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Planning      Development

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## **Planning Statement: The Hayloft, Highfield Gate Farm, Highfield Road, Slaithwaite, Huddersfield, HD7 5UT**

### Site Description and background

The existing dwelling comprises of a part single storey and part two-storey detached stone built property that has been built into the adjacent hillside. The dwelling includes an integral garage, and store room on the ground floor with the entrance hall, lounge, kitchen, bathroom and two bedrooms located on the first floor.

Access to the property is via a shared drive from Highfield Road. The property also includes some limited outdoor amenity space which is located to the rear and sides of the dwelling. Directly west of the application site is Highfield Gate Farm. Other than the adjacent dwelling, the application site is situated within a rural location, surrounded by fields and open countryside.

Details were approved in 2021 (see reference below) for the enlargement of the dwelling by the erection of second storey, which would make the property and three storey dwelling.



**The Hayloft – to the right on the photograph**

## Planning History

2021/94444 – Formation of parking area – Withdrawn

2021/92412 – Prior approval for enlargement of dwellinghouse by erection of additional storey – Details Approved

88/04860 – Conversion of barn to dwelling - Approved

## Policy Designation

The application site is located within the Green Belt in accordance with the Kirklees Local Plan Policies Map.

## The Proposals

This application seeks planning permission for the demolition of the existing dwelling and the erection of one new dwelling, the formation of two car parking spaces and associated hard and soft landscaping.

The proposed dwelling would comprise of a two-storey natural stone-built property with a pitched artificial stone slate roof. A single storey element would project out from the north-eastern elevation of the main house at first floor level to provide a sunroom. A balcony is proposed across part of the front elevation, beneath which would be a covered entrance and porch. The orientation and siting of the proposed dwelling would be broadly similar to the existing property.

Internally, the proposed dwelling would incorporate three bedrooms, two bathrooms and a study on the ground floor with a living room, open plan kitchen and dining room, sunroom, utility room and W.C on the first floor.

A drive with parking provision for two off-street parking spaces is proposed on the western side of the proposed dwelling and a terraced garden is proposed on the eastern side of the dwelling. Retaining walls are also incorporated into the overall design.

The existing shared vehicular access from Highfield Road would be used to access the new dwelling. A public footpath (ref: COL 102/70) currently runs along the front of the site before heading north-east then north towards Highfield Road. The public footpath is on land not within the ownership of the applicant and so would remain unaffected by the proposed development.

## Assessment of the Proposals

### **Green Belt**

Paragraph 154 in the NPPF states that,

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

*c) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'*

This is echoed in Local Plan Policy LP57, which states that,

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

Regarding this application, the proposals seek to replace the existing dwelling with a dwelling which is materially larger than the one it replaces. It could therefore be argued that the development does not comply with clause c) of paragraph 154 in the NPPF and as such constitutes inappropriate development. However, it is considered that very special circumstances exist in this case principally in the form of a legitimate and lawfully established fallback position.

As the planning history above shows, a relatively recent prior approval application for the enlargement of the dwellinghouse by the erection of an additional storey at the property was approved in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (As Amended). This approval (for a property which would then be of a footprint and volume of 181 sq.m and 554 cu.m respectively) is therefore considered to be a relevant material planning consideration as a fallback position. Case law has determined that a fallback position no longer must be probable or have a high chance of occurring, but simply needs to be more than a theoretical prospect.

In the case of *R (on the application of Zurich Assurance Ltd T/A Threadneedle Property Investments) (Claimant) v North Lincolnshire Council (Defendant) & Simons Developments Ltd (Interested Party) [2012] EWHC 3708 (Admin)*<sup>1</sup>, the Judge concluded in paragraph 75:

*"However, I remain unpersuaded by Mr Tucker's ground of challenge. The prospect of the fall-back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall-back position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration (see *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21]* per Sullivan LJ). Weight is, then, a matter for the planning committee."*

With regard to the fallback position, a Structural Inspection of the property has been undertaken by Marsh Design Limited and their letter accompanies the application. In summary, although the property is in a poor state of disrepair with several structural defects, it is considered that it would be feasible to address the structural and foundation issues while still complying with criteria k) of Class AA, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended) which states that development is not permitted if:

*'k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or foundations.'*

This lawfully established fallback position is therefore capable of being implemented by the applicant and would likely be built in the event there was no other option. However, ideally the applicant would prefer to build a replacement dwelling instead in accordance with the submitted plans as there would be a number of benefits in doing so. These are as follows:

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<sup>1</sup> <http://www.bailii.org/ew/cases/EWHC/Admin/2012/3708.html>

The existing dwelling is relatively old and as such there are limitations as to what the applicant can do to make it more energy efficient and hence more cost effective to run in the long term. The replacement dwelling, however, would be much more energy efficient in relation to materials, construction techniques, insulation, fixtures, and fittings and so on. As such, there would be long term cost benefits for the applicant, as well as climate change benefits.

In relation to the openness and visual amenity of the Green Belt, the size of the proposed dwelling has therefore been assessed against the size of the existing dwelling plus the extension approved under Class AA. The table below shows the comparisons between the two in terms of floorspace and volume.

	<b>Class AA Fallback Development</b>	<b>Proposed Development</b>
Lower Ground Floor Floorspace	49 sq.m	92 sq.m
Upper Ground Floor Floorspace	66 sq.m	99 sq.m
First Floor Floorspace	66 sq.m	0 sq.m
Lower Ground Floor Volume	118 cu.m	239 cu.m ++
Upper Ground Floor Volume	172 cu.m	237 cu.m
Roof Volume	92 cu.m	120 cu.m
<b>Overall Footprint</b>	181 sq.m	191 sq.m
<b>Overall Volume</b>	554 cu.m	596 cu.m

++ See below regarding this element of the proposals

As can be seen from the table above, the overall floorspace of the proposed dwelling would be increasing by 10 sq.m when compared to the overall floorspace of the dwelling approved under Class AA and the overall volume of the proposed dwelling would be increasing by 42 cu.m when compared with the dwelling approved under Class AA. These increases in floorspace and volume are deemed to be acceptable as it is considered they would not result in a materially larger dwelling than the extended dwelling approved under Class AA.

In the case of *Budhdeo v Secretary of State for Communities and Local Government and Harrow Council*<sup>2</sup> reference was made in paragraph 15 to the case *R (on the application of Heath and Hampstead Society) v Camden LBC* [2008] EWCA. In that case, the judge stated in paragraph 22 that,

*“In most cases floor space will undoubtedly be the starting point, if indeed it is not the most important criterion. But I entertain no doubt that the concept of whether the dwelling is “materially larger” can be assessed with reference to matters such as bulk, height, mass and prominence. These are all matters relevant to the openness of the Green Belt.”*

The judge went on to conclude in paragraph 37 that,

*“The general intention is that the new building should be similar in scale to that which it replaces ... A small increase may be significant or insignificant in planning terms, depending on such matters as*

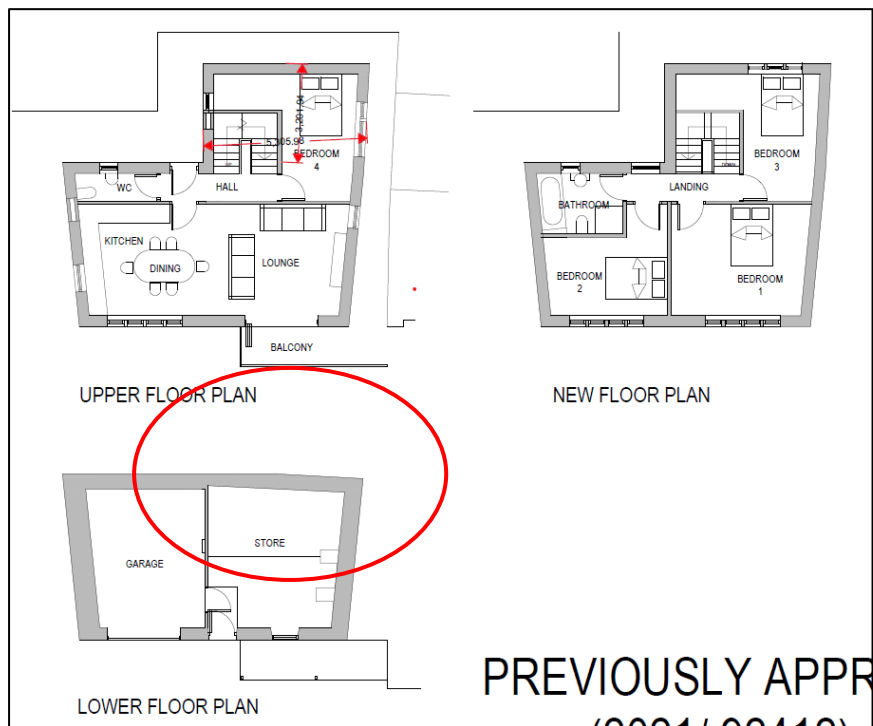
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<sup>2</sup> [2016] EWHC 21 (Admin)

*design, massing and disposition on the site. The qualification provides the necessary flexibility to allow planning judgement and common sense to play a part, and is not a precise formula.”*

With reference to the *Budheo* case, and matters of “bulk, height, mass and prominence” being relevant to Green Belt openness, the replacement dwelling would not result in a materially greater impact than the lawful fallback position for the following reasons:

- a) The proposals would provide a *height* of two-storeys compared with the fallback position of three-storeys, also reducing the prominence of the building in the local vicinity and wider landscape, which currently comprises predominantly two storey dwellings.
- b) The proposals would result in more of the volume (and hence bulk and mass) being located to the rear of the building at lower ground floor level where none currently exists. The drawing extract below for example shows an area ‘missing’ from the current building (circles in red) that would be replaced by volume within the new building comprising of the equivalent of 41 cubic metres (5.3m wide x 3.2m deep x 2.4m high). This additional volume (and more volume added to the rear lower ground floor - refer to the proposed plans) would be built into the embankment at the rear of the property and therefore would not materially contribute to the *bulk, height, mass and prominence* when viewed from any angle. This 41 cu.m (barring 1 cu.m) represents the increase in volume proposed (i.e. from the fallback scheme of 554 cu.m to the current proposals of 596 cu.m).



- c) Although the proposed dwelling would be longer as a result of utilising volume across a larger floorplate compared to the existing dwelling, this would have a lesser impact on Green Belt openness compared with the Class AA fallback position in our opinion, outweighed by the positive impacts on openness as a result of the reduced *height* and *prominence* of the property as a result of the two storey design, and through locating some of the volume in the hillside to the rear,

Given the above, the proposals are considered to be acceptable in relation to national (NPPF para 154 (d) and local Green Belt planning policy (Policy LP57), in that they are judged not to result in a materially larger replacement dwelling when compared with the lawful established fallback position.

Careful consideration has also been taken with regards to the overall layout, design, and materials for the proposed development to ensure the replacement dwelling, hard standing areas, outdoor amenity spaces and boundary treatments are suitable for its Green Belt setting. This is also discussed in more detail in the following section of this report.

### **Design and Visual Amenity**

Local Plan Policy 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.’*

The Kirklees Housebuilders Design Guide SPD also sets out what the Council considers to be good, high-quality design through a number of principles. The relevant principles in relation to this scheme in terms of design and visual amenity are as follows:

Principle 2 – Context

Principle 12 – Parking

Principle 13 – Architectural details

Principle 14 – Windows and doors

Principle 15 – Roofline

Principle 17 – Outdoor space

The proposed development comprises of a two-storey detached dwelling with associated parking and landscaping. The design of the dwelling incorporates both traditional and contemporary architecture and design features. The scale, roof style and materials of construction would be in keeping with neighbouring properties within the vicinity, and the fenestration and other aspects of the design, such as the front balcony and timber framed sunroom extension, would provide modern contrasting elements. As a result, the proposed dwelling would both respect and enhance the local character of the area.

Two off-street parking spaces are proposed at the western side of the dwelling. This area of hard standing would be nestled between the replacement dwelling and an existing detached stone garage. This enables this area to have a low impact on visual amenity as it would be largely obscured from view. The natural topography of the site is proposed to be used to create a terraced garden on the eastern side of the dwelling. This area, along with soft landscaping proposed at the front of the site, would help the development to blend in with the surrounding landscape.

The boundary treatments, which would comprise of natural stone retaining walls of varying heights along the northern, eastern and part of the southern boundaries, would also be in keeping with existing boundary walls found within the local area.

The proposed development is therefore considered to be acceptable with regards to design and visual amenity and comply with Local Plan Policy LP24, paragraph 130 in the NPPF and the relevant principles in the Housebuilders Design Guide SPD.

## **Highway Matters**

Access to the proposed dwelling would be achieved via the existing shared access track from Highfield Road. The existing access has reasonable visibility in both directions along Highfield Road. However, as the development proposed is a replacement dwelling and therefore the total number of dwellings using the access would not be increased, the access and visibility is considered to be acceptable in this case.

Two off-street parking spaces are proposed within the application site. This parking provision is considered to be acceptable and complies with the guidance for 3-bed dwellings in the Kirklees Highways Design Guide SPD. There is also adequate turning available in the vicinity of the site which would allow cars to enter and exit Highfield Road in a forward gear.

A residential bin store is proposed on the western side of the development on the proposed hard standing area.

The proposals are therefore judged to be acceptable and in accordance with Local Plan Policies LP21 and LP22, the guidance in the Kirklees Highways Design Guide and the aims of Chapter 9 in the NPPF.

## **PROW**

A public footpath (ref: COL 102/70) currently runs along the front of the site before heading up towards Highfield Road. The Proposed Site Layout plan shows the location of the footpath and as can be clearly seen, it would be unaffected by the proposed development. The footpath also lies outside of the application site and beyond the applicant's control. The proposals therefore comply with Local Plan Policy LP23 in this regard.

## **Residential Amenity**

Local Plan Policy LP24 states that,

*'Proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers.'*

Principle 6 in the Housebuilders Design Guide SPD also 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.'*

Principle 16 (Internal space standards) and Principle 17 (Outdoor Space) are also relevant.

There is only one other dwelling located within close proximity to the proposed dwelling. The property known as Highfield Gate Farm is situated directly south-west of the application site. A separation distance of approximately 13m exists between the western corner of the proposed dwelling and the closest part of the front elevation of Highfield Gate Farm. This separation distance is considered to be acceptable due to the orientation of the properties to one another and the fact that the replacement dwelling would be built no closer to Highfield Gate Farm than the existing dwelling. It would actually be built an additional 3 metres away.

The height of the replacement dwelling would not be significantly higher than the existing dwelling, and therefore it would not have an overbearing or overshadowing impact. Due to the orientation of

the properties to one another, no windows would overlook one another either. A screen is proposed on the western side of the front balcony which would also protect the privacy of the occupants of Highfield Gate Farm. As a result, the proposed development would not have a detrimental impact on the light, outlook, or privacy for the occupants of both properties.

In relation to the residential amenity for future occupants, the proposed dwelling would benefit from a good amount of outdoor amenity space and two off-street parking spaces. The siting of the dwelling would provide it with a good outlook, and the number and positioning of the windows would allow plenty of natural daylight to enter the property. An outdoor balcony area is also proposed to the front elevation of the dwelling at first floor level. Finally, the design and size of the dwelling meets internal space standards which will allow future occupants of the dwelling to enjoy a good quality of life and a high standard of living.

The proposals are therefore considered to be acceptable with regards to residential amenity and complies with Local Plan Policy LP24, paragraph 135 in the NPPF and principles 6, 16 and 17 in the Housebuilders Design Guide SPD.

### Other Matters

#### **Climate Change**

A Climate Change Statement is submitted as part of the application. Climate change mitigation measures are proposed to be incorporated into the proposals. These include:

- Air Source Heat Pump with Electric Boiler
- Mechanical ventilation and heat recovery
- High levels of insulation
- Electric vehicle charging point
- Low energy lighting

The proposed development would therefore have a positive impact on climate change and accords with Local Plan Policies LP24 and LP26.

#### **Biodiversity and BNG**

A bat survey should not be required in this instance as the property is situated at 300 metres above sea level and is not within the 'bat alert layer'.

One Swift Box (Woodcrete) is proposed within 500mm of the roofline on the North-Eastern elevation. Soft areas of landscaping are also proposed along the southern and eastern areas of the site.

The proposed development is therefore deemed to be acceptable with regards to biodiversity and accords with Local Plan Policy LP30, Principle 9 in the Housebuilders Design Guide SPD and the aims of Chapter 15 in the NPPF.

### Conclusion

This application seeks planning permission for the demolition of the existing dwelling and the erection of one new dwelling, the formation of two car parking spaces and associated hard and soft landscaping.

As discussed in the preceding paragraphs of this report, it is considered that the proposals represent very special circumstances in the Green Belt given the established lawful fallback position, in particular the proposals are not judged to represent a materially greater impact on Green Belt openness when compared with Class AA fallback position.

The proposed development is also considered to be acceptable in respect of design and visual amenity and would not cause any material issues with regard to highway matters, the PROW or residential amenity.

It is therefore respectfully requested that planning permission is approved accordingly.

**January 2024**

**Robert Halstead Chartered Surveyors & Town Planners**