ii) In **APP/X0415/D/16/3148561 (Buckinghamshire)** an Inspector was again asked to consider whether a detached outbuilding could be not inappropriate development as an extension to an existing dwelling. Here the new building was sited deep in to a large plot. Again, the Inspector concluded that the outbuilding was an extension to the dwelling despite the distance from the dwelling and the fact that it was to be sited deep in to the large plot.

- (iii) In **APP/J3720/A/10/2125215 (Warwickshire)** the Inspector found that an outbuilding was an extension to a dwelling and stated ***“...I have decided to proceed on the basis that the outbuilding can be considered as part of the dwelling...”***

- (iv) In **APP/J1535/D/16/3159377 (Epping)** the Inspector was considering the erection of a timber framed office and store. At paragraph 5 the Inspector found:

“The applicant has cited a High Court Judgement in which the Judge agreed with an Inspector that separation alone does not prevent a development from being part of a dwelling. Whilst that case related to a garage building, which the Inspector considered could be regarded as a ‘normal domestic adjunct’ the use of the development in the case, as an office and storage space, could likewise be said to be normal domestic adjunct...”

The applicant's position is therefore clear in this context. This small scale outbuilding is clearly a normal domestic adjunct and in the light of the case of **Dawe** and the appeal decisions set out above, it is quite clear that it should be taken as being an extension to the dwelling.

When judged against Green Belt Policy (both local and national), it is clear that this proposal is acceptable.

4.2.2 Visual Impact

The garage has been carefully considered in scale, design and layout and will not give rise to harm in terms of visual impact. It will form a subservient addition and in materials to match the host dwelling.

It is considered in the context of the development plan and all material considerations that the proposal is acceptable.

5.0 CONCLUSION

The application seeks the construction of a detached garage in the manner set out in the submitted plans. The subject scheme seeks permission to develop an appropriate and sensitively designed scheme which is subservient to the host dwelling and in keeping in terms of design and will match in terms of materials. By reference to case law, it clearly constitutes an extension to the dwelling.

It is clear that the proposal does not constitute a disproportionate addition as such does not constitute 'inappropriate development'. No very special circumstances are therefore required to justify the development.

It is anticipated that in the context of the development plan and all material considerations that planning permission will be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.