

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/90421/W
Site Address:	Helme Edge Farm, 31, Crosland Edge, Meltham, Holmfirth, HD9 5RS
Description:	Erection of single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 6th September 2024

Officer Report

Site Description:

Helme Edge Farm, 31, Crosland Edge, Meltham, Holmfirth, HD9 5RS

The application site relates to Helme Edge Farm which is located in Crosland Edge on the outskirts of Meltham. The application site currently comprises of a large, detached stone-built residential property and double garage, accessed from Harrison Lane located to the east. The site benefits from a large, stepped garden area to the rear, of which the application site relates.

To the south are other residential properties, with open and undeveloped land to east and west. Directly to the north of the site is grassland which is currently used as a vineyard in association with the host dwelling.

The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

Description of Proposal:

The application seeks planning permission for the erection of a single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room.

The proposed building is to measure approximately 6.5m x 4.6m (with a roof overhang of 1m), with a height of 2.6m. The building is to be finished in a mix of charred black timber and natural stone with a living green roof. The building is to comprise of an office space, wine tasting area, cloakroom, kitchen area, tool cupboard/storage and W.C.

History of negotiations/amendments received

Amendments were sought to relocate the proposed building slightly further away from adjacent neighbouring properties to the south. Additional information was also requested from Highways Officers in respect of access/visibility and Environmental Health Officers in respect of the proposed septic tank.

Relevant Planning History

2000/91756 – Re-use, extension and adaption of existing farm building to form one dwelling with garage. Approved 20th September 2000.

2000/90007 – Change of use of existing barn to one dwelling. Approved 28th April 2000.

91/02753 – Construction of attached cattle shed to existing barn. Approved 26th July 1991.

Representations

Final publicity date expires:

Neighbour Letters – Expired 19th April 2024.

7 representations have been received in objection (albeit 5 of the representations are from the same objectors); details are summarised below.

- The proposed building's location and use is inappropriate to its setting within the Green Belt within an established residential area.

Officer note: Noted. This is discussed in more detail within the principle of development section of this report.

- Concerns in respect of the loss of privacy.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The use of the proposed building is given over to tours and tastings i.e. The principal purpose is not related to agriculture and rather to hospitality.

Officer note: Noted. This is discussed in more detail within the principle of development section of this report.

- Concerns in relation to noise pollution and anti-social behaviour.

Officer note: Noted. The Council's Environmental Health team have been consulted on the proposals, their comments can be found under the consultation responses and residential amenity sections of this report in respect to noise pollution.

- The proposed building and associated parking will be visible from 3 public paths and from Helme, a Conservation village.

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

- 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. 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?

Officer note: Noted. This is discussed in more detail within the residential amenity and highway safety sections of this report.

- The proposed canopy not only increases the size and scale of the building but also encourages outside tasting, especially during summer months.

Officer note: Noted.

- Appeal case of Millington v SSE is relevant to this application.

Officer note: Noted. This application is assessed on the basis of its own merits in light of all applicable considerations which is set out in the 'Assessment' section of this report.

- Four recent planning application have been rejected within HD9 5RS because of their harm to the Green Belt. This application will create more harm and change within the Green Belt than the previously rejected applications.

Officer note: Noted. This application is assessed on the basis of its own merits in light of all applicable considerations which is set out in the 'Assessment' section of this report.

- Moving the building further away from neighbours (toward Black Moorfoot Reservoir where there is lots of available land) will make it more acceptable.

Officer note: This viewpoint is noted. However, this application is assessed on the basis of its own merits in light of all applicable considerations which is set out in the 'Assessment' section of this report.

- The proposed building and use is too large, overpowering the sensitive rural setting, too close to neighbouring properties.

Officer note: Noted, this is discussed in more depth in the visual amenity and residential amenity sections of this report.

- The proposals result in inappropriate development within the Green Belt whereby no very special circumstances exist.

Officer note: Noted. This is discussed in more detail within the Green Belt section of this report.

- Concerned that an increase in traffic to the site will impact on the bottleneck where Harrison Lane and Crossland Edge join.

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

- 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.

Officer note: Noted. 19.10 of the Kirklees Local Plan states that “...will be unlikely to apply to hobby farms, usually defined as those where the enterprise is not the applicant’s main, principal or full-time occupation of business”. As the applicant is retired, they would meet this criterion. Nevertheless, the business is proposed to extend beyond the extent of agriculture in this case, and this application is assessed on this basis.

- The proposed elevated parking is also as visible and impacts existing views.

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

- The NPPF requires proposals to manage 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.

Officer note: Noted. However, the management of the use of alcohol or anti social behaviour is a matter where other powers are available to the Council and Police to enable control of this to be exercised.

- Helme Edge Vineyard is not an established business that adds direct or indirect value to the local economy; its local harm outweighs any perceived benefit.

Officer note: This objection is noted and taken into account in the assessment of this application.

- 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.

Officer note: Noted. However, this relates more to permitted development rights for residential properties, on this occasion full planning permission is being requested for the erection of a building which would not be incidental to the dwellinghouse and therefore limited weight can be afforded this matter in this case.

- There is little opportunity to extend the current area under cultivation any further. As such, the need for the proposed development (including

parking) is not related to an expansion of the vineyard (agricultural) activities; rather, it is specifically to cater for the tours and tastings or hospitality; it is not an agricultural need.

Officer note: The development is considered to go beyond the extent of agriculture in this case, and this application is assessed on this basis..

- 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.

Officer note: Any expansion of the business that requires development for which permission is required would be subject to the relevant application and assessed by the LPA at that time.

- The applicant speaks that staff will find alternative parking, the supporting technical documents advise that staff will park on the lane (off road). Currently there is none linked to the site.

Officer note: Noted. This is discussed in more detail within the highway safety section of this report.

- 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.

Officer note: Noted. This is discussed in more detail within the planning history and principle of development sections of this report.

- Need to consider whether winemaking could be regarded as ordinarily incidental to the growing of grapes. If so, it would be ancillary to normal farming activities, reasonably necessary to make the product marketable or disposable for profit. In the alternative, it should be considered whether the process had come to the stage where those operations could not reasonably be said to be consequential on the agricultural operation of producing the crop, in which case it could not be regarded as being ancillary to that agricultural activity.

Officer note: Noted. This is discussed in more detail within the Green Belt section of this report.

- Planning permission was granted for a New Winery and Visitor Centre for Domaine Evremond Winery by Ashford Borough Council in the Kent Downs AONB in July 2020. The total area of the floorspace given over to tours is 5.2% of the floor space; the proportion of the property given over to non-agricultural activities is much greater in this proposal.

Officer note: This application is assessed on the basis of its own merits, against the content / detail submitted.

- The existing NPPF planning policy provides strong but caveated support for business proposals which benefit the local economy, but only insofar as this is compatible with the national and local Green Belt policy. On their own, any perceived economic benefits do not presume approval.

Officer note: Noted. This is discussed in more detail within the Green Belt section of this report.

- The design and materials are not those found in the Holme Valley,

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

- An appeal of Holmfirth Vinyard was refused permission to extend hours of operation due to noise. It was upheld on appeal.

Officer note: Noted. This application is assessed on the basis of its own merits, against the content / detail submitted and in light of the response of consultees. The impact of the development with regard to noise is taken into account in the 'Assessment' section of this report.

- The submitted traffic report makes no mention of the time of survey, school times are much busier as are the weekends.

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

- It may be relevant or not, but significant works have commenced to the field opposite the entrance to the proposed site, the presence of stone steps clearly links the two sites, and the local resident group chat has asked what is happening, no public reply has been received. This may show that the site will expand beyond what is currently proposed impacting on the existing statements Highways and Operations and the Green Belt. The future development and impact needs to be assessed.

Officer note: Noted. Works in respect to the field opposite the entrance do not form part of this application and therefore may be a breach of planning. It is therefore advised that this be highlighted to the Council's Planning Enforcement team who can investigate this further.

10 representations have also been received in support of the application; comments are summarised below.

- Having visited the site and seen the plan it is not considered that the proposals would negatively impact on the character of the area.

- The proposals would bring a positive impact by supporting a diverse 'agricultural' use in a changing climate.
- The building fits in well with existing buildings and the surrounding landscape in both its design and location and will not impact upon any surrounding buildings.
- The rural setting of the vineyard presents a unique opportunity to showcase the natural beauty of the region, whilst telling people about its history and also contributing to its cultural and agricultural heritage.
- It is essential that any proposed activities associated with the tasting room are conducted in a manner that respects the tranquillity and character of our rural surroundings.
- The tasting events will be directed at serious wine connoisseurs and not hen or stag parties.
- The materials proposed blend in with the existing building and natural environment.
- The proposed building is on a very modest scale, no larger than a home office or other domestic outbuilding and is not visually objectionable.
- No concerns in respect of overlooking.
- It is important to support local ventures and initiatives that contribute to the economic and cultural development of the community.
- The existing vineyard is well planned and maintained to a high standard with great attention to detail that has enhanced the area.
- The building will be hardly visible from most directions.
- Initial concerns regarding the possibility of increased traffic and parking issues appear to have been addressed within the proposal.
- The building is to be ancillary to and complement the existing vineyard.
- Measures such as limiting operating hours, providing adequate parking facilities, implementing sound control measures, encouraging sustainable transport options and having an operational booking system can help ensure a harmonious existence with neighbouring properties.

The comments provided in support of the development from third parties are noted and taken into account within the 'Assessment' section of this report.

2 comments have also been received; details are summarised below.

- Helme Edge Farm has been advertised on Facebook and this clearly shows that this is a hobby business incorporated in November 2023.

Officer note: Noted.

- The use of the proposed building is given over to tours and tastings i.e. the principal purpose is not related to agriculture rather to hospitality and should not be approved in the Green Belt.

Officer note: Noted. The principle of this development within the Green Belt is discussed in more detail within the principle of development section of this report.

- The location is still too close to neighbouring properties, it should be moved further away from neighbours toward the reservoir at least to the far side of the existing drive.

Officer note: Noted. However, Officers have to assess the proposals on what has been submitted, in the location it has been submitted.

- The design remains the same, though perhaps with a reduced canopy. However, it is clear that the design of the building with the tasting area, kitchen etc is still predominantly a hospitality building and not an agricultural building.

Officer note: Noted. The design of the building is discussed in more detail within the visual amenity section of this report. In respect of the use of the building and its acceptability, this is discussed in more detail within the Green Belt section of this report.

- All other objections and comments remain including the narrow fast road and Kirklees Local Planning stating that hobby business will not be approved.

Officer note: Noted. The Council's Highways team have been consulted on the proposals and their comments can be found under the consultation responses and highway safety sections of this report. In respect of hobby farming this is not considered to be relevant on this occasion as outlined previously.

- There is no clear evidence that the proposal benefits outweigh the substantial harm to the greenbelt.

Officer note: Noted. This is discussed in more detail within the Green Belt section of this report.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

Consultation Responses

KC Environmental Health – Comments received 5th April 2024. No objections however, Officers request the submission of detailed information in respect of the how the development is to be connected to the existing foul water treatment system. Subject to the above information being submitted and being suitable, Officers have also outlined conditions and informatives which should be requested should planning permission be granted. These relate to

construction working times, hours of use of the proposed building and obtaining the necessary licenses.

Officer note: Following receipt of the above comments, the applicant sought to submit an email from Mr. Stuart Golding at trichel dated 8th May 2024 and drawing no. 23_811_105 'As Proposed_Drainage Plan+Location Plan' via email on the 13th May 2024. ENVH Officers request further clarification in regard to what the proposed septic tank is to be used for, whether this is to be for solely the house or wine tasting room, or both.

Officer note: The applicant confirmed via email on the 15th August 2024 that the tank referred to is the existing P6 tank which they wish to continue to use for both the house and the new tasting facility. The email contained an attachment from 'tank expert' Stuart Golding which indicates that it will be satisfactory for a 4-bedroom house plus 10 visitor flushes per day. The applicant noted that at this stage they are uncertain of their visitor numbers but for much of the time they are likely to be significantly below the cap of 20, and that visits are to last for only an hour and a half. Stuart's assumption of 50% usage on theoretical maximum is their standard advice to clients preventing serious over design of facilities.

Officer note: Based on the information provided, ENVH Officers confirmed that they are satisfied that provision has been made for foul drainage but note that a larger size may futureproof the system. The applicant must ensure that any system is in accordance with building control regulations, and it is advised that early discussions are had with their building control provider.

KC Policy – Comments received 16th May 2024. Policy Officers consider the development to be inappropriate in the Green Belt however, very special circumstances have been put forward by the applicant. They set out that that it is for the LPA to judge as to whether these very special circumstances clearly outweigh the harm to the Green Belt.

KC Highways Development Management – Comments received 13th June 2024. Officers had no objections in respect of the principle of erecting an ancillary storage shed within the garden of the existing dwelling but did have some concerns in relation to the propensity for it to generate trips with the suggested use as a wine tasting facility. Officers therefore requested the submission of additional information in respect of visibility splays (including undertaking of a speed survey), trip generation (and parking demand), and parking management.

Officer note: Following receipt of the above comments, the applicant's agent sought to submit revised plans and additional information in respect of visibility splays, parking layout, and trip generation. Highway Officers deem this information to be acceptable to overcome their previous concerns, and therefore they do not object to the proposals subject to the imposition of conditions relating to visibility splays and the submission of a Car Park Management Plan/Statement.

Parish/Town Council

Meltham Town Council – Support.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within the Green Belt. It is also important to note that there are Public Rights of Way (MEL/17/20) & (MEL/17/30) which run to the far south and far north of the application site.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP10 – Supporting the Rural Economy
- LP21 – Highways and Access
- LP22 - Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP30 – Biodiversity and Geodiversity
- LP52 – Protection and Improvement of Environmental Quality
- LP54 – Buildings for Agriculture and Forestry
- LP57 – The Extension, Alteration or Replacement of Existing Buildings
- LP59 – Brownfield Sites in the Green Belt

Other Guidance Documents:

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1 – Principle of Development

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

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

1.2 – Town Centre Uses/Tourism Related Development

Chapter 7 of the NPPF relates to ensuring the vitality of town centres. Paragraph 90 of the NPPF outlines that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 91 of the NPPF goes on to say that Local Planning Authorities should apply a sequential test to planning applications which are for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre locations be considered.

Paragraph 92 states that if edge of centre or out of centre proposals are to be considered, preference should be given to accessible sites which are well connected to the town centre.

In this case, Policy LP13 of the Kirklees Local Plan is relevant and consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres and local centres), as shown on the Policies and Town Centre maps.

The proposals are for the erection of a single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room in association with the adjacent vineyard at Helme Edge Farm. Whilst the application site is located outside of any designed centres, Officers deem this type of use would not result in a main town centre use given the nature of the business. Whilst the provision of wine tasting would result in the introduction of a new use within this location, policy justification paragraph 7.36 of the Kirklees Local Plan outlines that *'other proposals that are regarded as main town centre uses such as leisure, culture and tourism development can have a locational requirement which means that they can be only accommodated in specific locations. If this locational requirement is above 150 sq m, it needs to be justified to pass the town centre sequential test'*.

On this occasion, the proposals are considered to relate to leisure, culture and tourism development and would fall below 150sqm in size. In addition to this, the site does already have a vineyard in which the wine to be used at the tastings is grown. The vineyard has been up and running for a number of years, Officers therefore consider that a sequential test would not be required in this instance. The proposed building will also promote expansion and retention of the existing business and whilst the site is located within the Green Belt, the impact in this regard is undertaken in the following report as well as matters relating to access, traffic, car parking, residential amenity and climate change.

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

In addition to this, Policy LP10 of the Kirklees Local Plan relates to supporting the rural economy, which follows on from advice in paragraph 88 of the NPPF which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion

of existing buildings and well-designed new buildings. This is given weight in the assessment of this application.

1.3 – Land Allocation (Green Belt)

The application site is allocated as being within Green Belt land on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to *‘assist in safeguarding the countryside from encroachment’*.

Paragraph 152 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances’. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraphs 154 and 155 of the NPPF.

Paragraph 154 sets out the following exceptions:

- a) Buildings for agriculture or forestry;
- a) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, 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;
- b) 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;
- c) The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces;
- d) Limited infilling in villages;
- e) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- f) Limited infilling or the partial/complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), so long as the proposals would not have a greater impact on the openness of the Green Belt than the existing development.

The definition of previously developed land as set out in the NPPF glossary includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface structure.

Paragraph 155 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its

openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction;
- a) Engineering operations;
- b) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- c) The re-use of buildings provided that the buildings are of a permanent and substantial construction;
- d) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- e) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

In terms of local policies, policy LP59 of the Local Plan is important to note as this relates to brownfield sites in the Green Belt. This policy states that proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

Policy LP54 of the Kirklees Local Plan refers to buildings for agriculture and forestry. It notes that buildings for agriculture and forestry will normally be acceptable provided that:

- a. the building is genuinely required for the purposes of agriculture or forestry;
- a. 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;
- b. there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and
- c. 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.

Supporting paragraph 19.10 states that '*...it is also unlikely to apply to a building solely for the purpose of providing security for agricultural implements*'.

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings within the Green Belt. It notes that proposals

for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions, the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;
- a. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
- b. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
- c. 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.

Whether the proposal is inappropriate development in the Green Belt

In relation to the above exceptions listed, the proposals seek to erect a single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room on a portion on hardstanding currently occupied by a greenhouse, to the rear of the host dwelling 'Helm Edge Farm'.

Section 336 of the Town and Country Planning Act 1990 provides the definition of agriculture to *"include horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of the farming of the 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"*.

In respect of LP54 of the Kirklees Local Plan and Paragraph 154 (a) of the NPPF, Officers acknowledge that the proposed building is to be used in association with Helme Edge Farm and the existing vineyard business, however, Officers do note that the proposed building is primarily required for wine tasting, with an office space, W.C, kitchen area, cloakroom and tool cupboard/storage area. It is noted that the tool cupboard/storage area forms just a small part of the building. Officers therefore consider that the building does not relate to a typical agricultural building whereby they are required to support the growing/farming of the land, but in fact relates to a building ancillary to the vineyard, promoting leisure/culture/tourism facilities. The proposals are therefore not considered to fully comply with LP54 of the Kirklees Local Plan or 154 (a) of the NPPF.

Whilst the proposed store/office accommodation/tool shed/toilet/kitchen facilities/tasting room is to be erected on a portion on land which currently

houses a greenhouse, which stores some of the equipment and tools required to make wine. Whilst this building is in a similar use in respect of the storage of implements, Officers consider the proposed use to be of a much larger scale and involve other uses such as wine tasting, office facilities etc. In addition, the proposed building would be much larger in scale and size and will be of more permanent materials/construction than the existing glass building. Thus, resulting in a greater impact on the openness of the Green Belt than the existing development, this is discussed in more detail further into the Officer's report. Taking the above into account Officers do not consider the proposals to fully comply with LP57 or LP59 of the Kirklees Local Plan and Paragraphs 154 (d) and (g) of the NPPF.

Given the above, Officers consider that the development constitutes inappropriate development within the Green Belt. Paragraph 153 of the NPPF also states that Local Planning Authorities should ensure that 'substantial weight' is given to any harm to the Green Belt.

An assessment is therefore required into whether the development causes any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

Whether there would be any other harm to the Green Belt, including visual amenity

In respect of the openness of the Green Belt, openness has been established to have both a spatial and visual aspect. The proposed building is to be located on a similar footprint to the existing building it is set to replace but would result in an increase in both scale and size, and would be of a more permanent and substantial build. Officers therefore consider the proposals to have a greater impact upon the openness of the Green Belt than the existing structure.

Whilst the application site is visible from adjacent Public Rights of Way and from further afield when viewed from the west, the proposed building is to be set back from the public highway, on an area of hardstanding to the rear of host dwelling '31 Crosland Edge/Helme Edge Farm'. This location is currently occupied by a greenhouse which would need to be removed should planning permission be granted. The proposed building would also be stepped down from the host property and set against an existing high stone retaining wall due to a difference in ground levels, viewed against an existing single storey outbuilding and the host dwelling itself.

In terms of the purposes of including land within Green Belts, one such reason is to safeguard encroachment into the open countryside. Due to the rural nature of the site, it does form an integral part of the countryside and landscape however, the proposed building is to be located on an area of hardstanding, and given the topography of the area, the boundary of the site is somewhat restricted and therefore it is not considered that the proposals would result in an encroachment of urban form and activity into the

countryside, especially as no changes are proposed to the existing access and parking arrangements which does mean that no additional works are required over and above the works discussed above.

In terms of design and materials, these are discussed in more detail within the visual amenity section of this report.

Officers therefore hold the view that harm to the openness of the Green Belt adds to the harm by virtue of the inappropriateness of the proposed development within the Green Belt. Thus, it is considered that in the instance of any grant of permission very special circumstances will need to be demonstrated. This is discussed below.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

In accordance with Paragraph 153 of the NPPF, consideration must be given as to whether any very special circumstances exist which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and other harm.

Policy LP10 of the Local Plan sets out how the economic performance of the rural economy will be improved. This includes through supporting and increasing tourism related development, including encouraging new facilities and accommodation for tourists. In the case of LP10, the policy justification states that it is not intended to prevent businesses from locating in the Green Belt where there is genuine need.

Chapter 6 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Planning decisions should recognise that to meet local business needs in rural areas sites may have to be found beyond existing settlements and in locations that are not well served by public transport.

The applicant has submitted some justification for the proposals within the submitted planning statement, highlighting that the erection of this structure will 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. They also note that whilst the building is to be located within the garden curtilage of the existing dwelling, siting the building within the vines themselves would reduce growing space, reducing yields and create issues in relation to the viability of the business, and would have a more significant impact on the openness of the Green Belt. The existing dwelling will also retain more than sufficient on-site outdoor amenity space to service the needs of the property.

Officers note the above points, and when taking into account paragraph 88 of the NPPF which notes that planning policies and decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, it is considered that as this is an existing rural business which is locational specific to this site, the proposals would support and enhance the economic benefits of an exiting rural enterprise and retention and expansion of local employment of a well-known business is encouraged and would accord with LP10 of the Kirklees Local Plan and guidance contained within the NPPF.

Taking the above into account, and with the proposal relating to an existing established business (vineyard), the proposal would see the continued operation of the business, whilst also allowing for the business to expand and diversify. The proposals would have some impact on the Green Belt however in this case it is concluded that the identified harm to the Green Belt is clearly outweighed by the very special circumstances put forward as part of this application. Officers therefore consider there to be very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and the identified additional harm to openness. The proposals are therefore deemed to be acceptable in terms of Policies LP1, LP3 and LP24 of the Kirklees Local Plan and National Green Belt Policy contained within Chapter 13 of the NPPF.

2 – Impact on Visual Amenity

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

“The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

The proposed building is to measure approximately 6.5m x 4.6m (with a roof overhang of 1m), with a height of 2.6m, and is to be of a simple and functional design, consisting of a flat roof. The building is to be finished in a mix of charred black timber and natural stone with a living green roof. The building is to comprise of an office space, wine tasting area, cloakroom, kitchen area,

tool cupboard/storage and W.C. Taking the above into account, it is in Officer's opinion that the proposed materials are considered to be practical and appropriate to the end use, of which its use will be secured via a plans list condition.

Officers also note that concerns have been raised by third parties in respect of the visibility of the proposed building and associated parking area, specifically from the adjacent PROWs (MEL/17/30 & MEL/17/20), whilst it is acknowledged that the building will be visible due to the open aspect of the property to the rear, given the layout of the site, the proposed building is to be set down and viewed against the large two-storey host dwelling, it will also be set against an existing high stone retaining wall, adjacent to an existing residential shed. Furthermore, the building is to be finished in a charred black timber with a living green roof, these materials are not considered to appear overly dominant or out of character in this location.

Taking all of the above into consideration, the proposals are considered to be of scale, size and design which is appropriate for the proposed end use of the building and is deemed to be sympathetic to the rural context of the surrounding area. The proposals therefore accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

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

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from light for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from light must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Impact on no. 25 Crossland Edge

This neighbouring property is located to the south of the application site, approximately 22m away from the proposed ancillary building. Given the properties southern location, Officers have no concerns with regards to overshadowing or the loss of light from the proposed building. In addition, given the buildings single storey aspect, there are no concerns in respect of the structure being overbearing or overly dominant on the adjacent neighbouring property.

Furthermore, as no windows are proposed within the southern side elevation of the building Officers have no concerns with regards to any direct overlooking from the proposed building. However, it is acknowledged that given the nature of the proposals there is the possibility for visitors to congregate towards the front and side of the structure. Nevertheless, there is significant planting along the boundary of both properties both in the ownership of the applicant and occupiers of no. 25, therefore it is considered unlikely that there would be any issues in respect of overlooking or the loss of privacy should the application be approved.

Impact on no. 25a Crosland Edge

This neighbouring property is located to the south-west of the application site, approximately 44.8m away from the proposed wine tasting building. Given the large separation distances Officers have no concerns in respect of overlooking, overshadowing, or the proposed building appearing overbearing or overly dominant on this neighbouring property.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

In respect to potential impacts arising from noise, the Council's Environmental Health Officers were consulted on the proposals and noted that there is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. ENVH Officers therefore recommend an informative is attached which restricts the times when noisy construction activities (including deliveries) will be permitted. In addition to this, ENVH Officers state that given the rural location of the proposed development, and its proximity to nearby residential properties there are some concerns relating to noise from customers, deliveries and dispatches. It is therefore recommended that should planning permission be

granted a condition should be imposed which restricts the hours of use, in the interests of residential amenity.

Taking the above into consideration, the proposed development subject to recommended conditions and informatives, is considered acceptable in terms of residential amenity and that it complies with Local Plan Policy LP24(b) and LP52 and Chapters 12 and 15 of the NPPF.

4 – Impact on Highway Safety

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

The application site was subject to pre-application advice (23/21039) where Highway Officers suggested that a transport statement to show adequate visibility splays from the access, trip generation details, parking details including turning space within the site and booking details to control parking demand should be provided within any future planning submission at the site.

The application is for the erection of a single-story ancillary building for a number of uses including storage, office and commercial uses with parking via an existing residential access on to Harrison Lane, a 30mph/60mph (NSL), two-way single carriageway rural distributor road of approximately 6.3m width at the access with no footways and only limited street lighting present.

The closest bus stop is on a low frequency route and is approximately 390m from the site, with a return stop within 550m using a footpath and stops on a high frequency route being over 1.8km away. This would mean that the site would be essentially car based for visitors.

Given the nature of the proposals the Council's Highways team were consulted, whilst they initially had some concerns in respect of trip generation to the site and the intensification on the existing access and therefore requested the submission of visibility splays and a workable parking management plan. Following receipt of these amended plans and additional information, Highway Officers noted that suitable visibility splays are now provided on drawing no. 23_811 104 Rev A and have been calculated based on speed survey figures along Harrison Lane. The speed survey was carried out to a suitable standard and the results and 85th percentile speed are acceptable. The wall to the front of the site is also to be lowered to 0.6m in height. The parking layout of the site has also been revised on drawing no. 23_811 102 Rev B and now shows the three residential parking spaces required by the residential unit (two garaged and one driveway) and 5 visitor parking spaces, including 1 accessibility space. This increase is deemed to be acceptable and safe manoeuvring is indicated so all vehicles can enter and

exit the site in forward gear. The revised layout also allows for a Transit sized service vehicle to be able to access the site and turn.

In respect of trip generation, wine tasting visits are to be limited to a maximum of 10 guests at a time and there is 1 additional staff member not based on site (staff parking is provided within the wider site). The number of visitors is to be managed at the time of booking and Highway Officers would request that this includes a level of car park management to ensure no overflow parking occurs in an unsuitable on-street location outside the property. This would be best managed through a car park management plan rather than as a Traffic Regulation Order along the frontage of the site as this would be unreasonably expensive for the proposals. Highway Officers would like to see a car park management plan/statement added as a condition and this should provide details of the method of management of visitor parking to ensure that all trips generated by the site can be absorbed by the provided on-site parking. The Operational Parking Statement provided with the initial application may be acceptable if it was updated to include the 5 parking spaces and provided full details of how parking will be managed and what mitigation will be provided if the car park regularly exceeds capacity. A revised Operational Parking Statement will also be secured via condition should planning permission be granted.

It is therefore concluded that subject to conditions, the scheme would not represent any additional harm in terms of highway safety and as such complies with the Local Plan Policies LP21 and LP22, and Chapter 9 of the National Planning Policy Framework.

5 – Other Matters

Biodiversity

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

Local Plan Policy LP30 refers to biodiversity and geodiversity. This policy requires development proposals to result in no significant loss or harm to biodiversity, minimise the impact on biodiversity and provide net biodiversity gains through good design and habitat creation where opportunities exist.

Whilst the application site is not located within a Bat Alert Area, it is acknowledged that the proposed building is to provide a living green roof. This design is welcomed by Officers as it is considered that it would help provide biodiversity net gains at the site and would therefore accord with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to

benefit from the small sites exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

LP26 of the Kirklees Local Plan relates to renewable and low carbon energy, stating that renewable and low carbon energy proposals (excluding wind) will be supported, and planning permission granted where the following criteria are met:

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

The application is supported by a Climate Change Statement, this statement outlines that all new materials will be sourced locally, and that the charred black timber proposed to the external walls of the building is fireproof and weather resistant providing maintenance free timber that can be used for up to 80 years making it an exceptional sustainable material. In addition to the above, the proposed building is to have a green living roof and will be built to the latest building control standards.

Taking the above into account, it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's Climate Change agenda in this instance, given the scale / nature of the proposal. The proposals are therefore considered to comply with Policy LP26 of the Kirklees Local Pla and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development and it is recommended for approval.

Recommendation: Approve.

Decision Authorisation: Delegated Decision

Application Number: 2024/90421

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to preserve the openness of the Green Belt and to accord with Policies LP1, LP2, LP3, LP10, LP21, LP22, LP24, LP26, LP30 & LP52 of the Kirklees Local Plan and policies contained within Chapters 2, 4, 6, 9, 12, 13, 14, and 15 of the National Planning Policy Framework.
3. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00 and 18:00 hrs Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies

LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the visibility splay sightlines indicated on drawing No 1001D shall be cleared of all obstructions to visibility exceeding 0.6 m in height and these shall be thereafter retained free of any such obstruction throughout the lifetime of the development.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

5. The development shall not be brought into use until a Car Park Management Plan/Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Car Park Management Plan shall include details of:

- i. Methods of limiting the parking demand so that the provided spaces within the proposed car park are not exceeded, including information provided at the time of booking and a booking system for parking within the site.
- i. Method(s) of informing resident of events taking place where high volumes of guests are expected.
- ii. Information for guests on travel options.
- iii. Proposed mitigation in the event that parking demand exceeds parking capacity.
- iv. Mechanism for review of the Car Park Management Plan.

The development shall thereafter be operated in accordance with the approved Car Park Management Plan for the lifetime of the development.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

6. The building hereby approved shall be used ancillary to Helme Edge Farm, 31 Crosland Edge, HD9 5RS in association with the adjacent vineyard.

Reason: In the interests of visual and residential amenity, and to preserve the openness of the Green Belt, as a different use falling outside of the approved store/office accommodation/tool shed/toilet/kitchen facilities/tasting room in association with the wine tasting business (Sui Generis) in such a rural area could result in an undue disturbance to the elements outlined above, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.

7. The development shall not be brought into use until an Operational Parking Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The use shall thereafter be undertaken and operated in accordance with the approved scheme.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policy within Chapter 9 of the National Planning Policy Framework.

8. The building hereby approved shall be constructed from the materials of construction set out in the submitted application form and demonstrated upon submitted drawing ref: 23_811 100 and retained thereafter.

Reason: In the interests of visual amenity and the Green Belt to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays
- With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: It is recommended that the applicant should contact the Licensing Team at Kirklees Council to discuss the proposals. The Licensing Team can be contacted on 01484 22100 (ask for Licensing) or by email at Licensing@kirklees.gov.uk.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
As Proposed_Floor Plans + Elevations	23_811 100	-	28 th May 2024
As Proposed_Site Sections/Context	23_811 101	A	28 th May 2024

Elevations			
As Proposed_Part Site Plan	23_811 102	B	28 th May 2024
As Proposed_Site + Location Plan	23_811 103	A	28 th May 2024
As Proposed_Service Vehicle Swept Path Plan	23_811 104	A	28 th May 2024
As Proposed_Drainage Plan + Location Plan	23_811 105	-	13 th May 2024
Design_Heritage Statement – Supporting Information	-	-	14 th February 2024
Letter from E.S.Dyson & Sons – Supporting Information	-	-	11 th March 2024
Operational Parking Statement – Supporting Information	-	-	11 th March 2024
Email from Mr Stuart Golding (Septic Tank) – Supporting Information	-	-	13 th May 2024
Planning Statement – Supporting Information	-	-	14 th February 2024
Foul Drainage Assessment Form – Supporting Information	-	-	14 th February 2024
Climate Change Statement – Supporting Information	-	-	20 th February 2024
Highways Technical Note from TPS Transport Consultants Ltd – Supporting Information	-	-	3 rd July 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to relocate the proposed building slightly further away from adjacent neighbouring properties to the south. Additional information was also requested from Highways Officers in respect of access/visibility and Environmental Health Officers in respect of the proposed septic tank.

Report Dated:

4th September 2024