

From:
Sent: 24 April 2024 21:29
To: DCAdmin
Subject: Application 2024/62/90476/W Demolition of Pole Barn Moss Edge Farm Holmbridge

Categories:

Dear Sir or Madam,

Application 2024/62/90476/W Demolition of Pole Barn Moss Edge Farm Holmbridge

A previous application to redevelop the Pole Barn was made under no 2022/93783 and was withdrawn by the Applicant when it became clear that it would not be acceptable. Nothing has changed to make the present application acceptable.

We do not object to the development of the farmhouse and stone barns at Moss Edge Farm. However we do object to the development of a temporary farm structure namely the Pole Barn being redeveloped as it is within the Green Belt and does not fall within the exceptions to development within the Green Belt because of its temporary (rather than permanent) nature - it is a temporary Pole Barn.

The site falls within the Green Belt where there is a presumption against development, unless the development is for an acceptable use (listed in the NPPF). This development clearly does not fall within the exception of acceptable uses and, as far as can be seen on the online documents submitted, there are no VSC (*very special circumstances*) that apply to this proposed development.

"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."

Furthermore whilst it is accepted that '*previously developed or brownfield land*' should be promoted for development/redevelopment, but, as noted with the NPPF (National Planning Policy Framework) agricultural buildings are clearly excluded from this definition.

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 Barn was developed into a dwelling, then this would be 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. ourselves and 9 others) is not permitted under the case of **Parker v Roberts**.

Moss Edge Farm and the barns are very remote from the highway. It is approximately 801 metres from the highway to Moss Edge Farm. There have been other local planning applications including opposite Elysium Barn and adjacent to Moorfield House/Mistake Farm application numbers [2019/62/93134/W and 2022/91760] where planning permission has been refused on the grounds of those properties being remote and isolated. Both of those properties were significantly closer to the adopted highways than Moss Edge Farm, it being 801 metres approximately away from the adopted highway with a steep incline.

Not only was the above referenced Elysium Barn application refused, it was also dismissed at appeal (Appeal Ref: APP/Z4718/W/21/3279690). Furthermore, there is substantial planning history relating to Elysium Barn with there being a consistent thread proposing to convert to residential, all of which have failed on highway/accessibility issues.

The NPPF states that:

78. *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*
79. *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
 1. *a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

2. a) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
3. b) the development would re-use redundant or disused buildings and enhance its immediate setting;
4. c) the development would involve the subdivision of an existing residential dwelling; or
5. d) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

It is clear that this application/proposed development does not comply with the above national planning policy.

Kirklees Local Plan Planning Policy LP21 – Highways and access states:

*Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where **safe and suitable access** to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental **impact on highway safety** and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network. All proposals shall take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely.*

We also contend Moss Edge Lane being used as access for any proposal that would see an increase in vehicular movements. It is inappropriate and unacceptable in planning policy terms alone. Such an increase of dwellings at Moss Edge Farm, as proposed, would most certainly see an increase in vehicle movements along this unadopted, substandard access.

The vehicles of some of the residents (not all) at Moss Edge now travel at speed along the private lane, which previously was not maintained to a better standard precisely to stop vehicles driving along it at speed in the interests of safety to residents/pedestrians particularly children. Indeed, there is a main gate which is sometimes closed deliberately to slow access into the narrow lane, particularly when children have been playing in the lane.

On questioning whether the application site is an impractical or undesirable location for a dwelling house is a matter of debate. The recent and very local decisions (refusals) and appeals, in the case of Elysium Barn, provide some form of context and indication.

The Planning Practice Guidance (PPG) advises that, because the words 'impractical' or 'undesirable' are not defined in the regulations, the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgement. 'Impractical' reflects location and siting which would 'not be sensible or realistic' and 'undesirable' reflects that which would be 'harmful or objectionable'.

Considering the above we contend that the site is an 'impractical and undesirable' location for any dwelling houses using Moss Edge Road as the access route. This breaches the aims and objectives of Paragraphs 78 and 79 of the NPPF and Policies LP20, LP21 and LP24 of the Kirklees Local Plan.

We are surprised at the Peak District National Park Authority's letter to you of the 4th April 2024 which sets a precedent for planning permission to redevelop all temporary farm buildings in the Peak District and this raises the question as to whether this precedent will be adopted in Kirklees. It is one thing to redevelop redundant, permanent stone built barns in the Green Belt, but quite another to allow temporary farm buildings. Kirklees may wish to raise this with the Peak District.

Whilst we have no objection to the development of Moss Edge Farm and the stone-built barns. However, we reiterate that the Pole Barn is merely a temporary farm building and redevelopment should not be allowed in the Green Belt.

Yours faithfully,