

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:	2023/62/92330/W
Site Address:	Whicking Clough Farm, Bedding Edge Road, Hepworth, Holmfirth, HD9 1TP
Description:	Erection of detached garage
Recommending Officer:	Lucy Taylor

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.

Julia Steadman

AUTHORISED OFFICER

Date: 26-Sep-2023

Officer Report.

Reference: 2023/92330

Location: Whicking Clough Farm, Bedding Edge Road, Hepworth, Holmfirth, HD9 1TP

Proposal: Erection of detached garage

Site Description.

Whicking Clough Farm is a relatively new single storey dwelling, approved under planning application in 2017. The external walls of the property are faced in stone and the roof above is infilled with tiles. Within the wider curtilage, the dwelling benefits from outdoor amenity space and on-site parking amenity space to the front and sides.

The property is located within a rural location, set back from the highway of Bedding Edge Road by approximately 100 metres, accessed via a track.

The application site is Allocated within the Green Belt in the Kirklees Local Plan and a public footpath runs through the site (HOL/152/10).

Description of Proposal.

Planning permission is sought for the erection of a detached garage.

The detached garage would be located south east of the dwelling.

It would have the following dimension:

- Length – 6.6 metres
- Width – 6.6 metres
- Height – 3.5 metres

The external walls of the garage would be faced in stone and the roof would be infilled with stone slate tiles. A garage door is proposed to the front elevation, an access door is proposed to one side elevation and a window is proposed to the other side elevation.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History.

- 2001/92103 – Erection of stables. *Granted Conditional Full Permission.*

- 2017/90058 – Erection of detached dwelling and demolition of existing commercial stables. *Granted Conditional Full Permission.*
- 2017/91222 – Erection of detached dwelling and demolition of existing commercial stables (modified proposal). *Granted Conditional Full Permission.*
- 2023/90968 – Certificate of lawfulness for existing development, building operations comprising the construction of a detached dwelling. *Cert of Lawful Opps Granted.*

Representations.

We are currently undertaking 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, a site notice and in the press.

Final publicity date expired 16th September 2023.

No representations were received.

Consultation Responses.

Holme Valley Parish Council – Support

Policy/Legislation.

Section 38(6) of 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).

The application site is Allocated within the Green Belt in the Kirklees Local Plan, and a public footpath runs through the site (HOL/152/10).

The application site is located within an area identified to be at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP35 – Historic Environment

- LP51 – Protection and improvement of local air quality
- LP57 – The Extension, Alteration or Replacement of Existing Building

Supplementary Planning Documents:

Highways Design Guide SPD

House Extensions and Alterations SPD

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

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.

The site falls within Local Characteristic Area 3 – Hade Edge Upland Pastures.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- 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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary 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 12 – Achieving Well-Designed Places
- Chapter 13 – Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of Development and Green Belt
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development and Green Belt

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

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 categories set out in Paragraphs 149 and 150.

Paragraph 149(c) of the NPPF outlines that 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 can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided 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;

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

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.”

The original dwellinghouse is taken as that which stands at the site at present. Officers have calculated that the existing dwellinghouse presents a total volume of approximately ~520m³. It is noted that no additions appear to have been added to the property since its grant of permission in 2017, constituting that the dwelling as stands at present is entirely original.

The proposed garage presents a total volume of approximately ~130.68m³. In turn, presenting a percentage increase of approximately 25.13% to the original dwelling. Given these volume calculations, it is considered that the erection of the proposed extension would not result in disproportionate development and would therefore constitute appropriate development in the Green Belt. The proposal is therefore considered acceptable in principle, in accordance with Chapter 13 of the NPPF and Policy LP57(a) of the Kirklees Local Plan.

When taking into account the visual appearance of the proposal, it is considered that the garage would appear subordinate to the main dwelling with regard to its size/scale and would appear as an ancillary structure to the main dwelling, with fenestration to represent a garage structure, i.e. a garage door to the primary elevation.

In line with Policy LP57(c), the proposal would not result in a greater impact on openness in the treatment of outdoor areas too. The proposal does not demonstrate that any additional surfacing or hard standing would be implemented, indicating that the existing surfacing to the parking amenity space at the front would remain as existing.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Developments that are considered to conform appropriately with Local Plan Policy LP24 and the design requirements as set out above, are considered to also conform with Policy 2 of the Home Valley Neighbourhood Plan – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP 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 Local Characteristic Area 3 – Hade Edge Upland Pastures.

The key built characteristics of LCA3 are:

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.
- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.6 of the House Extensions and Alterations SPD directly related to outbuildings. Paragraph 5.29 of the House Extensions and Alterations SPD sets out that *'Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building'*.

Paragraph 5.30 sets out that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- 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.

The proposed footprint and scale of the garage is considered to be subservient to the host dwelling and the curtilage is considered to be of a size which could support such a development without causing any visual detriment of overdevelopment. It should also be noted that the proposed garage would be faced in materials that would match the appearance of the host dwelling, stone and tiles, encouraging an overall appearance that harmonises with the context of the site.

Whilst officers note that the proposed garage would not be set back behind the building line of the original dwelling, given the individual context of this application site, it is not considered that the proposed siting of the garage would impact negatively upon the streetscene. The site is set back from the main highway of Bedding Edge Road by approximately 100 metres.

It is considered that sufficient space would be retained around the dwelling following its erection, with amenity space maintained to the front and sides.

For all the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Chapter 12 of the National Planning Policy Framework, LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3) Impact on Residential Amenity

Section 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."*

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.

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties'*.

The application site does not directly neighbour any other properties, the closest properties to the site are White House Farm and New Nabb Farm, located approximately 80 metres from the site. Given this distance, it is not considered that the proposed garage would result in any undue impacts of overbearing, overshadowing or overlooking.

For these reasons, the proposed development at 38 Meadowcroft is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

4) 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. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would not increase the domestic function of the dwellinghouse at Whicking Clough Farm, meaning that no additional provisions for parking would be required as a result of development.

The garage could be utilised for parking vehicles on site and additional on-site parking amenity space would be retained to the front of the dwelling alongside the garage. In turn, it is considered that adequate levels of on-site parking would be retained.

It should be noted that the proposal would not alter existing vehicle access to and from the site in conjunction with highways.

In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

5) Other Matters

Climate Change:

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 predates 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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

PROW:

Given that the proposed garage would not prejudice the function, continuity or implementation of public footpath HOL/152/10 as a walking or cycling network, the proposal is considered to appropriately accord with LP23 of the Kirklees Local Plan.

In turn, footpath HOL/152/10 would be protected following the erection of the proposed extension to Whicking Clough Farm, as demonstrated on plan referenced: 2023-21-04 Rev F.

6) Representations

None received.

7) Conclusion

The NPPF has introduced 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: 2023/92330

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 so as to ensure the satisfactory appearance of the development on completion and to accord with Policies LP1, LP2, LP21, LP22, LP23, LP24 and LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6 and 15 of the Council's adopted House Extensions and Alterations SPD, Policies 1, 2 and 12 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 12, 14 and 16 of the National Planning Policy Framework.

3. The external walls of the garage shall be finished in stone and the roof shall be infilled with stone slate tiles. These materials shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD, Policies 1 & 2 of the Holme Valley Neighbourhood Plan and policies within Chapter 12 of the National Planning Policy Framework.

Note: The application site is located in a low risk coal area.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	2023-21-05	F	3.8.23
Existing Site / Block Layout	2023-21-07	-	3.8.23
Proposed Site / Block Layout	2023-21-04	F	3.8.23
Plan and Elevations as Proposed	2023-21-06	A	3.8.23
Climate Change Statement	-	-	9.8.23

Planning Support Statement	-	-	3.8.23
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations took place, and no amended plans were sought or submitted during the course of the application.

Report dated: 26.9.23