

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:	2023/62/93088/W
Site Address:	Hunters Lodge, Cemetery Road, Holmfirth, HD9 2RH
Description:	Erection of two storey side extension
Recommending Officer:	William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 07-Dec-2023

Officer Report 2023/93088
Hunter's Lodge, Cemetery Road, Holmfirth

Site Description

The site comprises a detached two-storey dwelling constructed in coursed stone and stone slate. Originally a barn, which has undergone adaptation and extension to form a dwelling, it is sited on the southern side of Cemetery Road, on levelled land which is raised above the highway, and has its main elevation facing south-east towards an extensive gravel-surfaced area used for parking and servicing and gives access to the highway at the western end of the site. Close to the northern site boundary is a large building used for agricultural storage. Adjacent to the site are agricultural fields that are within the applicant's ownership, amounting to approximately 3ha.

Description of Proposal

The proposal is for the erection of a two-storey side extension.

The proposed two-storey extension would be to the north-western end of the building and would extend it by 4.0m to that side and would be inset marginally from the existing front wall. It would form a kitchen at ground floor with a bedroom and bathroom above.

The extension would be constructed in matching materials.

A single-storey extension that originally formed part of the proposals has been deleted.

The application is accompanied by a planning statement which makes the following arguments in support:

- The applicant was advised that the reasons for refusal of application 2022/93949 would be on the grounds of:
 - (1) cumulative scale of this and previous extensions being excessive and not in line with national or local Green Belt policy; and
 - (2) Design, in that neither the side nor front extensions would comply with advice in the House Extensions and Alterations SPD and it would not respect the simple linear built form of the original barn.

- This letter seeks to address the first point.
- Well-established case law which confirms that the original building is the point at which the dwelling comes into existence i.e. as was approved in 1990. This is supported by the case law set out below.
- The “original dwelling”, as approved under the 1990 planning permission, has a volume of 448m³. The existing porch extension increased the volume by 6% (28m³) The proposed extensions are 176m³. Therefore, the proposed extensions [as originally submitted] represent a circa 39% increase in volume from the original dwelling. Cumulatively, with the existing porch extension, the original extensions would represent a 45.5% increase in volume from the original dwelling. This would not amount to a disproportionate addition to the original dwelling and the application therefore fully accords with national and local planning policy.

Details of applicable case law are also given.

History of negotiations/amendments received

05-Dec-2023 – The single-storey element was deleted from the proposal and the two-storey element retained.

Since this was solely a reduction it was not deemed necessary to re-publicise.

Relevant Planning History

90/04419 – Conversion and extension of barn to form dwelling. Approved.

94/91352 – Erection of porch. Approved.

97/92668 – Proposed change of use of land to extend domestic curtilage and landscaping works.

2001/91641 – Erection of two stables. Approved.

2003/92863 – Erection of single-storey extension. Refused, appeal dismissed. Reason for refusal:

“It is considered that the scale and form of this proposal along with the existing extensions and alterations would result in a disproportionate addition over and above the original building. Furthermore, it is considered that no very special circumstances have been demonstrated to justify granting the proposal. The proposal is therefore considered to be inappropriate development harmful to the openness and visual character of the Green Belt in which it lies being contrary to Policy D11 of the Kirklees Unitary Development Plan and Government advice in PPG2.”

2004/94760 – Erection of agricultural storage building. Approved and implemented.

2015/90751 – Extension to agricultural storage building. Approved and implemented.

Representations

Final publicity date expires: 28th November 2023. Publicity was by neighbour letter only thus fulfilling the requirements of the Development Management Procedure Order.

No representations received.

Holme Valley Parish Council – support the application.

Consultation Responses

None were deemed necessary in this instance.

Policy

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. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is within land designated as Green Belt within the Kirklees Local Plan.

It is also within land designated as Strategic Green Infrastructure Network.

Kirklees Local Plan (LP):

LP 21: Highways and access

LP 22: Parking

LP 24: Design

LP 30: Biodiversity and geodiversity

LP 31: Strategic green infrastructure network

LP 57: The extension alteration and replacement of existing buildings (within the Green Belt)

Supplementary Planning Documents:

- KC Highways Design Guide 2019

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

Neighbourhood Development Plans:

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The following policies of this plan are considered most relevant:-

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 12** – Promoting Sustainability
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

The site is within Landscape Character Area 4 River Holme Settled Valley Floor. This character area is described as:

Key landscape characteristics of the area

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area are

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.

- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Appropriateness within the Green Belt
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such the proposal will be assessed having regard to NPPF chapter 13 paragraph 148 which advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated.

Under para. 149(c), extensions to buildings may be appropriate if they are not disproportionate over and above the size of the original building.

Under LP57 of the Local Plan, extensions within the Green Belt must ensure that the original building must remain the dominant element both in size and overall appearance, taking into account the cumulative impact of previous extensions and other associated buildings.

Policy LP24(c) is applicable throughout Kirklees. It requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers.

The application will also be assessed against the LP policies relating to highways, parking, and biodiversity listed above.

Under Policy LP31, development proposals within the Strategic Green Infrastructure Network should ensure:

Development proposals should ensure:

- i. The function and connectivity of the green infrastructure network is retained or replaced;
- i. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
- ii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- iii. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

In this instance it is considered that the proposed development would not affect the function of continuity of the network and there is no opportunity to provide new green infrastructure or provide new links to the footpath and bridleway network. Any implications for biodiversity will be examined in the appropriate section of the report.

The Holme Valley Neighbourhood Development Plan does not contain any policies relating specifically to extensions within the Green Belt, but any policies relevant to other aspects of the proposal, such as design quality, will be taken into account, principally those listed in the Policy section above.

The Householder Extensions and Alterations SPD is a material consideration and any departure from the Key Design Principles (KDP) and other guidance contained within it must be clearly justified.

2 – Appropriateness within the Green Belt: For the purposes of applying permitted development rights as set out in the General Permitted Development Order, the “original” building, is in general, taken to mean a building as it existed on 1st July 1948 (if built before that date), or as built, if it was built if built after that date. This definition is also used in the National Planning Policy Framework.

The agent has highlighted the following case law:

- i. In *Sevenoaks DC v Secretary of State for the Environment & Clarke & Dawe* [1997] EWHC Admin 1012 it was found by the Court that an Inspector had rightly identified the new dwelling as being the “original building”. The judge found that “reference to the original dwelling must on any common-sense reading...refer to the existing building before any extension...i.e. to the replacement dwelling and not to an earlier dwelling that no longer exists.”
- i. In *Brentwood Borough Council v. Secretary of State for the Environment, Transport and the Regions and Mr I Churley* (September 1999), the court, in considering the matter of the original building, considered that comparison with the original building did not take one back to the original building which no longer existed because it has been replaced by a dwelling.
- ii. *Ascot Wood Limited v Secretary of State for the Environment, Transport and the Regions & Runnymede Borough Council* [2000] PLCR 265 the Deputy Judge held that comparison with the original floorspace did not take the decision-maker back to the original floorspace of a building that no longer existed because it had been replaced.
- iii. In appeal decision *Windmill Cottage, Finwood Road, Rowington, Warwick* (2013) (APP/T3725/A/12/2185711) an Inspector was asked to determine the correct approach to defining the original building in respect of an appeal against refusal of permission for an extension to a converted barn in the green belt. The proposed development was two single storey extensions to the rear, first floor extension to the side and first floor extension over the existing garage. The site had been originally occupied by outbuildings serving Windmill House. Conversion and extension occurred to create accommodation ancillary to Windmill House following grant of planning permission in 1981. Importantly, the Inspector stated that at this point the property became a separate dwelling house and planning unit. The Council argued that the original building was the outbuilding that was present on the site prior to its conversion to ancillary living accommodation after the grant of planning permission in 1981. The Inspector stated:

“However, in my judgement the Council is interpreting the Framework too literally. The Framework refers to the extension of a “building” instead of a “dwelling” in guidance that it replaced. It strikes me that the purpose of this was to widen the exception to inappropriate development to the extension of all buildings rather than further restrict the extension of those dwelling houses that have been created by conversion. As a consequence, I consider that the original building in this case is the building that existed when Windmill Cottage became a separate planning unit. In this case that is the property as it existed on 27 September 1988.”

The Inspector noted that his decision was consistent of the findings of the Inspector in West Wing, Durham Woods, Charcoal Road, Bowdon, Altrincham, (APP/Q4245/D/12/2171839).

Officer observations are that the first three cases are of limited relevance in that the building that was the subject of the appeal was apparently a replacement building, not one formed by extension or conversion. The Windmill Cottage example, however, indicates that in the case of dwellings formed by adaptation of existing non-residential buildings, the “original building” for planning purposes is taken to be the dwelling resulting from the conversion and associated works and that extensions that formed part of the conversion scheme should therefore not be counted as extensions. In this instance, then, the two-storey side extension previously referred to should be treated as part of the original building since it was granted permission as part of the 1990 application for change of use.

The single-storey utility room extension was added since the time of conversion. Aerial photographs show this was built in 2000 or earlier and was presumably the “porch” granted by permission 94/91352. A lean-to extension has been subsequently added to the south-eastern elevation, but this is in the form of an open canopy, lacking the solidity and permanence of a stone-walled extension, and therefore has very little impact upon the dominance of the original building or the openness of the Green Belt.

The scheme as originally submitted involved an extension to the front, and it is considered that based on the architect’s own figures, this would have given rise to a disproportionate addition. Now that the proposal is being assessed as for a two-storey side extension only, it is no longer considered disproportionate. It would allow the existing building to remain the dominant element both in size and in appearance. The increase in volume is now reduced to a 30.9% increase, just the side extension, or 36.6% with the porch. This would not amount to a disproportionate addition to the original dwelling and the application therefore fully accords with national and local planning policy.

Domestic outbuildings are not explicitly mentioned in either national or local policy. It is generally accepted that they should be assessed as akin to extensions (if close to the original house and seen in the same context as it). If a property in the Green Belt has a detached garage or other sizeable domestic outbuilding this may therefore provide grounds for further limiting extensions to the property. In this case, there are no detached buildings within the curtilage that have been built for incidental domestic purposes. The detached buildings at the northern end of the site, near the entrance, were erected under permissions 2004/94760 (original building) and 2015/90751 (extension). In view of the size of the applicant’s holdings and the size of the flock (at the time, approximately 9 acres and 30 sheep according to the supporting statement for 2015/90751) it is likely that the enterprise could be classed as a “hobby farm”, in the sense of not being large enough to allow the farmer to make a living if it were his sole source of income. As such, it is

possible that it would not meet the requirements of Policy LP54 if it were being applied for today. An agricultural need – space for lambing and storage – was however accepted by the Council at the time. The building appears to have been built in accordance with the approved plans, except that the smaller door has been switched to a central position with two large openings either side. There is no obvious reason to believe that there has been any unauthorised material change of use since it was built. In the absence of evidence to the contrary, the buildings should be treated as agricultural and therefore should not influence the assessment of any proposed extensions to the dwelling.

In conclusion, the proposal is therefore judged to be in accordance with the aims of Policy LP57 and paragraph 149(c) of the NPPF and to cause no harm to the openness of the Green Belt.

3 – Impact on visual amenity: Under the Householder Extensions and Alterations SPD, extensions should be in keeping with the local character of the area and the street scene (KDP1) and should not dominate or be larger than the original house (KDP 2). Under Part 5.3, two-storey side extensions should avoid taking up all or most of the space at the side of a house, leaving a 1m gap, and be set back 500mm from the existing front wall.

Under Policies 1 and 2 of the Holme Valley NDP, all development proposals should demonstrate how they have been informed by the relevant Landscape Character Area and should respect local built character, strengthening sense of place.

It is considered that the proposed extension, as amended, would not adversely affect the wider landscape since it would not interfere with long-distance views or with any of the other features highlighted in the assessment of LCA4.

It has not been possible to obtain plans showing the barn as it appeared before conversion and extension. The front and north-western elevations of the former barn have been somewhat domesticated by the addition of windows, which in their design and dimensions are more typical of a purpose-built dwelling house than a barn. It is also not clear from the plans whether the main “barn door” opening is original, since the approved plans for 90/04419 indicate that half of this opening is within the extension. The building has however largely retained its simple linear built form, which is only interrupted at ground floor by the utility room extension.

As drawn, the two-storey extension does not comply with part 5.3 of the SPD which requires a 500mm setback as standard. It is considered that in this instance, as the dwelling does not face directly on to the adopted highway or form part of a built-up row, a setback of 300mm with the slight break in the roofline, is sufficient to ensure that it respects the appearance of the host building and its surroundings, and the departure from published standards is justified in this instance.

Design details, including the fenestration and the use of corbels, would respect the vernacular character of the former barn.

Subject to all materials matching the existing building, which can be the subject of a condition, the development would therefore accord with the aims of Policy LP24(a&c), HVNDP Policy 2, and the relevant parts of the SPD.

4 – Impact on residential amenity: Section (b) of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. In addition, KDP 3 (Privacy), 4 (Habitable rooms and side windows), 5 (overshadowing & loss of light) and 6 (preventing overbearing impact) within the SPD are to be taken into consideration.

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.

Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

It is considered that future users of Bedroom 2 would have an adequate outlook and receipt of natural light. Since the property is somewhat isolated from its neighbours, it is considered that the extensions would not give rise to any loss of amenity to occupants of other dwellings by reason of impact on outlook, receipt of natural light, overlooking or other factors.

In conclusion, it is considered that the development would provide an acceptable standard of living for future occupiers whilst avoiding loss of amenity to occupiers of established development and would accord with the aims of LP24(b).

5 – Impact on highway safety: The proposed scheme of extensions might in theory give rise to additional parking demand by creating an additional bedroom, but this could easily and safely be accommodated within the site. It is therefore considered that it would accord with the aims of LP21-22 and KDP12 within the SPD.

6 – Other matters:

Ecology:

The site is not within an area designated for biodiversity purposes, including the bat alert layer, and the building, on the basis of an external viewing, appears unlikely to have any habitat potential in its present state. It is

considered that in view of the rural location of the site it provides some opportunity for ecological enhancement, which it is recommended should take the form of an artificial bird nesting feature on the north-western or north-eastern elevation, so as not to be in direct sunlight. Subject to this being conditioned, it would accord with the aims of LP30 and HVNDP Policy 13.

Climate Change:

The applicant's Climate Change Statement highlights the following measures: materials excavated to be used as hardcore; local materials to be used in construction; it will meet the Building Regulations standards on efficiency and exceed them where possible.

The site of the proposal is not a highly sustainable location, but since the proposal is for the extension of an existing dwelling, and therefore does not imply a significant intensification of the site, it is considered acceptable having regard to Kirklees or Holme Valley Parish Council's carbon reduction aims as set out in LP24(d) and Policy 12 of the HVNDP, and the developer will not be required to demonstrate further measures.

6 – Representations: No representations have been made by members of the public.

7 – 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

Decision Authorisation - Delegated Powers

Application Number: 2023/93088

Officer Recommendation: Conditional full permission

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 LP57 and LP24 of the Kirklees Local Plan and Key Design Principles 1-2 of the House Extensions and Alterations Supplementary Planning Document (SPD).

3. The external walling and roofing materials shall in all respects match that used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 and LP57(d) of the Kirklees Local Plan, Policies 1&2 of the Holme Valley Neighbourhood Development Plan, and Key Design Principles 1&2 of the House Extensions and Alterations SPD.

4. Before the proposed extension is first brought into use, a minimum of one artificial bird nesting feature Woodcrete or another durable weatherproof material shall be installed on the north eastern elevation of the building at eaves level. This shall thereafter be retained as such.

Reason: To ensure that the proposed development delivers biodiversity net gain, in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18-Oct-2023
Location plan			18-Oct-2023
Climate Change Statement			18-Oct-2023
Supporting statement			18-Oct-2023
Existing plans and elevations	01		18-Oct-2023
Proposed plans and elevations	02	A	05-Dec-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 case officer sought amendments since the original plans were considered to represent, cumulatively, a disproportionate addition within the Green Belt. The amended plans were judged acceptable for the reasons set out in the report.

Report Dated: 06-Dec-2023