

**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:	2023/62/93497/E
Site Address:	Field Head Barn, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR
Description:	Alterations to part of garage to create dwelling forming annex accommodation associated with Field Head Barn, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR and kennel.
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 13/05/2024

OFFICER REPORT

Site Description

144a Latham Lane, Gomersal, Cleckheaton is a detached single storey dwelling which was built following the approval of planning application reference 2014/92524. The site is set back off the road with a shared access with a courtyard area to the front which provides parking and an existing double garage which received permission under application 2019/93823 and has been constructed.

The area is semi-rural with some buildings in the vicinity although there are variances in terms of age, size and style.

Description of Proposal

This application has been received for 'Alterations to part of garage to create dwelling forming annex accommodation associated with Field Head Barn, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR'

The previous application granted the principle of a building on site to be used as a garage with the following dimensions:

'The new outbuilding would have a width of 14.5m and a depth of 6.6m with an eaves height of 2.6m and an overall height of 5.1m.'

Officers have measured the previously approved plans and those submitted with this application. The proposed plans would largely retain these previously approved dimensions. However, the maximum height of the existing unit is measured at 5.4m, with a width of 12.7m and an eaves height of 2.9m. It is understood by officers that Planning Enforcement has previously investigated the current structure and no further action was taken.

Alterations to the scheme include the introduction of roof lights onto the principal elevation of the structure to facilitate its change into residential accommodation and alterations to the front to create a non vehicular access.

Amended plans have been received during the course of the application after a structure was noticed on site which did not reflect the plans submitted. The kennels would have a projection of 3.7m with a depth of 4.7m and a height of 2.9m.

Relevant Planning History

2005/93170 - Erection of detached garage/store with wc - Refused

2005/94711 - Erection of detached garage with wc - Granted

2008/94026 - Conversion and extension of garage to form granny annex - Invalid

2014/92524 - Erection of single storey dwelling - Granted

2015/90123 - Removal of condition 4 on 2014/92524 – Granted

2015/90858 - Discharge of conditions on 2014/92524 – Granted

2019/93823- Demolition of existing garage and erection of detached garage with pitched roof- Granted.

Representations

The application was subject to two rounds of negotiations following the receipt of Certificate B, the application has been advertised by neighbour notification letters, which expired on 7/04/2024.

No formal comments were received in response to the application.

Cllr Pinnock had approached officers during the processing of the application and an in-person discussion was held providing all requested information.

Negotiations

During the course of the application officers requested that Certificate B was signed due to the access being shared and additional plans requested relating to a structure adjoining the application building which was not included at the time of submission. The omission was noticed by officers during the site visit. Amended plans were received and a re-consultation was not deemed necessary as the principle of the application had remained the same and the discrepancy had already been identified.

The description was amended to reflect to reflect the kennel on the proposed plans.

Consultation Responses

Informal comments received from Kirklees DC Highways whereby no objections were received.

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).

The site is within the Green Belt on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 57**- The extension, alteration or replacement of existing buildings
- **LP60**- The re-use and conversion of buildings

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and 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 and beautiful places
- Chapter 13- Protecting Green Belt Land

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity

- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development, impact on visual amenity and openness of the Green Belt

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The principle of the application is for the change of use of an existing structure to provide an annexe at first floor level; however, as previously mentioned, the application has been amended since submission to include a structure on the northern boundary of the site which is indicated to be kennels.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

The main structure previously has permission, and this was not considered to be materially larger than previous structures on site following alterations.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

The further alteration to include the kennels would result in an additional 17.4m² of floor space being created. The existing structure has a footprint of approximately 331.5m² and therefore the proposal would represent approximately a 6% increase to the previously approved footprint of the existing structure which is considered marginal in this instance. The proposal would be located to the northern elevation of the existing structure and not overly prominent from the public realm.

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. It is considered that due to the minor scale of the additional footprint of the dwelling and the location of the proposed kennels along the northern boundary of the site, that the proposed

kennel extension would have an acceptable impact on the openness of the Green Belt. However, due to the increase in footprint of the original dwelling when coupled with the increase in scale of the garage and the dog kennel, it is considered necessary to remove permitted development rights for the property to prevent any unregulated development.

In terms of the alterations of the existing garage into an annexe, LP60 of the Kirklees Local Plan refers to the conversion or re-use of buildings in the Green Belt and states they will normally be acceptable where:

- The building to be re-used or converted is of a permanent and substantial construction.
- The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings.
- The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.

In order to facilitate the change of use, alterations have been made to the roof of the structure to include roof lights and the introduction of a door in the principal elevation of to allow for access to the property. It is considered that the structure is existing and would comply with the first point of policy LP60, there would not be any additional hard standing proposed as part of the development as the site is already landscaped and the materials for the alterations would be appropriate and in-keeping with the existing use of the site.

The proposed annexe would be in association with the host dwelling. In the event that planning permission is approved, it is considered necessary to include a condition to ensure there would be no further domestic or urban characteristic introduced on site in association with a residential property.

Therefore, it is considered that subject to conditions, the proposal would have an acceptable impact on the openness of the Green Belt, the host dwelling and the prevailing character of the area and it would accord with Policy LP24 LP57 and LP60 of the Kirklees local plan in terms of visual amenity.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

The proposal would introduce additional fenestration onto the roof of the existing garage to facilitate the development, this would face towards the main dwelling associated with the application site 144a Latham Lane and therefore would not raise any concerns regarding overlooking as a condition is to be imposed that this will be ancillary to the existing dwelling.

There are no increases in scale proposed as part of the application and no further fenestration proposed. The addition of a kennel has been included as part of this application to regulate the development.

There is a stable which adjoins the proposed annexe to the rear.

It is considered that, due to the scale and location of the proposal, no other properties would be impacted from a residential amenity perspective.

4 – Impact on highway safety:

The proposals would not result in any significant intensification of the domestic use of the property due to it being used in association with 144a Latham Lane. An informal consultation with KC Highways DM was held on 1.05.2024 and due to the site currently having a large amount of hardstanding, the annexe being ancillary, and that the proposal would not amend parking arrangements on site, the proposal would comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

The proposal is seeking retrospective permission for the erection of a kennel and the change of use of an existing garage into an annexe. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Electrical Transmission Cables

A consultation was sent to the National Grid due to the site's proximity to electrical pylons. No concerns or objections were raised and as such no further commentary is required.

National Gas

An accidental consultation was sent to national gas with the response available on the Council's website. Due to the site not being in close proximity to any high pressure gas pipes, no further comments were made.

6 – Representations:

N/A

8 – Conclusion:

This application for Alterations to part of garage to create dwelling forming annex accommodation associated with Field Head Barn, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. The proposal is considered acceptable and approval is recommended.

**Recommendation
Permission**

Conditional Full

Decision Authorisation - Delegated Powers

Application Number: 2023/93497

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 Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The annex dwelling hereby approved shall be used by the occupants or relative of the dwelling house known as Field Head Barn, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR and shall at no time be sold, rented, or severed to be occupied as a separate independent dwelling unit.

Reason: In the interests of highway safety and to achieve a satisfactory layout site in accordance with Policy LP21 and LP22 and LP60 of the Kirklees Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A – G of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the openness of the Green Belt in accordance with the requirements of Policy LP57 of the Kirklees Local Plan and the provisions of the NPPF (2021).

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00 hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Site Location	23-032-03	30/01/2024
Existing Elevations	23-032-01 Rev:A	19/04/2024
Proposed Plans	23-032-02 Rev:A	14/03/2024
Design and Access Statement		30/01/2024

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 Planning 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.

Certificate B was requested during the course of the application and amended plans which were reflective of the existing development. The description was amended to reflect to reflect the kennel on the proposed plans.

