

About the application

Application number: 2024/90476	
What is the application for?:	Demolition of Pole Barn and erection of one dwelling
Address of the site or building:	Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth, HD9 2SD
Postcode:	

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	Yes
<p>Kirklees planning has given outline planning permission to 3 dwellings, with the original farmhouse and conversion of the pole barn this would make 5 dwellings. As mentioned in previous objections, and acknowledged in the planning offices decision re application 2023/CLASS Q/91342/W, the lane leading to Moss Edge farm is unsuitable for residential, refuse and emergency vehicle access. It also still remains, that it is usual for no more than 5 properties to have access down a private road and if this application goes ahead then it will be 10 properties needing access. Kirklees Highways also stated that the applicants have not demonstrated that Moss Edge Road is a suitable access for residential, refuse vehicle and emergency vehicles. This still remains the case, despite the efforts of the owner, with vehicles regularly heard to have problems negotiating the track, with wheels spinning and finding it difficult to gain traction.</p> <p>There are no passing places at the bottom of the private lane access where it meets the highway (Acre Lane, Hollin Brigg Lane, Woodhouse Lane) and whilst we understand that some passing places have been now been added on the lane going up to the farm by the new owner, these would not be satisfactory for additional cars and other vehicles (for example, delivery vans) using that lane, especially if the weather was wet, snowy or icy given the north facing nature of the hill coming down from Moss Edge Farm which is shrouded in trees. There is also a risk to the woods around adjacent to the road if passing places are installed.</p> <p>As mentioned in the previous objections to application 2022/62/93783/W there was concern that if Moss Edge Lane was improved too much this would lead to cars speeding along it. This is now clearly evident, with delivery vans and residents of Moss Edge Farm driving too fast for the type of road, and it is reasonable to think this will only get worse the more traffic there is with an increased risk. There have been instances of two near misses because of this speeding.</p> <p>The access road is to give access to the farmhouse for residential purposes but the access to the barns and pole barn is only for agricultural purposes. If the pole is converted, then this would be a new dwelling using the access in respect of which the right of way/access was never designed nor intended. The case of Parker v Roberts [2019] EWCA Civ 121 illustrates that new housing accessing a road/lane/driveway owned by a third party (i.e. curtilage and others) is not permitted under the case of</p>	

owned by a third party (i.e. ourselves and others) is not permitted under the case of Parker v Roberts.

The conversion of the pole barn would also be contrary to paragraph 80 of the National Planning Policy Framework as there are no relevant circumstances that would justify the development of isolated homes in the countryside. Unlike the other barns the pole barn cannot be converted to a dwelling without being demolished and an entirely different structure being built. This then clearly changes the landscape and should therefore be refused. In addition, Section 65 of the Environment Act 1995 requires local authorities to have regard to the purposes of a national park 'in exercising or performing any functions in relation to, or so as to affect, land in a National Park'. The purposes of a national park include the conservation and enhancement of natural beauty, wildlife and cultural heritage. The National Planning Policy Framework at paragraph 176 requires development in the setting of a national park to be 'sensitively located and designed to avoid or minimise adverse impacts'.

In all of the planning applications related to Moss Edge Farm there appears to be inconsistencies between what legislation allows and what the planning department and the National Park have approved compared to other developments in the area. For example, as mentioned above Kirklees Highways have clearly stated the access road is unsuitable for further housing developments, that emergency vehicles could not reach Moss Edge Farm due to the gradient of the track and the National Park objected to a previous application to convert the pole barn. Despite this Kirklees have given outline planning permission for development and the National Park are not objecting to this application (we have asked the National Park to explain their change of mind).