

Date as per email.

Dear Sirs

Re Planning Application 2024/90421 31 Crosland Edge, Meltham HD9 5RS.

Further to the above planning application, please record an objection to the proposal on the following basis:

- *Inappropriate Development as defined by NPPF and Kirklees Local Plan*
- *Loss of privacy and amenity to local properties as defined by NPPF and Kirklees Local Plan*
- *Health and safety when serving alcohol in a residential area as defined by NPPF and Kirklees Local Plan*
- *Anti-social behaviour from groups of people who have been consuming alcohol as per NPPF and Kirklees Local Plan*
- *Impact on Highways and Transport.*

Planning Objections

The current proposal and the proposed **building use and location** are inappropriate to their setting within a greenbelt, within an established residential area and too close to adjacent properties; it is too large, overpowering the sensitive rural setting, too close to neighbouring properties, and will introduce significant pressures to local properties through noise and nuisance which will also impact what is a sensitive and tranquil area.

While case law may be relevant to the approval of a wine-tasting facility, it doesn't assume approval if the proposal is inappropriate based on size, design, location, or nuisance. The facility and proposed use must be correct for the proposed location.

It seems doubtful the proposed use of the building is ancillary to the production of grapes as no processing takes place on the site. The design and the size of the area slated for wine tasting suggest that its primary purpose is supporting the tasting and sale of wine as part of a wine experience; this includes the proposed canopy which will enable tasting to take place outside, bringing noise nuisance into neighbouring homes. Despite the adverse weather in the Valleys, not many agriculture buildings have canopies, toilets or kitchens.

National Planning Policy and Framework

Points 152 and 153: Within HD9 5RS, four recent planning applications have been rejected on the grounds of 152 and 153 because of their harm to the Greenbelt. This application will create more harm and change within the Greenbelt than the previously rejected applications.

NPPF, point 15, concedes that new agricultural buildings are allowable. However, pre-planning advice concludes that the design and dimensions of the proposal mean the facility's primary purpose is hospitality; the provision of extensive canopies, wine-tasting elements, toilets, and kitchen area are not ancillary to the production of wine or agriculture. This proposal's primary purpose extends far beyond agriculture use and into hospitality, which is inappropriate in the proposed location.

NPPF, point 170, states that planning policy and decisions should contribute to and enhance the natural and local environment, including point e) preventing new and existing developments from

contributing to noise pollution; this proposal will create a significant nuisance for properties near the facility. How does this proposal enhance or conserve?

NPPF, point 180, requires new development to be appropriate for its location, considering the likely effects of pollution (including noise) on health, living conditions, and the natural environment; *NPPF 180 b*) identifying and protecting tranquil areas that have remained relatively undisturbed by noise and are prized for their amenity value for this reason, it fails on this crucial point.

Noise National Planning Practice Guidance (NNPPG) guidance includes examples of how to interpret the adverse effects of noise in a planning context. Its scenarios detail where the quality of life is diminished due to a change in the acoustic character of the area (it is proven that large groups of people drinking will cause neighbours to change their behaviour); where this occurs, it recommends that the action be avoided.

The proposed development and method statement fails to address the nuisance that occurs when groups of people are “focused on the business of having a good time,” which will happen in the tours and tasting sessions, especially when drinking outside, which is inappropriate when family homes are extremely close.

Kirklees Local Plan

Kirklees Local Plan is clear that inappropriate development will not be approved; this proposal will generate a nuisance in an established residential area, which is unacceptable and, on balance, will create more harm than good.

Interestingly, within the proposal, the most impactful and inappropriate element (wine tasting) is reduced to a minor point; the building design, location and canopy are design elements for wine tasting, and assertions that it will have minimal impact on neighbouring properties are untrue.

LP24: Good design, its design, size, and location (green belt and next to neighbouring properties are inappropriate); even though the submissions make a great deal of design quality, you cannot ignore the fact that even good designs in the wrong locations are unacceptable.

LP 54 Buildings or Agricultural of forestry; points A, C, and D are not met, particularly point C loss of amenity for residents. The method statement allows for 21 weekly visits, every day of the week, with 140 people visiting and drinking wine. This is unacceptable in a residential location, next to family homes. It is very difficult to understand how the proposal can assert that there will be no local impact in an existing residential area within earshot of family homes across the valley.

Para 19.7, the proposal harms the Greenbelt, its communities, its users (PROW), and local properties.

Para 19.8, no very special circumstances have been evidenced.

Para 19.10: The requirement to link new buildings with existing ones, within the context of this application this requirement seems to adversely impact local residents because of its location. Moving it to a location further away from neighbours (toward Blackmoorfoot Reservoir, where there is lots of available land), removing the canopy and outside areas, and not encouraging customers to congregate will make it more acceptable.

Para 19.12 Design and location: Despite the assertion from the architects, the design needs to be more in character for the area and is too large for its proposed location and the resulting loss of amenity for those homes located very close to its proposed location.

The size of the proposed facility overpowers all other agricultural structures in the surrounding fields. With the intended dimensions of 8.2 metres by 6.2 metres (almost 51 metres square) and 2.75 metres high, this is excessive in size in a greenbelt setting where no existing structure exists and will present a significant intrusion. As a comparison, this is 15 metres square greater than the footprint of a three bedroomed semi-detached home recently built in Poppy Gardens, Meltham which is currently for sale. The submissions *attempt* to reduce the impact of the scale by introducing the idea that it's "akin to a home office", but it is a home office from which a hospitality business will be based and run.

19.10 Hobby Farms: Kirklees Local Plan will not support new buildings for hobby farms. Kirklees Local Plan is clear that approval within the Greenbelt will not be given to what it defines as hobby farms. The definition found in Kirklees Plan is "an enterprise that is not the applicant's main income". The applicant, the owner of the residential property, has been retired for as long as he has owned the property.

Helme Edge Vineyard was incorporated in November 2023. It is not an established business that adds direct or indirect value to the local economy; its local harm outweighs any perceived benefit. Managing visiting customers, especially coupled with alcohol, is a difficult, skilled role. Does the proposal and method statement show the applicant has the experience to manage these impacts? Being so closely sited to neighbouring properties, these skills are needed to ensure no intrusion on their enjoyment, especially at weekends; rather than a home office, it is akin to having a new pub open adjacent to neighbours.

The vines were first planted out in the property's allotment and have been expanded by the applicant into adjacent fields. The management of the vines has been done by the applicant, with occasional help, based from and within the existing buildings. The recent additional submission speaks of the proposal separating "the home from the business," but what actually results is their business being introduced into the homes of neighbouring properties, which is not acceptable.

Since its conversion from a barn (2002/3), the property has been residential with a large garden with surrounding fields. Planning guidance states that the total area of a residential property, including its curtilage, should be no larger than the original footprint plus 50% of the property size in 1948. In 1948, the host was a barn with fields abutting its walls. A Google Earth check shows that the existing curtilage plus the proposed works will be over the 50% maximum of the 1948 footprint. Previous planning applications in the postcode were rejected for this reason.

The proposed development is visible from all local public rights of way, public highways, the conservation village of Helme, and the Blackmoorfoot reservoir. It dominates the valley and cannot be called sensitive in location, size, or design. The proposed elevated parking is also as visible and impacts existing views. Harrison Lane already suffers from increased traffic following recent developments, with a particular bottleneck on route to the location. Increased traffic to this business will only exacerbate the issue.

Other objections

As previously outlined, a correctly sized and located agriculture facility for the activities of a vineyard may be appropriate within the Greenbelt. However, the building's primary use is as a hospitality business offering tours, wine tastings, and food/refreshments (via its kitchen) to large groups. The stated use of the building to manage tools, wet weather, toilets, etc., is currently managed within the existing buildings. The only additional element to what already happens on site is the tours and tasting, i.e., those which create the most nuisance.

The building and proposed tours are to occur three times a day, seven days a week. It will create a nuisance within the broader communities and the family homes co-located next to it. It is not reasonable or appropriate in an established residential neighbourhood to create business premises based around the provision of alcohol in a setting that will encourage people to sit and stay, making noise, creating a nuisance, and causing loss of privacy for neighbouring properties, especially at weekends.

The NPPF requires proposals to manage local nuisance, noise, and loss of amenities, such as public consumption of alcohol or ASB. The method statement, as such, doesn't do this and doesn't demonstrate that the management team has the experience to manage these impacts and minimise them effectively.

The proposed canopy not only increases the size and scale of the building but also encourages outside tasting, especially during summer months, which will result in a loss of amenity for local properties and users of PROW.

A recent photograph of 18 people touring the site and wine-tasting using the existing garage has been shared. This group is smaller than the potential indicated by the proposal. It provides a sense of scale and how groups of people sitting out will impact local properties and the sensitive local environment.

The submission itself doesn't accurately reflect the size of the facility, its proximity to neighbouring properties, visibility to neighbouring and facing properties in Helme, or shielding foliage's size or location. Eight OneTwo has asserted that the **development** and **use** will not impact local properties; it is difficult to see how this can be the case.

There are likely to be groups of 20 accessing the vineyard, with limited parking on site and with the potential of 20 individual vehicles turning up for a single tour; will the Vineyard management team be able to manage this? Based on COVID-19, cars will be left haphazardly along a narrow, difficult road already busier at certain times, such as the weekends and school pick, which are likely key times for tours.

Following the tour and tasting, groups will undoubtedly wish to explore the local area and footpaths, including Folly Dolly Falls and Blackmoorfoot Reservoir. During covid 19, these same footpaths were used extensively, creating noise, litter, and a variety of public nuisances such as public urination and worse. The submission doesn't detail or acknowledge how these issues will be managed; an appointment system for tours doesn't control behaviour and noise during the wine tasting, when arriving and leaving, or when offsite.

There should also be concern about future intentions; the hospitality element of the business will no doubt grow, widening its scope, with Holmfirth Vineyard providing a current example of this. The subsequent submission speaks of minibuses, which leads to the assumption that hen and stag parties will create a significant impact locally. There is a requirement under planning that proposals such as this set out the nature and scale of the future plans to the planning authority; there appears to be no evidence that this has been provided.

Holmfirth Vineyard is a business which has expanded from small beginnings. However, this is not located in an established residential area, is not metres from family homes, and does not impact PROWS, their users and a conservation village. It was previously an established sheep farm.

Detailed comments regarding Eight One Two submission and Subsequent Documents

The submission provides a carefully constructed narrative and doesn't address the proposed development's impact on neighbouring properties and the greenbelt or how they can effectively be managed by a new and inexperienced business to reduce the effect in an established residential area.

It does, however, acknowledge in a limited fashion the impact of alcohol, such as drinking and driving. The effect of alcohol goes well beyond drinking and driving, and the continuous background noise of loud conversation will become very debilitating. The submission fails to take ownership of the issue. Are you confident that the management team will manage these impacts?

Statements about the "quite simply stunning views" are not in context with the outcomes of the proposed development. The size, scale, and nuisance generated mean that a sensitive, tranquil rural area will be impacted or lost to the many people who enjoy and use its PROW; it doesn't meet point 180 e) of the NPPF.

Site Context & Planning Drawings

- The submission makes much of the development not visible to the host and protecting its privacy. However, it will be visible to neighbours (look at the site photographs) and anyone looking across to the prominent hillside where it and the car parking will also be seen. The size and location are inappropriate for its primary use, the consumption of alcohol.
- The sketches provided do not reflect the actual site; neighbouring properties are closer than suggested. They show extensive foliage where none exists; where it does, it has tripled in size and scope. These give the wrong impression of the site.
- Though the proposal speaks of a footprint of 4.6 x 6.6 meters, this doesn't include the extended canopy to two sides and gives the wrong impression of the size and its impact.
- The design isn't in the context of the host community; it imposes modernity where it doesn't currently exist.
- Increased traffic will impact the bottleneck where Harrison Lane and Crosland Edge join. Six local properties must access the road network on this blind corner. Many incidents have occurred at this location, including lampposts being knocked over twice and regular tailbacks caused by large vehicles using the road.
- "The purpose of the proposed canopy being unclear" is self-evident that this will be used for drinks into the evenings and in wet weather to extend the volume of tour opportunities.

The development will change the nature of the Green Belt in a sensitive and tranquil area, for no clear special circumstances. Local families and users of the PROW will be impacted by noise and ASB. Properties will be overpowered, and residents will be affected by how they use their homes.

The current proposal and location generate harm that outweighs any positive contributions to the wider community. A sensible review considering *reasonableness* in relation to size, design elements and location would remove many objections.