

**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:	2024/62/90711/W
Site Address:	The Wood Yard, Shepherds Thorn Lane, Brighouse, HD6 3TU
Description:	Removal of existing storage buildings, containers and poly tunnel and erection of steel framed portal storage building to be used for storage and distribution, light industrial and general industrial use
Recommending Officer:	Tom Hunt

DECISION – Refuse

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Lee Stoney

AUTHORISED OFFICER

Date: 25/06/2024

Officer Report

Site Description

2024/90711 – The Wood Yard, Shepherds Thorn Lane, Brighouse, HD6 3TU

The site comprises a large irregularly shaped plot of Green Belt land measuring approximately 90m in length (west to east) by 70m in width (north to south). It appears as a small field in the countryside to the east of an adopted rural lane (Shepherds Thorn Lane). Along the northern frontage of the site, where vehicular access is taken, there is an unadopted track leading to an Activity Centre to the east and joining Shepherd's Thorn Lane to the west. The land rises gently towards the south (rear) where there is a wooded strip bordering the motorway (M62). The land mostly consists of open grass to the east with a small, monopitched, timber hut and it has galvanised fencing, stone walls and hedging (~1m height from ground level) to north. There is an area of informal parking adjacent to the unadopted path (as demonstrated by a van parking there in the site survey).

Built development with its large area of hardstanding is mainly limited to the western side of the plot. To the southwest of the plot, a two-storey structure is present, which has its mono-pitch white roof appearing visible from the motorway from April 2021. This is subject to a pending application (2024/90497 – Certificate of lawfulness for existing conversion of office/canteen to one dwelling). To the northwest, there are two blue containers with a makeshift metal sheeting roof between those, a mono-pitched part timber/metal structure with solar panels providing garaging facilities for two white vans, and a plastic polytunnel. Those, excluding the polytunnel, were identified as unauthorised development, in 2014 and 2015, however through the passage of time, enforcement action could no longer be taken.

The submitted application states that:

“Approximately 1/3 of the site is used as a Tree Surgeons yard where equipment and materials associated with Tree Surgery are stored. The rest of the site consists of 1/3 woodland and 1/3 grassed area.”

The site lies adjacent to the boundary with Calderdale Metropolitan Borough Council.

Description of Proposal

Removal of existing storage buildings, containers and poly tunnel and erection of steel framed portal storage building to be used for storage and distribution, light industrial and general industrial use.

The application is for the erection of a pitch roofed, storage building to improve the safety and security of a business to house arborist equipment, forestry plant and materials. It would also provide a training area for workers and allow the business to store woodchip as a commercial 'crop' to increase

the viability of the business. Log splitter machinery was cited within the application form as an indicative example of machinery. This would be considered as primarily Use Class B8 with an ancillary function of B2 if the log splitter machinery is installed. The submitted internal layout is open plan.

It is to measure approximately 18m by 12m in footprint, with an overall height of 7.5m and eaves at 4m from ground level. Materials would be box profile metal sheeting to elevations in juniper green and roof in goosewing grey; this would include eight rooflights. It would have two roller shutter garage style doors and one pedestrian access door to its southern elevation. It is considered that solar panels will be fitted to the proposed building in a separate application.

This would remove the containers, poly-tunnel and timber/metal structure.

A Planning Statement with a Crime Log has been submitted in support with additional information. Hours of operation would be 8:00 to 17:00, except where emergency call outs are necessary. An email, received 20/03/2024, clarifies the nature of the business and its employees by stating that the business is split between two; a Tree Surgery and a Firewood Sales arm. The Tree Surgery business has two full time employees and a part time employee and the Firewood Sales arm has one full time employee.

Toilets will be via an existing portaloo and the business, on balance of probabilities, would make use of an existing area of hardstanding. Access is confirmed to remain as existing (email received 19/03/2024).

Officer Note: The proposed block plan submitted does not fully demonstrate where openings would be or the extent of hardstanding expected; it shows that the building would be sited in part over the informal parking area to the north and be larger than the existing arrangement of containers in footprint. The openly grassed land is 'already set aside for biodiversity gains' but no landscaping plans have been submitted.

History of negotiations/amendments received.

The pre-application enquiry service was made available to provide site specific advice on the acceptability of the proposal but was not used. The proposal is similar to one previously Refused on the site and subsequently Dismissed at Appeal; however it would have a greater impact in scale and footprint than the previous unacceptable submission. The case officer considered the application on review and sought no amendments as the proposal did not meet the exceptions within Chapter 13 of the NPPF or LP54, LP57 and LP59 of the Kirklees Local Plan and did not substantiate Very Special Circumstances effectively within the submission. Officers moved to determination to reach a timely Decision.

Relevant Planning History

2014/93728

Proposed erection of forestry building.

Withdrawn

Officer Note: Owing to concerns raised by Officer about inappropriateness within the Green Belt and insufficient evidence of need.

2015/91455

Erection of storage building.

Refused

Appeal: APP/Z4718/W/15/3138826

Dismissed

Officer Note: Inspector confirmed that the use, and existing structures on the land, was regarded as being unauthorised. Inspector agreed with the Council's assessment that "*the storage use would be associated with arboricultural activities that go beyond "forestry"*". Dismissed due to being inappropriate development in the Green Belt and material harm to the openness of the area. Very Special Circumstances with regard to security and supporting a rural business was not accepted as sufficient to clearly outweigh the harm.

2024/90497

Certificate of lawfulness for existing conversion of office/canteen to one dwelling, Installation of two containers, poly tunnel and two storage bays.

Pending

COMP/22/0586

Unauthorised change of use.

Live

Representations

In accordance with statutory publicity requirements, we have publicised this application via neighbour notification letters and site notice which had a final expiry date of 21/05/2024.

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Policy – Objection
- Calderdale Council – No comment on the principle of development. Attention is drawn to the site access passing through Calderdale Council allocated housing land identified as LP1451: Land between Bradley Wood and Woodhouse Lane, Rastrick, for an indicated 1257 dwellings.
- National Grid – Consulted due to the nearby Electrical Transmission System south of the site. No response received.

Policy

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 site is in the Green Belt on the Kirklees Local Plan.

It is within a Bat Alert layer, and adjacent to a Kirklees Wildlife Habitat Network.

It is within a Low Risk Coal area for development and not within an identified risk area for historic gas and landfill.

It is within Flood Zone 1 and the site area has not been identified as affected by localised, low level surface water flooding.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 10 – Supporting the rural economy**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 54 – Buildings for agriculture and forestry**
- **LP 57 – The extension, alteration or replacement of existing buildings**
- **LP 59 – Brownfield sites in the Green Belt**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- 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) published 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.

- 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 and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

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 Green Belt

As outlined above the site is located within the Green Belt on the Kirklees Local Plan. Therefore, the proposal will be assessed having regard to NPPF Chapter 13, paragraph 142 which advises Officers to attach “*great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*”

The proposal would replace an assortment of unplanned structures for one substantial storage building which would be materially larger in footprint, size and scale. This would house plant equipment and materials (a waste product being woodchip for biomass) and it is also intended as a training area. The submitted application states that it is for a ‘Tree Surgeons yard’ with equipment for forestry and arboricultural purposes. The Planning Statement incorrectly applies Green Belt policy by stating that the development would be allowed if there are ‘very special circumstances’. It does not substantiate whether it meets any of the exceptions set out in paragraphs 154-155 of the NPPF.

The NPPF also identifies five purposes of the Green Belt (paragraph 143), the most relevant in this case being:

“c) to assist in safeguarding the countryside from encroachment”
as it is in the countryside.

Paragraph 152-153 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* and that *“substantial weight is given to any harm to the Green Belt”*. It goes on to define that:

“Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

Keeping land permanently open in the Green Belt does not imply freedom from *“any form”* of new built development. The exceptions are set out in paragraphs 154-155 of the NPPF which define categories of appropriate development.

Whether the development would be inappropriate in the Green Belt

Exceptions that may be considered relevant to the proposal to be considered is within paragraph 154:

- a) buildings for agriculture and forestry;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Considering 154a), there is not a formal definition of forestry in the NPPF. The Town and Country Planning Act 1990, Schedule 5, paragraph 2 (9) states that in the context of aftercare conditions in relation to mineral working, forestry is referred to as *“the growing of a utilisable crop of timber.”*

The UK Forestry Standard (5th Edition) sets out that forestry practice can include:

“woodland creation plans to felling and restocking (or regeneration) proposals, and the construction of forest roads and quarries.”

While there are some trees located at the application site, this cannot be considered woodland which is being created, managed and felled as a crop.

The Planning Statement refers to land owned by the applicant as 1.5 acres of land and would be regarded as relatively small for a forestry operation. In addition, the submitted details state that the building is used to support the operation of a 'Tree Surgeons Yard'. The email, received 20/03/2024, clarifies that this supports a Tree Surgery business and a Firewood Sales business. The associated website for the business confirms out that it is predominantly confined to tasks that a tree surgeon undertakes with sale of firewood as an ancillary activity (which is likely to be a waste product from Tree Surgery).

The KC Policy response confirms that they consider the tree surgery business is not considered to be a forestry use. The Inspector for a previous Appeal on the same site for a similar storage building (ref: APP/Z4718/W/15/3138826) agreed with the Council's previous conclusion that the storage use would be associated with arboricultural activities beyond forestry. It is therefore concluded by Planning Officers that the proposed building is not for the purposes of forestry and does not meet the exception of 154a). In addition, the proposal, by definition of not being 'forestry', would not be considered under LP54 of the Kirklees Local Plan.

Concerning replacement buildings, LP57b) of the Kirklees Local Plan mirrors 154d) of the NPPF. The proposed building would be demonstrably and materially larger in size, scale and footprint than the smaller collection of containers. The containers are in any event not "buildings" for the purposes of the Act and relevant case law, they are akin to chattels. Therefore they cannot be considered against Section 154d of the NPPF, as that subsection of the policy relates to the replacement of buildings. It is not clear they are in the same use as the proposed building, however this would not materially alter its visual impact. As such, the proposal would not benefit from this exception.

Taking into account 154g), considering the NPPF definition of previously developed land, this is defined as being land which is or was occupied by a permanent structure and any associated fixed surface infrastructure. Furthermore, Local Plan Policy LP59 (Brownfield sites in the Green Belt) criteria b) and c) may apply. This states that; *"in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for"*.

The definition of a "building" in the Act includes "any structure or erections", but explained above the containers are not buildings. In any even it is clear that the proposal would have a greater impact on the openness of the Green Belt than the existing development and would not meet an affordable housing need.

As such, the proposal would not benefit from 154g).

In addition, while the proposal would not have the loss of land of high environmental value, it would still exceed the existing footprint and cannot benefit from LP59 of the Kirklees Local Plan.

Whilst a detailed proposed site plan has not been submitted to fully assess the proposal, in terms of the treatment of outdoor areas, under LP57c), Officers concur that the existing expanse of hardstanding is unlikely to be reduced with the increase in machinery and expansion of the business. On balance of probabilities, there is potential that areas of hardstanding may increase with an expanded business on site with an urbanising effect. If the application was otherwise considered acceptable, Officers would require a detailed proposed site plan to clearly demonstrate the impact, however there is insufficient evidence to assess.

In this instance, none of the exceptions of paragraph 154 and LP57b) and LP60 of the Kirklees Local Plan have been met and it is concluded that the proposal is inappropriate development in the Green Belt.

Impact on openness

The site contains single-storey buildings and containers; an additional two-storey building is being considered outside this application (ref: 2024/90497).

The site was previously an open field with a greater density of wooded areas in aerial surveys in 2009 then a cluster of unplanned structures were installed eroding the original unbuilt nature of the field with reductions in wooded areas.

The proposal seeks to introduce built development of greater substantial scale, mass and permanence. The scheme would be a conspicuous visual change to a low-rise collection of structures to a more substantial built form. The introduction of a building of this greater scale, mass and permanence in this location would harmfully erode from the open and unbuilt qualities of the site, resulting in substantial demonstrable harm to the openness and permanence of the Green Belt. Due to its screened setting within a dip in the land and surrounding trees, the site is not widely conspicuous in long range views except in close range and would have a limited visual impact upon the Green Belt; this does not overcome its harm to the openness of the Green Belt.

It is concluded that the proposal would lead to a further material and permanent loss of openness to the area, thereby undermining the essential characteristics of Green Belts.

Whether very special circumstances exist

The Planning Statement states that 'Very Special Circumstances' to allow the development to take place exist as follows.

Crime/Community Benefits

They have been principally indicated as Crime/Security concerns (supported by a crime log with incident, West Yorkshire Police references and cost to the business between 2004-2016).

Existing buildings are largely open-fronted and are, as such, insecure by design and site appears accessible through its low boundary treatment. The site has been further developed with accumulating paraphernalia such as CCTV, wind turbine, and signage giving rise to an incremental urbanising encroachment with visual clutter, hardstanding and buildings.

The Statement sets out that the applicant had been occupying the site since March 2016 in order to provide a security presence. Incidents have been reported to the police, but prior security, health and safety and business viability concerns persist.

Since occupancy of the site from 2016, this has appeared to be successful from their self-submitted crime log. The presence has allegedly deterred fly tippers and aided safeguarding, had maintained access along Shepherds Thorn Lane for walkers, maintaining a nearby culvert and supported the nearby Scout activity centre. It is not clear whether the proposed building standing in isolation, without the 24 hour presence from the associated application on the site, would have the same positive effect. In addition, the culvert is outside the application site and should be managed by the Council being under an adopted highway. While there may be modest community benefits with limited weight, the benefit appears to be restricted mainly to a private business that has containers and open fronted buildings which are insecure by design and poorly bounded by security fencing of limited height. This is considered to be a manufactured issue of poor design that could be sited elsewhere in a less sensitive location or better secured by alternative proposals of lesser impact to the Green Belt and therefore given limited weight.

Any biodiversity gains through the openly grassed land 'set aside for biodiversity gains' cannot be assessed as no landscaping plans have been submitted and therefore has very limited weight.

'Rural' business viability and support

The proposal would support a rural business and have modest contribution to the local economy, objectives that are encouraged by the NPPF. Furthermore, the proposal would improve the security of the site, and thereby reduce associated financial costs to the business from criminal activity within an isolated rural area.

Officers are guided to attach significant weight to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 85 of the NPPF).

The Statement states that the building's size and scale is the minimum necessary to meet its business needs. It is noted that this appears to be a further expansion of the business with additional requirements to store a greater quantity of firewood and woodchip/biomass for commercial sale. The Statement indicates that woodchip is given away free under present conditions.

Further information supplied by the applicant in an email received 20/03/2024 indicated that:

“The height of the building (to the eaves) is required to accommodate the firewood which will be stored in 1m/sq bins stacked 4 high and when the base of the pallet is included this will be just over 4m. The Biomass Pile can be also up to 4m in height. Air space is required by way of height above the logs for circulation of air in order to maintain the 20% moisture levels required, therefore the additional “peak” height above 10 degrees is beneficial in this respect.

The MEWP (mobile elevated working platform)[...]will be stored on its trailer within the building at a height of 2.9m when closed. When performing the checklist for the MEWP prior to use and also servicing height is required to enable the elevation of the boom.

The all terrain fork truck will need a full 4m height to be able to stack the Firewood pallets. The building is the absolute minimum size I can work with to ensure equipment can be housed.”

Officers concur that the proposal seeks to grow an existing business, and this is of significant weight with economic benefits. The submitted information in the proposed floorplan and in the email received 20/03/2024 confirms that the layout would be open plan with no toilets, canteen or office. Without any details of internal layout or additional evidence for the required footprint and volume of the building, Officers are unable to make a full assessment whether the increased footprint or whether the 4m stacks of woodchip and firewood are strictly necessary to support the viability of the business.

In addition, it is noted that there is an intention stated to install solar panels, which would require the proposed roof to be set at 30 degrees, with the associated increase of overall height to existing. As such, it appears, without robust submitted evidence, that the building has been designed to maximise future adaptability for solar panels without trying to limit its harmful and strident appearance affecting the openness of the Green Belt.

Officers are sympathetic to supporting the needs of rural businesses, however this proposal has not tried to substantiate alternate means of supporting the business’s viability without harm to the Green Belt. Huddersfield has a range of available light industrial units for hire and sale at varying prices; Officers are therefore not convinced that all options have been explored that would not credibly site the desired functions of the expanding business to a more secure and suitable light industrial setting with greater highway access. An alternative site could avoid the harm to the Green Belt. The nature of the Tree Surgeon business indicates that it is not tied to one specific locality and the associated website agrees that it covers the Brighouse, Huddersfield and Halifax areas. As such, Officers conclude that the business could be located to a less harmful site and expand.

It is agreed that erecting the building on land owned by the applicant would be economically advantageous to the business however without exploring other options and evidencing those robustly, Officers can only attach limited weight to the assertion that the proposal is necessary. Therefore, taking all matters collectively, the harm to the Green Belt does outweighs any of the benefits and therefore Very Special Circumstances do not exist.

Visual amenity

The proposal would install a building that would remove a cluster of poor condition and visually harmful structures for one of a more utilitarian and functional appearance with materials reminiscent of agricultural buildings. Officers concur that this would have some limited visual improvement in appearance and reduction of clutter. As demonstrated by the greater prominence of the building, being positioned closer to the unadopted highway north of the site and of a greater proposed scale and footprint over existing, this additional harm compared to the existing's ramshackle appearance would be of neutral weight.

Sustainability

The Statement describes that the site is self-sufficient in terms of energy generation/use from solar panels and wind power. Officers consider that, whilst off grid generation is laudable for sustainability, this is not an exceptional trend and does not constitute VSC as confirmed within 'Goodman vs Calderdale Metropolitan Borough Council' (22/10/2021) ref: APP/A4710/W/21/3276107. No planning applications have been submitted for the erection of the wind turbine, close to a main Electrical Transmission System route, and it is not clear whether this would be considered acceptable. The National Grid were formally consulted however no response was received at the time of the report.

Conclusion

The proposal would support an established rural business and enhance its security to a degree, which would increase the viability of the business and be given considerable weight. The proposal does not substantiate why the proposed function cannot be sited elsewhere other than viability and there are numerous vacant units available within the wide geographical catchment areas of Brighouse, Huddersfield and Halifax (in which the business operates).

Thus, with reference to the limited weight ascribed to security, sustainability and visual amenity, those Very Special Circumstances are not compelling reasons together to set aside or clearly outweigh the unacceptable and substantial harm to the Green Belt identified. The development would significantly erode from the openness of the Green Belt by its scale, massing and built form and would result in substantial demonstrable harm to the purposes of containing land within it. It would conflict with the aims of Chapter 13 of the NPPF.

2 –Impact on visual amenity:

As previously discussed, Officers concur that the proposal would have some minor visual improvement over and above the existing arrangement with the building. It would appear as utilitarian and functional with materials reminiscent of agricultural buildings, and would be considered to be in keeping with its rural setting.

As such, it would not have a significant impact on visual amenity, complying with the aims of policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF. Whilst materials would be in keeping with LP57d), the scale and proximity of the design in a more prominent location would materially detract from its setting.

However, even as visual amenity may be acceptable, this does not outweigh the concerns set out above regarding the principle of this development within section 1.2 Green Belt.

3 – Impact on residential amenity:

No residential properties are in a position to be affected. The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Shepherd's Thorn Lane is in poor condition, of substandard width and alignment and lacks footways, but based on site surveys, it appears to carry very little vehicular or pedestrian traffic serving the Yard and the Activity Centre. At certain peak times, there will inevitably be traffic associated with the Centre.

Given that on the basis of the information supplied, the business would be a small operation, with potentially 3 full time and 1 part time employees over two business arms. One employee is on site 24 hours (within the unauthorised dwellinghouse yet to be assessed within application 2024/90497). Other employees car share or make use of ebikes. The present hardstanding is sufficient to hold two domestic vehicles and the received email (20/03/2024) confirms that there is parking for 7-8 vehicles. In addition, the expanse of hardstanding indicates that there is the capability for large vehicles to manoeuvre with ease.

It is considered that the amount of traffic that would be generated by a small business would not be detrimental to highway safety. There is sufficient space for large vehicles to turn within the field so that vehicles can enter into forward gear into Shepherds Thorn Lane. In summary it would not create or materially add to highway safety problems and would accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area and adjacent to a Kirklees Wildlife Habitat Network, the proposal would replace a cluster of buildings with low roosting potential and therefore considered unlikely that the proposals would have an impact on the bat population. Nonetheless, should permission be granted, it is considered that an informative on bats would be necessary to meet the aims of LP30 of the Kirklees Local Plan.

As previously discussed, insufficient information has been provided to assess whether the proposal would offer any biodiversity benefits.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

The proposal would not meet any of the exceptions set out in Chapter 13 of the NPPF and would significantly erode from the openness of the Green Belt by its scale, massing and built form and would result in substantial demonstrable harm to the purposes of containing land within it. Very special circumstances to clearly and demonstrably outweigh the harm to the Green Belt have not been provided. It is therefore recommended for refusal.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2024/90711

Officer Recommendation: Refuse

Reason

1. The application site is within designated Green Belt, whereby as set out in the National Planning Policy Framework (NPPF) new development, subject to certain exceptions, is regarded as inappropriate. None of the exceptions of paragraph 154 and LP57b) and LP60 of the Kirklees Local Plan have been met and it is concluded that the proposal is inappropriate development in the Green Belt which is by definition harmful to the Green Belt. The development would significantly erode from the openness of the Green Belt by its scale, massing and built form and would result in substantial demonstrable harm to the purposes of containing land within it. This would also lead to the encroachment of development into the countryside, which is one of the five purposes for including land within Green Belt, which the NPPF seeks to prevent. The proposal does not substantiate why the proposed function cannot be sited elsewhere other than viability and there are numerous vacant units available within the wide geographical catchment areas of Brighouse, Huddersfield and Halifax (in which the business operates). Any benefits of the proposal do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm and therefore Very Special Circumstance do not exist. The proposal would therefore be contrary to the aims of Chapter 13 of the National Planning Policy Framework and LP57 and LP60 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Planning Portal Reference: PP-12831851v1.	Unamended	11/03/2024
Block Plan	Block Plan	Unamended	18/03/2024
Proposed Roof Plan.	Drawing no. MID-555-06.	O	15/03/2024
Proposed Left Gable Elevation Plan.	Drawing no. MID-555-02.	O	15/03/2024
Proposed Front Elevation Plan.	Drawing no. MID-555-03.	O	15/03/2024
Proposed Right Gable Elevation Plan.	Drawing no. MID-555-04.	O	15/03/2024
Proposed Rear Elevation Plan.	Drawing no. MID-555-06.	O	15/03/2024
Proposed Elevation	Drawing no. MID-	O	15/03/2024

Plan Type	Reference	Version	Date Received
Plans.	555-01.		
Proposed Floor Plan.	Drawing no. MID-555-07.	O	21/03/2024
Email received	App confirmation of description and additional details on hours etc	-	19/03/2024
Email received	Agents reply	-	20/03/2024
Planning Statement	-	-	21/03/2024
Crime Log	-	-	11/03/2024
Timeline of events (yard)	-	-	11/03/2024
Climate Change Statement	-	-	14/03/2024

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The pre-application enquiry service was made available to provide site specific advice on the acceptability of the proposal but was not used. The proposal is similar to one previously Refused on the site and subsequently Dismissed at Appeal; however it would have a greater impact in scale and footprint than the previous unacceptable submission. The case officer considered the application on review and sought no amendments as the proposal did not meet the exceptions within Chapter 13 of the NPPF or LP54, LP57 and LP59 of the Kirklees Local Plan and did not substantiate Very Special Circumstances effectively within the submission. Officers moved to determination to reach a timely Decision.

Report Dated: 04/06/2024