

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:	2023/62/93131/W
Site Address:	Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW
Description:	Change of use from annex to holiday let
Recommending Officer:	Katie Chew

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.

John Holmes

AUTHORISED OFFICER

Date: 14th February 2024

Officer Report

Site Description

Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW

Spring Hall Mount is a Grade II Listed Building located within an area defined as Green Belt within the Kirklees Local Plan. The building is sited within a relatively isolated location and is comprised of a large two storey dwelling which has a large garden sloped area to the north and east. To the north of this building is the annex of which this application relates.

The annex is two-storeys high, although due to the sloping land levels the building appears single storey from Binn Lane. It is constructed from natural stone with a pitched grey stone slate roof.

The host property and related annex building are accessed off Binn Lane which is a single width road and adopted highway whereby Public Right of Way COL/217/30 is located.

Surrounding the site is a residential property to the south with open fields and limited built form to the south of the site is the Peak District National Park.

The application site is not located within a Conservation Area but is located adjacent to a Grade II Listed Building to the south.

Description of Proposal:

The application seeks planning permission for the change of use from annex to holiday let.

No external alterations are proposed to the existing building which appears to have been built in accordance with previously approved application 2015/90495.

The application seeks to change the use of the building from annex to a holiday let which is said to be occupied by no more than 2 adults, as outlined within the submitted Design Statement.

Internal alterations are shown to form part of the development, although it is considered this would fall outside the definition of development as set out in section 55 of the Town and Country Planning Act 1990 (As amended) and as such the only thing being considered as part of this application is the use.

Confirmation as to the operations being undertaken, and whether the use has commenced, has not been able to be conclusively clarified insofar as to whether the use unlawfully commenced and then ceased or whether the use has not commenced at all. For the purposes of assessing this application, it is being treated as the case the use has not commenced.

History of negotiations/amendments received

No amendments have been sought on this occasion.

Relevant Planning History

2022/93114 – Listed Building Consent for installation of solar panels on annex. Approved 21st November 2022.

2022/93113 – Installation of solar panels on annex. Approved 21st November 2022.

2021/90629 – Erection of detached summer house (Listed Building). Approved 20th April 2021.

2015/90495 – Erection of detached building to create dwelling forming annex accommodation associated with Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW (within the curtilage of a Listed Building). Approved 25th June 2015.

2013/92880 – Discharge of conditions 4 (material samples) and 10 (garage door details) on previous application no. 2010/90653 for erection of split level building to provide ancillary living accommodation and garage (within the curtilage of a listed building). Approved 31st October 2013.

2011/90039 – Listed Building Consent for internal alterations, retrospective mullion reinstatement, replacement windows and alteration of existing window opening to form opening to form a door opening. Approved 4th March 2011.

2010/90654 – Listed Building Consent for erection of split level building and garage. Withdrawn 23rd November 2010.

2010/90653 – Erection of split level building to provide ancillary living accommodation and garage (within the curtilage of a listed building). Approved 1st September 2010.

2006/95117 – Erection of split level building to provide ancillary living accommodation and garage (within curtilage of a listed building). Approved 23rd May 2007.

Planning Enforcement

COMP/23/0520 – Change of use of annexe to Air BNB business (breach of condition 11 of 2015/9049) No evidence of breach.

Representations

Final publicity date expires:

Neighbour Letters – Expired 2nd January 2023.

Press Notice – Expired 8th January 2024.

Site Notice – Expired 7th January 2024.

8 objections (with two from the same objector) have been received; comments are summarised below.

- Concerns in regards to the impact on highway safety and traffic.

Officer note: Noted. The Council's Highways Officers have been consulted on the proposals and their comments can be seen under the consultee responses and highway safety sections of this report.

- If the annexe had of been used as an annexe elderly residents would not have additional vehicles.

Officer note: Noted. Although, this may not have been the case. Nevertheless, Officers have to assess each case on its own merits and in this instance, there will be 1 double bedroom provided with off-street parking available for 2 vehicles. The Council's Highways Officers have also been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- Concerns in respect of a decrease in property prices.

Officer note: Unfortunately, this is not considered to be a material planning consideration that could be afforded significant in this case taking account of the nature / scale of the proposal.

- The Binn is a Conservation Area both for wildlife and landscape.

Officer note: Noted. This is discussed in more detail within the visual amenity and biodiversity sections of this report.

- It is a little late to receive a planning application for a building that is already completed and in use as a holiday let.

Officer note: The town and Country Planning Act 1990 (as amended) allows for the submission of retrospective planning applications following development being undertaken.

- There is no shortage on holidays lets in Marsden.

Officer note: Noted.

- The accommodation has never been for two people it has always been for four as advertised on social media.

Officer note: Noted.

- This is a higher level stewardship area for the Pennine Twite.

Officer note: Noted. However, as no external alterations are proposed within this application to the existing building Officers have minimal concerns in respect impact upon wildlife. This is discussed further within the biodiversity section of this report.

- Concerns in respect of theft and antisocial behaviour, noise and light pollution and increase in litter.

Officer note: Noted. However, given the scale / nature of the proposals Officers do not consider that the introduction of this small holiday let which is located adjacent to, and would have a similar relationship as other residential properties would result in a significant increase in any of the above concerns in the area.

- Concerns in respect of noise.

Officer note: Noted. The Council's Environmental Health Officers were consulted on the proposals and recommend the submission of a noise management plan should planning permission be granted. This is considered to be sufficient to mitigate any future concerns in respect of noise pollution.

16 representations in support of the proposals have also been received, comments are summarised below.

- The addition of a holiday let in this location would be a great asset for the village as there is a shortage of suitable short term holiday accommodation in the village at present.
- The proposals would be a boost to the local economy.
- The design is entirely in keeping with other outhouses in the immediate area.
- The landscaping appears to have considered privacy issues on all sides.
- As the annex is built for 2 people and will be for a short term let it will not have any significant impacts on traffic on the narrow lanes and adequate parking is planned.
- There seems to be ample off road parking between it and the existing main house;
- Small scale development of this nature is essential to the sustainability of these semi-rural hamlets which contribute to the unique landscape of Colne Valley.
- Marsden is a semi-rural location and the road to the property is no different to any other minor road in the area, in fact it is in a better state of repair and a lot easier to navigate than most.
- The owners live on site and should be able to manage any impact on the locality, should there be any.

- Many people will have a very positive experience from being able to access a short break here.
- The proposals will bring the opportunity for walkers and cyclists into the area.
- Can see no difference between long term residents or short stay visitors.
- The developers are aware of their ecological responsibility to the landscape which will be conserved and enhanced by their commitment to the sustainability and long-term care of the landscape for quiet enjoyment and contemplation.
- The owners have taken such care to create a sympathetically designed property which is modest in size and might be affordable for a single person rather than a family.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being located adjacent to a Listed Building to the south and Public Right of Way (COL/217/30) to the east.

Consultation Responses

KC PROW – No comments received within statutory timescales.

KC Environmental Health – Comments received 11th December 2023. No objections subject to a condition which requires the submission of a formal noise management plan to protect the amenity of nearby sensitive residents.

KC Highways – Comments received 25th January 2024. No objections but Officers do request the submission of further details in respect of off-street car parking, cycle parking and waste storage and collection facilities.

Officer note: Following receipt of amended plans Highways Officers have no objections and deem the proposals to be acceptable as submitted.

Officer note: Where development is considered likely to affect land in a National Park, the Development Management Procedure Order 2015 (as amended) requires that consultation with the relevant national park authority is undertaken. Whilst the site is close to the boundary with the National Park, given the proposal is seeking change of use to an existing building it has been concluded with the Park Authority is not necessary in this case.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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).

The application site is located within the Green Belt, Strategic Green Infrastructure Network, Bat Alert Area, and partially within the Wildlife Habitat Network Combined Area. It is also important to note that a Public Right of Way (COL/217/30) runs along the access road to the east. There is also a Grade II Listed Building located to the south.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP10 – Supporting the Rural Economy
- LP21 – Highways and Access
- LP22 – Parking
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th December 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

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

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 – Principle of Development

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Tourism Related Development

Paragraph 88 of the NPPF sets out that development policies and decisions should enable sustainable rural tourism which respect the character of the countryside. Of relevance to the consideration of the principle of development is policy LP10 of the Kirklees Local Plan which sets out that the economic performance of the rural economy will be improved by a number of criteria (parts a – f), with the relevant part in this case being part d which sets out it shall be improved by ‘supporting and increasing tourism related development including encouraging new facilities and accommodation for tourists’. Part 3 of policy LP10 sets out that development proposals will not be supported where they would lead to unsustainable development contrary to other policies in the local plan.

The proposal would lead to a small scale increase in the accommodation offer for tourists in the locality and district as a whole, which would have a beneficial impact in this regard in terms of the local economy.

It is considered that on the basis the proposal is considered acceptable in respect of all other relevant considerations (discussed within the following sections of this report) the proposal would meet the requirements of the aforementioned policies and be a tourism related development that would have a beneficial impact in this regard.

1.3 – Land Allocation (Green Belt)

The site is allocated as Green Belt in the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to ‘assist in safeguarding the countryside from encroachment’. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances’. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraphs 154 and 155 of the NPPF.

Paragraph 155 of the NPPF is relevant in the consideration of a change of use of a building in the Green Belt, specifically this sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. At paragraph (d) one of the other forms of development referred to is listed as the re-use of buildings provided that the buildings are of permanent and substantial construction

As no changes are proposed to the scale, layout or design of the existing building and that the proposals simply seek a change of use from annex to holiday let it is not considered that the proposed use would significantly intensify the use of the site, this conclusion is drawn on the basis the operation of the building would remain linked to that of the host property which is outlined in blue upon the submitted location plan (ref: TQRM21018124532250).

On the basis of the inclusion of a condition of approval requiring the building to remain linked to the use of the host property outlined in blue it is considered the additional impact of the arrival / departure of people using the site, associated waste and waste storage arrangements and vehicular movements would not significantly intensify the use of the site in this case that it could be considered that the development would lead to encroachment, or compromise any of the other purposes of including land in the Green Belt and the proposal would not have a significantly greater impact upon openness.

Subject to condition the proposal is considered to be acceptable in principle.

2 – Impact on Visual Amenity and Heritage Assets

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high-quality beautiful and sustainable 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 the development in the local area, thus retaining a sense of local identity. LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering the impact of a development on Listed Buildings 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.

Furthermore, Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is affirmed by Policy LP35 of the Kirklees Local Plan, and also LP24(a) which says that the form, scale, layout and details of the development must respect the character of heritage assets.

Principle 6 of the Housebuilders Design Guide SPD highlights that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.*

Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types.

Principle 14 goes on to say that the design of the windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The application relates to a change of use from annex to holiday let. As no external changes are proposed and that the application seeks to undertake a simple change of use to an existing building, any impact arising with regards to visual amenity or impact on the setting and significance of adjacent Listed Buildings to the south are deemed to be neutral. For these reasons it is considered that the proposals would not harm the setting and significance of adjacent heritage assets or character and appearance of the area on this occasion.

It is however considered to be reasonable and necessary, should planning permission be granted to include a condition which restricts permitted development rights to ensure that the domestic use does not introduce further development which would lead to overdevelopment of the site, or which would dilute the existing buildings simple and traditional appearance impacting on the character and appearance of the area, and potentially the setting and significance of adjacent heritage assets. The removal of permitted development rights of outbuildings would also be required to ensure that the garden area does not become overly domesticated in the future.

To conclude, the proposal is considered to be acceptable, subject to conditions, and is therefore in accordance with policies LP1, LP2, LP11, LP24 and LP35 of the Kirklees Local Plan, principles 6, 13, 14, and 15 of the Housebuilders Design Guide SPD, Chapters 12 and 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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.”*

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Impact on no. 1 Binn Lane

This neighbouring property is located to the south of the application site, approximately 48m away from the proposed holiday let. Given the large separation distance and that the building is as existing (constructed under a previous 2015 planning application) Officers have no concerns that the proposals will result in any issues in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature of this neighbouring property.

Principle 16 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires that an acceptable living space is provided.

The internal floorspace provided within the holiday let would just meet the standards required to be in compliance with the Nationally Described Space Standards for a two-storey 1 bedroomed (2 person) dwelling, with all habitable rooms having access to at least 1 window. Therefore, Officers consider the proposed holiday let to provide adequate living space for future occupiers, as well as providing a sufficient amount of natural light and outlook into habitable rooms.

Principle 7 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.

Looking at the proposed external amenity space, it is considered that should 1 holiday let be provided on the site, the proposed garden space and patio area are likely to be appropriate in both size and location for the proposed short-term nature of this accommodation. Taking the above into consideration it is deemed reasonable to include a condition which requires the unit to be used as a holiday let only and so as not to be used as a permanent residential use.

In terms of concerns relating to noise and odour pollution, paragraph 191 of the NPPF, contained within Chapter 15 is relevant and sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise and odour from new development.

Policy LP52 of the Kirklees Local Plan also seeks to ensure that, amongst other things, the impact from noise and odour for new development is acceptable and that development which has the potential to increase pollution from noise and odour must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

In this instance the Council's Environmental Health Officers have been consulted upon the proposals. They note that short term holiday let accommodation can give rise to noise and disturbance, however in this instance they consider the limited number of potential residents, and the close proximity of the owners will mitigate any potential issues. Nevertheless, they do recommend a condition in relation to the submission of a formal noise management plan to protect amenity of nearby sensitive residents.

It is considered that the operation of the building as a short term let but not in connection with the associated dwelling would have a harmful impact upon the amenity of the dwelling in respect of noise and disturbance. In addition the storage of waste(s) would need to be accommodated and it is not considered this could be suitably undertaken solely within the site outlined in red. As such it is considered that whilst the development proposal is concluded acceptable in this regard, this is on the basis the site outlined in red on the submitted location plan is undertaken in connection with the use of the site outlined in blue. A condition to this effect would be included upon any grant of permission to ensure the impact upon the amenity of the occupiers / future occupiers of the host property (Spring Hall Mount) is acceptable.

In conclusion, taking the above into account and subject to conditions, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear. In this instance the parking proposed is to be located towards the front of the holiday let and down the side of the building for a total of 2 vehicles. Parking is also provided for Spring Hall Mount is to be provided for 3 vehicles adjacent to the property, as shown on submitted plans. Whilst one of the spaces is located to the front of the holiday let and therefore is not typically in accordance with Principle 12, given the restricted nature of the site/area and that this relationship is not uncommon within the area Officers consider the proposals to be acceptable.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. Bin storage has been shown on the submitted plans, indicated in green. It is considered reasonable to assume that the waste arrangements will be similar to that approved under the previous application for an annexe. However, as outlined within an email received from the applicant on the 30th January 2024, as the property will no longer be occupied full time then the likelihood is that there will be less traffic and less waste at the site.

Whilst the Council's Highways Officers raised initial concerns in respect of where the parking and waste storage was to be located within the site, following receipt of amended plans they have confirmed that they have no objection to the proposal and that they have no objections and that they deem the application to be acceptable.

It is considered that, given the parking / access and waste storage arrangements are interlinked with the operation of the wider site (outlined in blue on the submitted location plan) a condition is required to be in place on any grant of permission to ensure this remains the case and that there is no separation of the operation of the site outlined in red from the use of the land outlined in blue and the wider use of the host property.

Taking the above assessment into consideration, subject to condition, the proposals are deemed to be acceptable in relation to highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5 – Other Matters

Biodiversity

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst it is acknowledged that the site is located within an identified bat alert area, given the nature of the proposals in that no external alterations are proposed to the building, other than landscaping works to the rear, it is considered unlikely that roosting bats would be disturbed during construction works. However, an informative is recommended to be attached should bats be found during works.

Subject to the recommended informative the proposals are considered to be in accordance with Principle 9 of the Housebuilders Design Guide SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Furthermore, whilst the site is located within a Strategic Green Infrastructure Network in the Local Plan, given that the site is existing, located adjacent to residential properties, it is considered that the proposal would not adversely affect the green infrastructure network, in accordance with Policy LP31 of the Kirklees Local Plan.

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.

LP26 of the Kirklees Local Plan relates to renewable and low carbon energy, stating that renewable and low carbon energy proposals (excluding wind) will

be supported, and planning permission granted where the following criteria are met:

- a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
- b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
- c. the statutory protection of any area would not be compromised by the development;
- d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their resilience on sources of non-renewable energy. Proposals should also seek to design water retention into proposals.

As the building is already erected and no external changes are to be made to the property, it is considered that the proposals are sufficient to meet the Council's climate change agenda in this instance. The proposals are therefore considered to accord with Principle 18 of the Housebuilders Design Guide SPD, Chapter 15 of the NPPF and Policies LP24 and LP26 of the Kirklees Local Plan.

6 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation: Delegated Decision

Application Number: 2023/93131

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 (as amended).

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, LP3, LP10, LP21, LP22, LP23, LP24, LP30, LP31, LP35, LP51, LP52 and LP57 of the Kirklees Local Plan, Chapters 2, 4, 6, 8, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework, Principles 6, 7, 9, 12, 13, 14, 15, 16, 18 and 19 of the Housebuilders Design Guide SPD.

3. Prior to the premises hereby approved being brought into use, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the guests' use of the property and the actions that will be taken if guests at the property fail to observe the required control measures. The approved noise management plan shall be implemented before use commences and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on hereby approved Location Plan, received 23rd November 2024 without the prior written consent of the Local Planning Authority.

Reason: To avoid overdevelopment of the site, and to ensure that any future extensions or alterations do not dilute the existing simple and traditional appearance of the host building, impacting upon the character and appearance of the area, or the setting and significance of adjacent heritage assets. This would be in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. The use of the building, as a holiday let, hereby approved shall be let and occupied solely for the purposes of holiday accommodation and shall not be occupied as a main or principal place of residence. No person occupying any unit shall remain as an occupier for a continuous

period of more than 28 days. Having vacated any holiday let no person shall return to occupy the 'holiday let' unit overnight until a minimum period of 14 days has elapsed.

Reason: In the interests of residential amenity in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Policy within Chapter 12 of the National Planning Policy Framework.

6. Spring Hall Mount and the buildings within the area edged blue on the submitted location plan drawing (ref: TQRM21018124532250) comprise one planning unit within a single ownership. If the use of the building as a single holiday let ceases the use shall revert to a use ancillary to Spring Hall Mount.

Reason: To prevent encroachment into, and protect the openness of, the Green Belt, to ensure the development has an acceptable impact upon access and highway safety through the provision of appropriate levels of off street parking and to ensure the development has an acceptable impact upon the residential amenity of neighbouring occupiers and future occupiers to accord with policies LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 9, 12 and 13 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If Bats are found then contact Natural England.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Site Location Plan	TQRM21018124532250	-	23 rd November 2023
Planning Drawing	01	B	30 th January 2024
Design Statement – Supporting Information	-	-	23 rd November 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 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 amendments have been sought on this occasion as the proposals were considered to be acceptable upon submission.

Report Dated:

09/02/2024