

HOLME PLANNING

Partnership

Planning Statement

**Helme Edge Vineyard
Helme Edge Farm
Harrison Lane
Crosland Edge
Meltham
HD9 5RS**

Proposed Erection of Single Storey Ancillary Agricultural Building for Storage of Tools and Equipment, Staff Welfare Facilities (W.C and Kitchen area), Office and Area for Wine Tastings

January 2024

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1.0 Introduction

Background

- 1.1 Holme Planning Partnership have been instructed by Dr Alan Calder CBE of Helme Edge Vineyard, to prepare a detailed planning statement to support a full planning application for the following development, namely:

“Erection of single storey ancillary agricultural building including store, office accommodation, tool shed, toilet and kitchen facilities and tasting room to support the wider vineyard operations at Helme Edge Vineyard.”

- 1.2 This statement will address the relevant national and local planning policies that deal with the principle of the proposed development, and the pertinent planning matters associated with the scheme. This will be addressed as set out below:

Section 2 - Application Site Context

Section 3 - Planning History

Section 4 - Relevant Planning Policy – National Planning Policy Framework

Section 5 - Relevant Planning Policy – Kirklees Development Plan

Section 6 - Other Material Considerations

Section 7 – Conclusions

Principle of Development

- 1.3 The National Planning Policy Framework is supportive as a matter of principle of development to support agricultural uses and the diversification of the rural economy. The Development Plan further supports development in the Green Belt where it does not cause harm to openness, and is not deemed to be inappropriate.
- 1.4 It is our view that the development subject of this application is compliant with the core principles of local and national planning policy. Further, that there are other material considerations which also weigh in favour of the grant of consent, and we would therefore kindly request that this application be approved without delay.

Submitted Documentation

- 1.5 This planning application is supported by the following documents and drawings:

- Existing and Proposed Elevations and Floor Plans;
- Site Layout Plan (Existing and Proposed);
- Location Plan;
- Drainage details;
- Design and Access Statement; and
- Planning Statement;

2.0 Application Site Context

- 2.1 The application site currently houses a detached residential barn conversion with garaging, garden areas and agricultural land which is in the order of 3.2 acres in area, and planted with established vines for the production of English wines. The property benefits from an existing vehicular access off Harrison Lane, and off street car parking for several vehicles.
- 2.2 The site of the proposed ancillary agricultural building is shown in red below, located within the residential curtilage associated with the existing farmhouse, with the residual land in the client's ownership, including the wider vineyard operations, outlined in blue in the plan extract included below:

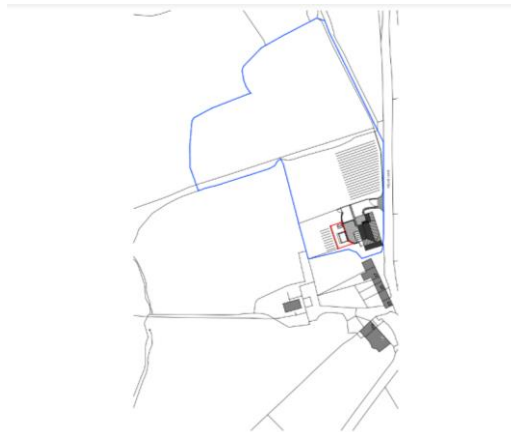


Figure 1: Site Location Plan

- 2.3 The site is located outside of, but close to the settlement of Meltham, within the designated Green Belt. The site is accessible on the local public footpath network from Meltham and Helme, with local bus services also being available within walking distance of the site on Helme Lane.
- 2.4 The site is not understood to be located within a Conservation Area, the property is not listed and there are no other listed buildings in close proximity of the site. The impact of the development proposal on the historic environment is not therefore deemed to be determinative to this application.
- 2.5 From a review of the Environment Agency Flood Map, the application site itself is not understood to fall within an area at risk from flooding.
- 2.6 There are no trees or hedges on site to be affected by the development being proposed.

Proposed Development

- 2.7 The development subject of this application comprises the erection of a single storey black timber clad structure, with flat green roof. The building is 4.6m by 6.6m in footprint, with a maximum height of 2.75m, the structure is therefore clearly very limited in scale, and is of a scale, footprint and volume akin to a 'home office' or ancillary residential outbuilding. The

proposed building has been sited and designed to nestle into the landscape, to be viewed in the context of the existing as built development on site and on neighbouring land, and to limit the visual harm of the proposals on the openness of the Green Belt. The development also incorporates a small external canopy structure to the west and north elevations to assist in reducing solar glare, overheating and to offer a protective canopy to those accessing the toilet facilities and tool shed during inclement weather. The proposed elevations and floor plan are included below:



Figure 2: Proposed development elevations and floor plan

- 2.8 The proposed structure is positioned to make the most of the outstanding views towards West Nab, but also ensures that the scheme will not result in overlooking, loss of privacy or overshadowing of neighbouring properties. The proposed siting of the structure is also focused on the importance of protecting the openness of the Green Belt, and has been positioned to be seen from distant vantage points in the context of the existing buildings. Whilst this results in the creation of a unit within the garden curtilage of the existing dwelling, any ancillary agricultural building sited within the vines themselves will (1) significantly reduce growing space, reducing yields and create issues in relation to the viability of the business, and (2) will clearly have a much more significant impact on the openness of the Green Belt than that being proposed. In addition, the existing dwelling will retain more than sufficient on site outdoor amenity space to service the needs of the property.
- 2.9 As clearly shown on the floor plan drawings detailed above, the Applicants propose to utilise the structure as an ancillary building to the wider vineyard use of the site. The as submitted plans clearly show that the structure will provide toilet, cloak and kitchen facilities for staff and visitors, store for tools and equipment (and wine ready for deliveries and tastings), and office accommodation to support the wider business operation, which will include taking bookings, processing orders, accounts etc, securing separation between the agricultural business and the dwelling. The proposed space will also offer an area for the Applicants to deliver pre-booked wine tours and tastings.
- 2.10 In terms of the proposed wine tours and tastings it can be confirmed that all such visits to site will be on a pre booked basis only. The Applicant is proposing to hold in the order or 2-3

tours per day between the hours of 11am and 5pm, with no more than 20 visitors to site in any given day. The booking system will ensure that the Applicants can suitably manage the movement of people and the wider activities on site, as well as to ensure all visitors to site can safely park within the site confines (as shown on the as submitted site layout plan), and allows them to manage the number of visitors, visitors movement around the site, and hours of operation to secure the amenity of neighbouring residents.

- 2.11 It can be confirmed that visitors will arrive on site at an allocated time slot, be guided to the structure proposed within this application for initial reception and sign in. Guests will then be taken on a guided tour of the vineyard itself where the process of vine growing, harvesting and the manufacture of wine will be explained. Once the site tour is completed, guests will be invited into the ancillary building to taste the wine produced from grapes grown on site. When wine tours and tastings are in operation, the office facility will not be in use, with staff running the tastings and tours, or on site tending to the vines. However, for the rest of the day, staff will be on site utilising the structure for access to tools, equipment, toilet and kitchen facilities, and the office space to complete wider business operations.
- 2.12 The erection of this proposed small scale single storey structure, will in reality be vital to the long term growth and economic development of the vineyard. Without having access to a space for staff, a space to store equipment, and a space for visiting guests to sample the wine made from produce grown on site, the vineyard is not likely to remain viable in the longer term. It is clearly common place at such comparable agricultural facilities for there to be the provision of an ancillary multi functional structure such as that proposed to support the wider on site operations.
- 2.13 Given the nature of the proposed use and the sustainable nature of the application site, the scheme as submitted is deemed to be acceptable as a matter of principle.

3.0 Planning History

- 3.1 Having reviewed the planning history for the site as detailed on the Council website, we are aware of the original permission for the conversion of the barn to create the dwelling now in situ. Some of these applications are noted and listed below for completeness, but are not deemed determinative to this live application:

Application Reference: 2000/91756

Description of Development: Re-use, extensions and adaption of existing farm building to form a dwelling with garage.

Decision: Approved

Date of Decision: 20th September 2000

Application Reference: 2000/90007

Description of Development: Change of use of existing barn to one dwelling

Decision: Approved

Date of Decision: 28th April 2000

Pre-Application Consultation

- 3.2 In advance of the preparation and submission of this detailed planning application, the Applicant sought to engage positively and proactively with the local planning authority on the principle of the development, and therefore submitted a request for formal pre-application advice. The pre-application request was submitted to Kirklees Council on 15th August 2023, and was registered by the Council under the provisions of application reference 2023/21039.
- 3.3 The Council undertook a consultation exercise with a number of internal consultees, and the Council's formal written pre-application advice was issued on the 29th December 2023, following an officer site visit on the 14th December 2023.
- 3.4 From a review of the pre-application advice it is noted that the following comments were received from statutory consultees:
- **Highways:** Confirmed that there was no objection to the proposals, but that any subsequent planning application should provide plans showing suitable visibility splays. The details of parking areas and turning space should also be provided with any future application. Further operational details should be provided to show how numbers will be limited and parking capacity maintained.
- 3.5 The application has been submitted with the required plans and documentation to address the points raised above, with the visibility splays and parking arrangements shown on the proposed site layout, and the operational issues and visitor numbers addressed within this Planning Statement.

- **Environmental Health:** Confirmed that there were no objections, but there is a requirement for the submission of further information in relation to foul drainage. The Environmental Health Officer confirmed that there may be a requirement for conditions and informatives in relation construction activities and hours of operation.

3.6 The application has been supported with the required drainage form completed. It can be confirmed that the existing site's foul drainage is addressed by way of a package treatment plant. Following discussions with the Applicants contractor, who maintains the existing system, it has been confirmed that the existing treatment plant can be upgraded to meet the need of the proposed development, without the requirement for additional building works. This in our view addresses the comments on drainage. In relation to the potential for conditions on hours of construction and hours of operation, this is noted, and the wording of any such conditions can be discussed and agreed during the life of the application.

- **Planning Policy:** The Policy team is noted to have raised concerns with the proposal and advised that it would result in inappropriate development within the Green Belt that would impact on openness. Any future application would therefore need to demonstrate very special circumstances exist to overcome these concerns.

3.7 In assessing the merits of the proposed development, we wish to draw Officer's attention to *Millington v The Secretary of State for the Environment [1993] 3 PLR 118*. Whilst it is accepted that the Judgment was dated 25th June 1999, and is therefore of some age, we understand that the Judgement does in fact remain a key case in the assessment of works such as that proposed at Helme Edge. The case covered numerous issues, some of which are not relevant here, but included an assessment of:

"This appeal raises an important question under the planning legislation for farmers namely whether the Secretary of State for the Environment is right in his contention that the use of land for the processing of a crop so as to produce an identifiably different product after it has been removed from the soil can not as a matter of law be the use for the purposes of agriculture. In my judgement he is not. The question is important because the use of land for the purposes of agriculture does not require planning permission."

3.8 The Judge went on to provide clarification that 'viticulture', the growing of fruit, constitutes an agricultural use as follows:

"The judgment under appeal

The crux of the judgment is contained in the following passage at p.45, which immediately follows a citation from Lord Reid in the Eastwood case

“...one must return to the specific words of the definition in order to identify whether wine-making is a use for the purposes of agriculture as being part of the process of taking the crop. The definition is said to include the fruit growing....That would indicate there is at least doubt whether, without the specific inclusion, all fruit growing, which, as I understand, is for the most part is not dependent on cultivation of the soil, is or would be agriculture.

...the vineyard comes within the definition of use for agricultural purposes because it consists of fruit growing....”

- 3.9 The Millington case makes it clear that the growing of vines and their associated harvesting is an agricultural use. Therefore, in our view the structure being proposed within this application and the uses and proposed activities contained therein is required to support this overall use, is an essential element of the future of the business, and is therefore by definition, ancillary to it. In that regard our view remains that the proposals represent an appropriate form of development within the Green Belt, and is therefore acceptable. This statement does however seek to provide additional very special circumstances to further support the case in favour of the grant of consent for completeness, and to seek to offer the comfort clearly required by the Council’s Planning Policy team.
- 3.10 In relation to the principle of the proposed development, the case officer is noted to have advised as follows within the formal pre-application advice:

“Given the nature of the proposed use and its location with the Green Belt, Officers sought to formally consult the Council’s Planning Policy team who note that from looking at the above, it appears that the primary purpose of the building is to host wine tasting sessions, and that the remainder of the floorspace is ancillary to that use rather than the operations of the agricultural enterprise and on that basis they consider that the proposed building would not be deemed to constitute a building for agriculture. Failing this, the proposed building does also not comply with any of the exceptions listed in NPPF paragraph 154 and therefore constitutes inappropriate development. Officers have also undertaken an assessment below to understand whether there would be any further harm arising from the scheme, including in respect of visual amenity.

In respect of openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The new building is proposed to be approx 4.5m x 6.6m in size, the mass of this is increased to 8.20m x 6.20m if the open canopy is included. It would have a timber wall construction with a green roof, located to the west of the existing property and at a lower level. It is noted that the D&A statement also refers to the use of stone, but the actual design has not been specified. Officers consider that the introduction of a new building where no building currently exists will harm the openness of the green belt and this harm carries substantial weight. In addition, the proposal includes an outdoor seating area, under the canopy, which

could introduce noise and disturbance into an area that would expect a high degree of tranquillity, causing further harm to openness.

In addition, it is noted that the D&A statement indicates that improvements are required to accommodate vehicular parking, yet details have not been specified. It is highlighted that any additional hard surfacing or increased traffic movements to, from and within the site, as well as any proposed lighting, could also harm the openness of the green belt and this would need to be considered within any future application.

Development should also not conflict with the purposes of including land in the green belt, the relevant one in this case being to safeguard the countryside from encroachment. The location of the proposed new building appears to be in a part of the site that is separate from the agricultural land and more associated with the dwelling. While the site is located within the countryside and in an area with a strong countryside character, Officers consider that the size and location of the building is unlikely to result in any significant encroachment into the countryside in this instance.

Whilst it is acknowledged that the proposed wine tasting business to be used ancillary to the existing vineyard would result in the creation of a tourism facility and is welcomed, regard must be had to the relevant policies within the Kirklees Local Plan and relevant national planning policy. The benefits to the rural economy that would come as a result of developing the site and creating this office, storage and wine tasting room are acknowledged however, they are not considered to be significant enough to overcome/justify the impact the proposals would have on this sensitive countryside location and the Green Belt in this instance.

Whilst the above points are noted, Officers consider these arguments cumulatively would fall short of constituting 'very special circumstances' that would clearly outweigh the harm caused to the Green Belt as identified by Officers above. Officers therefore considered that the principle of development in the Green Belt as presented unacceptable in this case on the basis that the proposal would constitute inappropriate development, which also causing harm to the openness of the Green Belt. Officers hold the view that very special circumstances have not been demonstrated to clearly outweigh this identified harm to the Green Belt. The proposal as submitted would therefore be considered to be contrary to Green Belt policy set out within Chapter 13 of the National Planning Policy Framework. It is therefore recommended that should any subsequent planning application be submitted to the Council, the proposals be supported by additional justification to support the need for the proposed building and any additional very special circumstances thought to exist to"

- 3.11 Firstly, we wish to stress that the scheme does not include any additional provision of hardstanding on site from the existing position, and no additional patios or seating areas,

with activities associated with the building to be undertaken inside only. Furthermore, there are no proposals for any additional external lighting over and above than currently in situ, the scheme in that regard will not therefore have any greater harm on the openness of the Green Belt than the current position.

3.12 In relation to the comments on the proposed use of the building, it is accepted and has never been hidden that part of the use would relate to the tasting of wines created from vines grown on site. However, the building is also required to support wider agricultural operations on site, including the storage of tools and equipment, the provision of ancillary toilet and kitchen facilities for staff, and the creation of an office space for staff to process orders, take and manage bookings, arrange deliveries, process accounts etc. In our view, the overall use of the proposed structure would be ancillary to the wider use of the vineyard, and in that regard remains policy compliant for the reasons laid out throughout this report.

3.13 In relation to the comments on the siting of the proposed development, and its closer relationship to the dwelling than the agricultural unit, would reiterate the points made at section 2 of this report, namely:

- The structure has been sited with a view to minimising the visual impact and harm on the openness of the Green Belt. The location will ensure that the structure will be viewed and read in the context of the existing built development on site and on neighbouring land, creating a cluster, as opposed to an isolated building which will create significant harm;
- The building has been located and designed to fit into the site context, topography and landscape, and with a green roof and use of timber cladding will in reality blend into the landscape further reducing harm; and
- Whilst the Council appear to indicate a preference to site the proposed structure within the land associated with the vineyard, this would in reality (1) result in a reduction in growing area, a reduction in the number of vines, a reduction in yield, and a detrimental impact on the financial viability of the operation, and (2) would clearly result in a greater level of visual harm on the openness of the Green Belt.

3.14 In our view the development constitutes the right development, in the right location, and in a position where harm is minimised to a degree as to be acceptable, and we welcome Officer's agreement that 'the size and location of the building is unlikely to result in any significant encroachment into the countryside in this instance.'

3.15 We further welcome the Officer's support in relation to the additional benefits of the development in relation to tourist related proposals, and the diversification of the rural economy. We do however not agree that such matters do not weigh sufficiently in favour to support the scheme (as addressed in more detail at section 4). In our view such issues are pertinent and weigh heavily in favour of the grant of consent, when viewed in relation to the other matters addressed within this statement.

3.16 As set out above, in our view, the development as submitted is compliant with the provisions of the Development Plan and relates to an ancillary building to an accepted agricultural use. It is accepted however that Officers require further persuasion on the matter of very special circumstances, and these will be addressed in more detail within subsequent sections of this report.

3.17 In relation to visual amenity, the Case Officer is noted to state:

“The external materials to be used in the building are in principle welcomed, as the natural stone should be reflective of the host dwelling, and adjacent properties within the immediate vicinity, with the green roof enabling the structure to blend in more seamlessly with its surroundings. Whilst the proposed Shou Sugi Barn charred timber does appear to give the building a more contemporary feel, it is acknowledged that the reference to timber cladding is reflective of agricultural buildings/residential outbuildings within the area and therefore may be acceptable. However, Officers would wish to see more details on how this material would age over time to ensure that it remains visually appropriate over a longer period of time.

When taking the above assessment into account, the proposed building may be considered to be of a scale and size that would be acceptable in this location, not appearing overly dominant or overbearing. However, further details are required in respect of the proposed Shou Sugi Barn charred timber to ensure that this material would be appropriate in this location for an extended period of time and an understanding of the height of the building in relation to surround land. Nevertheless, the design of the building, whilst somewhat contemporary, may be considered to be acceptable in this location. This assessment on visual amenity would not outweigh the harm to the Green Belt by reason of inappropriateness and other harm.”

3.18 We very much welcome the positive feedback received in relation to the scale, design and proposed use of materials, and the fact that the building as proposed is deemed to be acceptable in this location in visual amenity terms.

3.19 With regards to impact on residential amenity, the pre-application advice note confirms:

“Given the proposed location of the building, differences in ground level and that it is to be single storey in height with a possible flat roof design, Officers have no concerns in respect of the building appearing overbearing or overly dominant on adjacent neighbouring properties, and that any additional shadowing arising from the proposals would fall within the garden/amenity area belonging to Helme Edge Farm. In addition, no windows or doors are proposed within the southern elevation of the building and therefore there should be limited overlooking. However, within any subsequent application discussions would need to be had in respect of whether visitors would be congregating outside of the building, the use of the outside canopy

area and whether this would require any additional screening to be installed to protect the amenity of adjacent neighbouring properties.”

“Given the above assessment, it is considered that the proposal is unlikely to cause undue material harm to the amenities of any neighbouring properties. However, it should be noted that neighbouring properties will be consulted as part of this application process should a subsequent application be submitted to the Council, and therefore any planning related comments raised will have to be considered by the case officer.”

3.20 We wholly agree with the Officer’s conclusion that the proposed development will not result in harm to the amenities of neighbouring residents. In relation to concerns on noise and congregating of visitors outside of the structure, can confirm that the scheme has proposed hours of operation to assist in further reducing any perceived harm, and that there is not currently any proposals for outdoor seating areas. The canopy is retained in order to assist in solar shading (as addressed within the supporting Design and Access Statement), but has been reduced in depth to remove the ability for persons to congregate and cause noise and disturbance. The scheme as submitted is therefore deemed to be wholly acceptable in relation to impact on neighbour amenity.

3.21 In relation to the impact of the proposed development on highway safety, the Officer is noted to replicate the comments and advice from the Council Highway team regarding visibility splays, parking provision, internal manoeuvring space within the site boundary. The Case Officer therefore confirms that:

“It is therefore considered that, subject to the points raised above by Highways Development Management being demonstrated in a formal planning application concluding that the scheme would not result in a detrimental impact on highway safety, a scheme might be acceptable when considered against Policies LP21 and LP22 of the Local Plan and Chapter 9 of the NPPF, but this would be assessed further following the submission of a full planning application.”

3.22 The pre-application response then goes on to address a number of other issues, including:

- **Biodiversity:** The Case Officer is noted to welcome the proposed inclusion of a green roof given it will help to secure biodiversity net gains on site;
- **Climate change:** The Case Officer has requested the submission of a Climate Change Statement with the application. It is understood that this has been addressed;
- **Drainage:** The Case Officer once again summarises the feedback from the Environmental Health Officer, and once again we can confirm that the issue of capacity and foul drainage has been addressed within the relevant submission form;

- **Air Quality:** The Case Officer is noted to confirm that the site is not within an Air Quality Management Area and that the development itself is unlikely to impact on local air quality;
- **External lighting:** The Case Officer indicates that it is unlikely that there will be any significant areas to be lit by artificial lighting. We can confirm that there are no plans for additional external lighting over and above the existing position; and
- **Contaminated Land:** The Case Officer confirms that the proposed development site is not shown as being potentially contaminated from its former use, and is not located close to an historic landfill site that may have an adverse impact on the proposed development therefore, contaminated land issues do not need to be considered.

3.23 The Case Officer is noted to conclude their advice as follows:

“In summary, should a planning application be submitted which includes the plans and information as shown, it is very unlikely that the Council would support the proposals. This is due to the proposed building not being considered to result in a building required to support an agricultural enterprise, such that it would be classed as an agricultural building in terms of national and local green belt policy. It appears that the primary purpose of the building, and canopy, is to host wine tasting sessions, and that the remainder of the floorspace is ancillary to that use, on that basis the proposed building is not deemed to constitute a building for agriculture. Failing this, the proposed building does also not comply with any of the exceptions listed in NPPF paragraph 154 and therefore constitutes inappropriate development. Furthermore, Officers consider the proposals to cause harm to the openness of the Green Belt, whereby no very special circumstances have been demonstrated which are deemed to be sufficient to clearly outweigh the harm by reason of inappropriateness and impact on openness in this case.”

- 3.24 As set out above we fundamentally disagree with the view of officer’s that this proposal does not constitute an ancillary building to an existing agricultural use. In our view the creation of toilet and kitchen facilities for staff, staff office and an area for customers to taste the product grown on site is ancillary, and in reality, essential to the long term operation of the agricultural holding. In our view therefore, the proposals are compliant with the provisions of the Development Plan.
- 3.25 Officers are however noted to require the delivery of very special circumstances before they can support the application, and this is sought to be addressed within this submission.
- 3.26 In the interim we welcome Officer’s agreement to the development being well designed, appropriate in scale, not result in harm to highway safety or neighbour amenity, and acceptable in all other regards.

4.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

4.1 The development subject of this detailed application needs to be assessed against the provisions of the Development Plan which comprises of the Revised National Planning Policy Framework, and the adopted Kirklees Local Plan. This section of the report will focus on the national planning policy position, with local policies addressed at Section 5.

Revised National Planning Policy (NPPF) December 2023

4.2 The Revised National Planning Policy Framework was last updated in December 2023, and sets out the Government’s planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the evaluation of this proposed development read as follows:

“Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

“Paragraph 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”

“Paragraph 11: Plans and decision should apply a presumption in favour of sustainable development. For decision taking this means approving development that accords with an up to date development plan without delay.”

4.3 **Comment:** For the reasons laid out within this supporting statement, the development subject of this application is deemed to be compliant with the provisions of the

Development Plan when read as a whole. Furthermore, there are other material considerations which further weigh heavily in favour of the grant of consent. Whilst the scheme is located outside of a settlement boundary, within the Green Belt, it relates to the expansion of an existing agricultural enterprise, promotes rural diversification, job creation, and has been designed to respect the character of the wider site. The proposal has been shown not to result in any environmental harm, and in our view constitutes a sustainable form of development.

Section 4 - Decision Making

“Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 39: Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.”

“Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

- 4.4 **Comment:** Given that the scheme is considered to be policy compliant there is a legitimate expectation that planning permission will be granted for this development in a timely manner. Furthermore, we have sought to progress the scheme in the right way, with early pre-application dialogue with the local planning authority. Whilst the overall conclusion on the pre-application advice sought not to support the scheme given the potential harm to the Green Belt, the proposals as now submitted, and the details laid out within this report in our view, address those concerns, and tip the balance of the case in favour of approval.

Section 6 – Building a Strong, Competitive Economy

“Paragraph 85: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in

areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

“Paragraph 88: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

“Paragraph 89: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

- 4.5 **Comment:** The National Planning Policy Framework is clear in support for developments which seek to secure the expansion and growth of existing businesses. The document further goes on to set out such support in principle for businesses located in rural locations, such as that the subject of this application. In relation to the scheme at Helme Edge, as set out previously, there is no scope within the vineyard itself to site the building proposed, such loss of land would result in the loss of vines, loss of fruit, loss of yield and would prejudice the long term viability of the site.
- 4.6 The delivery of the building as proposed will allow the business to grow staff numbers, to better facilitate meeting their needs and welfare on site with toilet and kitchen facilities, to provide proper office facilities for processing orders, deliveries, managing bookings, completing accounting tasks, HR tasks etc. The building is in reality essential to support the future growth of this business, with the wine tasting and touring promoting rural diversification, additional tourist offer in the locality, and a service which will bolster not only sales of goods grown on site, but also the business finances in order to secure the future salaries of staff, and the future growth of the operation.

Section 9 – Promoting Sustainable Transport

“Paragraph 114: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

“Paragraph 115: 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.”

“Paragraph 116: Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

- 4.7 **Comment:** This is in reality an application for an ancillary agricultural use, but one which is limited in nature. The structure will in the main be used by staff, but the Applicant is also keen to be able to facilitate up to 3 wine tours and tastings per day to support the financial viability of the operation. The total number of visitors to the site on any given day will be limited to no more than 20 persons, and there is sufficient parking space on site to meet this demand, given that visitors will be restricted to pre bookings only, and staff can manage visitor numbers and parking requirements. The fact that highways confirmed that they had no objection to the development in principle at pre-application stage would further support this position.

- 4.8 The information requested by the highway authority as part of the pre-application discussions has been noted and supplied as requested, and once again shows the acceptability of the development proposals in highways terms.

Section 12 – Achieving well-designed and Beautiful Places

“Paragraph 131: 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

“Paragraph 135: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 4.9 **Comment:** The development proposed comprises of a single storey structure, of no more than 2.75m in height, and a footprint in the order of 4.6m by 6.6m. The building is well located on site to limit its encroachment into the countryside (as accepted by Officers at pre-application stage), and proposes a use of materials including blackened timber and a green roof to further ‘camouflage’ the building into the wider landscape. It is noted that Officers were supportive of the scale and design of the proposal at pre-application stage, and we therefore maintain that the proposal is acceptable in design terms.

Section 13 – Protecting Green Belt Land

“Paragraph 142: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

“Paragraph 143: Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

“Paragraph 152: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

“Paragraph 153: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

“Paragraph 154: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

4.10 **Comment:** The site is located within the Green Belt. However, the development does not in our view contravene the five purposes of including land within the Green Belt, namely it will not result in sprawl given the limited scale, and well considered siting; it will not result in towns merging; the Council accepted at pre-application stage that the proposal will not result in encroachment into the countryside; the scheme has no bearing on heritage assets; and given the building is being proposed to support an agricultural use, its erection will have no negative impact on urban regeneration as the development and wider use would not be appropriate within an urban area.

4.11 It is our position that the scheme as submitted proposes a building ancillary to the agricultural uses on the wider site. It is noted that the South Downs National Park Authority agree with this position in their adopted Technical Advice Note dated 2021, where they state:

“3.6 In planning, the making and selling of wine from grapes grown on the premises (associated vineyard), including tours and tastings, are classified as ‘ancillary agricultural activities’ where the growing of grapes is the primary use. This was established in the Supreme Court with the Millington case. Therefore, winemaking is classified as an agricultural activity if the winery only processes their own grapes. Where wineries process grapes on behalf of other growers, the site takes on more commercial use characteristics and different impacts may be considered to fall outside the scope of an agricultural use. Associated vineyard shops and other ancillary businesses on-site are just that, ancillary.”

4.12 Whilst the appeal was dismissed in July 2023 given impacts on the AONB (which is clearly not referable in this case), we would also draw Officer’s attention to the Inspector’s report following an Inquiry associated with appeal reference APP/2280/W/22/3307648. That development related to a proposed new winery building, café/restaurant and visitor centre with energy centre, car park access road and landscaping . The Inspector specifically addressed the Millington Case referred to at Section 3 of this submission and stated:

“17. Given the amount of floorspace devoted to agricultural use, I regard the overall planning use as the appeal scheme as an agricultural use. The Millington case accepts that a winery located within a vineyard falls within the definition of an agricultural use for Green Belt purposes. The proposed use would benefit from the exception.”

4.13 The above cases and appeal decisions clearly in our view support the scheme as submitted. Whilst wine tasting is included as part of the use of the building proposed at Helme Edge, the majority of the footprint and main use of the structure is for tool and equipment storage, office, and welfare facilities for staff and the day to day running of the agricultural business. There is therefore precedent to support that the scheme is an ancillary agricultural use, and therefore an exemption as laid out within paragraph 154 of the National Planning Policy Framework, and thereby acceptable as a matter of principle.

4.14 Therefore, we maintain that the building represents an ancillary use to a wider established agricultural use, and based on the Millington case am sure that the Council would agree that the growing of vines is a clear agricultural use, and that the development is acceptable as a matter of principle. Contrary to the opinions of officer's at pre-application stage, this is proposed to be a multi functional building, not solely reliant of the delivery of wine tastings. The building will offer an important tool shed and store for the wider management and tendering of the vines, toilet and kitchen facilities for staff, an office area for staff to use (when they are not running or managing tastings and tours) to undertake accounts, HR, marketing, orders, manage bookings etc. All of these functions are essential to the running of a business, and all are needed to ensure that this agricultural enterprise remains viable into the future, and allows the business to take on additional staff.

4.15 As per the provisions of paragraph 154 of the Framework, it is our position that the development as submitted represents an exception, and a form of development which is not deemed to result in harm to the openness of the Green Belt. Whilst we hope that the additional detail provided within the application, from that provided at pre-application stage, will allow officers to now reach the same conclusion, we also wish to set out the case for very special circumstances to assist in 'tipping the balance' in favour of the scheme:

- Section 336 of the Town and Country Planning Act 1990 confirms that the use of the wider site for the growing of vines (fruit growing) is an agricultural use:

“Section 336: agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”;

- There is an existing and established vineyard operation on site, which has been growing vines to make wine for a number of years. In order to expand and grow the business into a full time operation, and take on staff and create job opportunities, it is now essential to expand the offer on site, and create additional opportunities for income generation. The delivery of wine tours and tastings will be of vital importance to the growth strategy, and this development will be pivotal in delivering this service;
- The growing of vines, known as viticulture, is expanding rapidly in the UK with the WineGB 2022-23 report confirming that it is the fastest growing agricultural sector. The sector has been shown to be an important contributor to tourist income, particularly in the Midlands and the North. The WineGB report indicates that there are around 2,300 full time employees working in the GB wine industry, with 30% employed on vineyards. There is therefore a need for greater awareness and acceptance of the need to support this growing industry to best

meet its needs, such as supporting applications for ancillary buildings which support the wider operation, and can offer a multi use opportunity such as that being proposed within this application;

- The building will facilitate and support the creation of additional job opportunities on site;
- The Applicants have secured funding through the Rural England Prosperity Fund to help fund the works associated with this application. The West Yorkshire Combined Authority and those granting the funds clearly see the merits in the scheme in terms of supporting the wider rural economy;
- The scheme can be found to assist in promoting biodiversity on site through the delivery of a green roof;
- The proposed building simply cannot be housed within the main agricultural holding. The site is only just over 3 acres, and any loss of space for vine growing to create the ancillary building will result in the loss of important stock, a reduction in yield and harm to the viable of the business;
- The building has been sited to ensure there is no harm on the openness of the Green Belt. Whilst it is accepted that the erection of a new building results in change, in this instance, given the proposed siting and development context, topography of the site and surrounding built context, in reality the scheme cannot be seen to be resulting in harm;
- The proposed structure has been designed in scale and in use of material to nestle and blend into the landscape. The scheme's design offers a contemporary pavilion style building, with the use of materials in keeping with the sites setting, and as set out by Officers at pre-application stage, materials expected for agricultural buildings and ancillary residential buildings. The quality of the building's design and associated use of sustainable materials of construction, is in our view of significant weight in the decision making process;
- The development will support rural diversification and growth of the rural economy; and
- The scheme will create an additional tourist and visitor offer within the Holme Valley supporting the wider rural and local economy, and will support other local businesses by bringing visitors into the area to eat and stay.

4.16 The above very special circumstances when weighed cumulatively, and weighed against the very limited harm the proposed development will have on the Green Belt, in our view tilt the balance in favour of the grant of consent, and secure a development compliant with the provisions of the Development Plan. It is noted that economic development from wine tours and tastings and the creation of a sustainable rural tourism offer were deemed to be acceptable very special circumstances in the approval of an application for a wine storage cellar and tasting room at Chilworth Manor Vineyard, approved in July 2022, under application reference 21/P/02415.

4.17 The application sought consent for a large two storey structure with wine cellar at ground floor level, with display area, W.C kitchen and plant room and wine tasting room, W.C and cloakroom above. The building was 18m by 6.1m and cut into the site so it appeared single

storey in parts. Within the Officer's report setting out the case in favour of the development, and in relation to the case for very special circumstances Officers stated:

“The most significant very special circumstances put forward by the applicant is considered to be the increased employment and sustainable rural tourism that the proposed building would provide. This matter is considered to carry significant weight in the balance for this application. The benefits to the local community, diversification of agricultural activities and the general support for an established rural business all carry moderate weight in support...Whilst taken individually the points would not carry sufficient weight to overcome the substantial green belt harm, taken together they do clearly outweigh this and are considered to represent very special circumstances in this case.”

- 4.18 The justification laid out above, is deemed to be replicated, albeit on a smaller scale given the smaller scale of the vineyard operation, at Helme Edge, and clearly supports the case in favour of approval.
- 4.19 **Summary:** The scheme proposed will deliver a much needed ancillary building associated with the wider agricultural use of the vineyard. The building will support staff and their welfare whilst on site, and will help the existing business to expand and diversify to include wine tours and tastings. The development will assist in creating a facility to support the creation of job opportunities on site, and to support the long term viability of this business.
- 4.20 The development has been well designed to respect and reflect both the character of the existing site and wider landscape context. The proposed use of materials will ensure that this small scale single storey structure will in reality blend into the landscape, and even if viewed from long distance vantage points, will be seen in the context of the existing built development on site and on neighbouring land.
- 4.21 The scheme has been shown not only to meet the tests of exemptions and development deemed not inappropriate in the Green Belt, but also a robust case for very special circumstances has also been put forward. The scheme will not result in harm to visual amenity, no harm to residential amenity, there will be no harm to highway safety and no harm on the openness of the Green Belt. The scheme is therefore deemed to be compliant with the provisions of the Development Plan when read in full.
- 4.22 Additional benefits of the scheme relate to the enhanced quality of facilities on site to service staff requirements, and the biodiversity gains to be achieved through the delivery of a green roof. The development has also been designed to take account of solar gain and climate change.
- 4.23 It is clear for the reasons set out above that the development proposed is in accordance with the paragraphs and requirements of the National Planning Policy Framework. Therefore, in line with the provisions of paragraph 11 of the Framework, we would kindly request that the

Council seek to support the development as currently proposed, and to work with us towards a positive determination of this application.

5.0 Relevant Planning Policy – Kirklees Development Plan

- 5.1 The Development Plan currently comprises of the Kirklees Local Plan (adopted February 2019), and the provisions of relevant Supplementary Planning Documents as addressed below.
- 5.2 It is understood from a review of the local authority Proposals Map (extract included below for ease of reference), that the site subject of this application (identified by the blue dot) is located within the designated Green Belt. The site is also understood to be located within a Biodiversity Opportunity Zone and a Mineral Safeguarding Area. Given that the site relates to what is in effect existing residential curtilage, the Minerals Safeguarding allocation is not deemed to be material to this application. Should the Council disagree, it is clear that the scale of development is so minor as not to undermine potential mineral extraction opportunities in the wider local area.

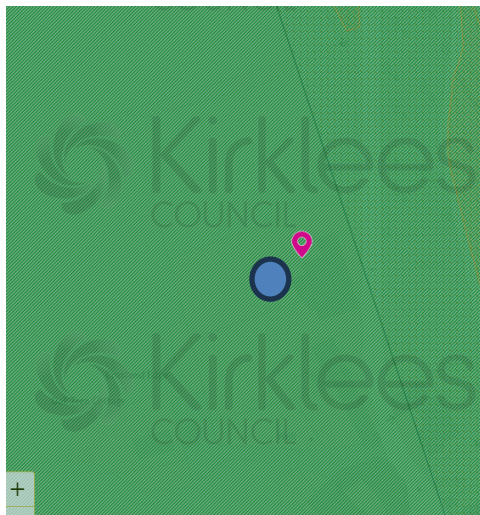


Figure 3: Proposals Map Extract

- 5.3 Included below is a list of the adopted key determinative development plan policies of relevance to the assessment of this application:

Kirklees Local Plan (2019)

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping (Kirklees Rural);
- Policy LP3 – Location of New Development;
- Policy LP9 – Supporting Skilled and Flexible Communities and Workforce;
- Policy LP10 – Supporting the Rural Economy;
- Policy LP20 – Sustainable Travel;
- Policy LP21 – Highways and Access;
- Policy LP22 – Parking;
- Policy LP24 – Design;
- Policy LP26 – Renewable and Low Carbon Energy;

- Policy LP30 – Biodiversity and Geodiversity;
- Policy LP32 – Landscape;
- Policy LP52 – Protection and Improvement of Environmental Quality; and
- Policy LP54 – Buildings for Agriculture and Forestry

5.4 Of the policies detailed above, given the Council’s in principle acceptance of the scheme in relation to highways, design, parking, residential amenity and other environmental considerations, specific attention is being drawn to the provisions of Policies LP10 and LP54 which are noted to read as follows:

5.5 **Policy LP10** is noted to state:

- “1. The economic performance of the rural economy will be improved by:
- a. supporting the rural digital economy;
 - b. supporting the needs of small and medium sized enterprises;
 - c. increasing local employment opportunities;
 - d. supporting and increasing tourism related development, including encouraging new facilities and accommodation for tourists;
 - e. supporting sustainable business clusters, business incubation, business start-up proposals and home working;
 - f. supporting farm diversification schemes, where the proposal would not adversely affect the management and viability of any farm holding, and in the case of farm shops, the goods to be sold are primarily those which are produced on the host farm or neighbouring farms.
2. In all cases where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy
3. Development proposals will not be supported where they would adversely impact on areas of particular environmental sensitivity, such as the Peak District National Park, and where proposals would lead to unsustainable development, contrary to other policies in the Local Plan.
4. Development proposals for main town centres uses that are above 150 square metres in non-urban areas* and in out of centre locations will only be permitted where identified needs of the business cannot be met within existing centres or in edge of centre locations. *Non-urban areas are defined as areas or land located within the Green Belt.”

5.6 **Comment:** Policy LP10 sets out a clear focus to support growth of the rural economy, and particularly for small and medium sized enterprises, such as Helme Edge Vineyard. The policy further sets out clear support for tourist related developments which encourage new facilities for tourists such as that being proposed, as well as supporting in effect agricultural diversification, and particularly for those developments which seek to support the sale of good which are produced on site, which will clearly be promoted during the vineyard tours and tastings.

- 5.7 The development as proposed will support the creation and development of one full time position on site in the first instance, to tender to the crop, harvest the grapes, manage the wine production process (which is undertaken off site) and to run the wider business, including managing the wine tasting and tours, managing bookings, processing orders, managing deliveries and standard business accounting etc. There is scope to increase employment opportunities as the business grows and develops.
- 5.8 It is clear that the scheme subject of this application is wholly compliant with the criterion and aspirations of Policy LP10, and there is therefore a legitimate expectation that the Council will seek to work with us towards a positive determination of this application.
- 5.9 **Policy LP54** addresses agricultural development in the Green Belt and advises:
- “Proposals for new buildings for agriculture and forestry will normally be acceptable, provided that;
- a. the building is genuinely required for the purposes of agriculture or forestry;
- b. the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;
- c. there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; 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.”
- 5.10 **Comment:** As set out above, the structure being proposed is required to support an existing agricultural enterprise, with the Millington case clearly confirming that the growing of vines is an agricultural use. The building proposed is genuinely required to support the growth and on going development of the business. The building will be multi functional and includes an area for the storage of agricultural tools and equipment, welfare facilities including toilet and kitchen space for staff tending to the crop, office space for staff to manage the agricultural holding, as well as a space for wine tastings to allow visitors the opportunity to taste the wine grown on site. In our view the building is essential to the long term viability and successful operation of this agricultural holding, and is therefore wholly compliant with the provisions of Policy LP54. Should the Council not agree with this position, a case for very special circumstances has been laid out at Section 4 to further support the principle of the development.
- 5.11 The proposed structure is small in footprint and single storey in height. The proposed building has been sited in the context of, and is closely associated with, the existing built development on site. Whilst this does in effect result in the erection of an ancillary agricultural building within the curtilage of the existing dwellinghouse, this position is

deemed the most appropriate to protect the viability of the business, and the least visual harm to the Green Belt, with the building being seen in context, and in effect as part of a wider cluster of buildings. The building is however immediately adjacent to the vines, and remains well located for staff and visitor access.

- 5.12 In our view the proposed building will not result in harm to residential amenity by reason of noise etc. It is noted that this position is supported by the Council Environment Health Officers who advised at pre-application stage that they had no objection to the development in principle, but advised on the potential need for conditions and informatives on construction noise and hours of operation. The Council further accepted at pre-application stage that the development will not result in harm to residential amenity by way of odour, nor in relation to overlooking, loss of privacy, overshadowing etc.
- 5.13 The development proposed has been designed to a high quality, whilst being respectful and reflective of the sites setting and wider landscape character. The building is simply a single storey flat green roofed structure, with the use of materials which blend into and reflects the wider rural landscape, with the use of blackened timber to assist in effectively masking the structure into the landscape. Given the form, height, scale, design, siting and use of materials as proposed, as well as the site context, the scheme is not felt to result in harm to the openness of the Green Belt, nor will it detract from its setting. In fact, given the high quality of the design, one could in fact argue that this development will actually enhance the setting of the Green Belt. The proposal is therefore considered to be wholly acceptable and policy compliant, and it is noted that Officers were content with the overall design and appearance of the development at pre-application stage, and were satisfied that the proposals would not result in encroachment into the countryside.

Other Relevant Policy Documents

- 5.14 In addition to the adopted planning policies referred to above, there are noted to be a number of adopted Supplementary Planning Documents in Kirklees. Of the adopted documents, it is understood that the Highways Design Guide (adopted 2019) is relevant.
- 5.15 The scheme is not felt to contradict or undermine the provisions of the relevant supplementary planning documents.

Development Plan Summary

- 5.16 For the reasons set out above, it is our view that the development subject of this application represents an acceptable and appropriate form of development. The scheme will secure an ancillary agricultural building to meet the long term operational needs of the existing vineyard. The building will help to secure economic growth and job creation, without resulting in harm to highway safety, neighbour amenity nor the visual amenity and character of the local area. The nature and scale of development will be commensurate with the wider local area, and with the use and character of adjacent properties. In our view the development will not result in harm to the openness of the Green Belt, and any perceived

harm can be outweighed by the case for very special circumstances and the other material considerations which weigh heavily in favour of the grant of consent.

- 5.17 The proposed development is therefore deemed to be compliant with the provisions of the Development Plan when read as a whole, and there is therefore a legitimate expectation that the Council will be supportive of the proposals, and work with us on a timely and positive determination of this application.

6.0 Other Material Considerations

6.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

- **Sustainable Development:** The scheme as submitted represents a sustainable form of development given it relates to the creation of an ancillary agricultural multi use building to support an existing enterprise. The proposal is well related to the agricultural holding and well placed to meet the operational needs of the business. The scheme will facilitate economic growth in the wider local area, job creation and assist in securing the long term viability of the organisation. The scheme includes provision to enhance the local environment and biodiversity, and has been shown not to result in harm to neighbouring amenity nor the wider site context.
- **Economic Benefits:** As detailed above, the proposed new building will ensure that the Applicants can support staff on site with appropriate facilities including locations for tool and equipment storage, staff welfare facilities including toilet and kitchen facilities whilst tending to the crop and during the harvest etc. The building will also help the Applicant to diversify and include wine tours and tastings within their business plan, delivering an additional income to support the proposed full time employee, and potentially create additional jobs in the future. In addition, the scheme will help to support and encourage wider tourist related uses in the local area, and create additional spend with other local businesses for visitors to eat and stay. The economic benefits to be achieved through the grant of consent need to be duly weighed in the decision making process.
- **Permitted Development:** It is material to the determination of this application that the Applicant has sought to deliver this scheme in the right way. They have the potential to seek to deliver the application scheme, or something similar in scale and form under the provisions of permitted development rights by way of an ancillary residential outbuilding, permitted under the General Permitted Development Order, Schedule 2, Part 1, Class E, given the proposed siting of the building within the rear garden of the existing dwelling. Once built, they could then return for an application to change the use of the building, or even to extend it, as long as that extension was not disproportionate to the original building. This would be a viable, reasonable, policy compliant and acceptable way forward. The Applicant has not however sought to take a strategic approach to this development, but simply an honest one, and in our view there is no merit in refusing this application when the same outcome could potentially be

achieved via a reasonable fall back solution. This is a material consideration of some weight in the determination of this application.

- 6.2 As such, whilst we remain of the view that the development proposed is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the development which also tip the balance in favour. We therefore kindly request that the Council seek to support application as a matter of principle.

7.0 Conclusions

- 7.1 It has been demonstrated throughout this submission that the development subject of this application accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Furthermore, other material considerations weigh in favour of the grant of consent, and these have been dealt with in detail above.
- 7.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal in principle, and to work with us on a positive outcome to this application.
- 7.3 Should you require any further information in advance of validation of the application, or during the assessment process, please do not hesitate to contact us.