



JohnsonMowat
Planning & Development Consultants

UBRIQUE INVESTMENTS LTD

**DALE BANK, STORTHERS HALL LANE,
KIRKBURTON, HD8 0PR**

**FULL PLANNING APPLICATION FOR THE PROPOSED DEMOLITION OF AN
EXISTING DWELLING AND CONSTRUCTION OF A REPLACEMENT DWELLING
WITH ASSOCIATED WORKS**

**PLANNING CASE REPORT
(INCLUDING CLIMATE CHANGE STATEMENT)**

MARCH 2024



Ubrique Investments Ltd
Dale Bank, Storthes Hall Lane, HD8 0PR

Planning Case Report

Date: 27 March 2024

Johnson Mowat
Planning & Development Consultants
Coronet House
Queen Street
Leeds
LS1 2TW

t: 0113 887 0120
e: hello@johnsonmowat.co.uk
w. www.johnsonmowat.co.uk



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1.0 INTRODUCTION

1.1 This Planning Case Report has been produced in support of Full Planning application for the proposed demolition of an existing dwelling and construction of a replacement dwelling with associated works in relation to land at Dale Bank, Storthes Hall Lane, Kirkburton, HD8 0PR (the Site).

1.2 The application is submitted on behalf of the Applicant, Ubrique Investments Ltd, who are acting on behalf of the landowner who intends to demolish the vacant dwelling on-site and build a replacement self-build dwelling.

1.3 The application description is as follows:-

“Full planning application for proposed demolition of an existing dwelling and construction of a replacement dwelling with associated works”

1.4 The existing dwelling on-site is in poor visual and structural condition and has been vacant for a number of years. The roof covering has been lost and exposed roof timbers show evidence of fire damage and water damage following exposure to the elements. Given the poor structural condition of the building an internal survey of the building is not possible, as such existing floorplans are not provided as part of this application. This approach was discussed with Kirklees Council Officers prior to submission, who advised that as the building was proposed for demolition and in light of the existing condition of the property, existing floorplans will not be required for validation purposes.

1.5 This statement should be read in conjunction with the following supporting information:

- Design and Access Statement and supporting plans – Parker Peel;
- Climate Change Statement (part of the Planning Case Report) – Johnson Mowat;
- Heritage Statement – MB Heritage;
- Drainage Strategy – Dart Engineers;
- Preliminary Ecological Appraisal – Enzygo;
- Arboricultural Survey and Impact Assessment – Iain Tavendale; and
- Geoenvironmental Appraisal – Lithos.

1.6 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The Site is located circa 0.5 miles west of Kirkburton and Penistone Road (A629), within a heavily wooded area of the countryside. A private drive leads to Storthes Hall Lane, which connects the site to Kirkburton and rural villages of Famley Tyas and Thurstonland.
- 2.2 The Site is currently occupied by a vacant dwelling, known as 'Dale Bank', which is in a poor structural and aesthetic condition. Dale Bank was constructed during the mid-20th century as an Arts and Crafts style detached dwelling, with records showing that the existing building on-site is the original house with no modern alterations having taken place prior to its vacancy. The principal elevation orientates to the north-east and the building is on elevated ground comparative to the access drive.
- 2.3 The Site is bounded to the north by Storthes Hall Lane, to the west by existing woodland, with existing TPO'd trees to the immediate east. Beyond the woodland to the west, is the DIGS Storthes Hall Park Huddersfield University student accommodation campus which is allocated for residential development in the Kirklees Local Plan. Beyond the trees to the east, is a residential property know as 'The Mansion'.
- 2.4 The Mansion was built as a private home, before being converted into a managed facility for people with learning difficulties, before being converted back to a private dwelling when Storthes Hall Hospital closed in 1992. The property is Grade II Listed and is therefore provided due consideration in the proposed layout design.
- 2.5 The Application Site lies beyond any defined settlement limits, and is designated as Green Belt, as set out on the Council's policies map of the adopted Local Plan (February 2019). The site and surrounding land is covered by a Biodiversity Opportunity Zone designation, with the land adjacent to the southern boundary being recognised as part of the Wildlife Habitat Network. Furthermore, the entirety of the Site is covered by a Strategic Green Infrastructure Network designation.
- 2.6 The Site is located solely within Flood Zone 1 according to the Environment Agency (EA) Flood Zone maps, the lowest risk of flooding. This is the case for risk of both fluvial flooding and surface water flooding.
- 2.7 The nearest bus stop is located at the DIGS Storthes Hall Park Huddersfield University student accommodation campus. The 398 bus serves this stop with a service operating towards Huddersfield Town Centre every 30 minutes, with a service every 5 – 15 minutes at peak morning times (8am – 10am). Further services are also provided along Penistone Road and Farnley Road, an approximate 10 minute walk from the Site.

- 2.8 The nearest schools to the site are located in Kirkburton, where there is Highburton CoE First School, Highburton Playgroup, Kirkburton Middle School, Kirkburton Pre-School, Kirkburton CoE First School. Farnley Tyas CoE First school is also located in the nearby village of Farnley. King James's School and Honley High School both offer secondary education, and are within 3 miles of the Site.
- 2.9 The nearest doctors surgery to the site is Kirkburton Health Centre which is located approx. 2.5 miles from the Site. The practice is welcoming new patients within the practice area (which includes the Site).
- 2.10 Further detailed information relating to the site is contained in the Design and Access Statement (DAS). The intention of the DAS is to describe the detailed evolution of the scheme based on a full analysis of all relevant constraints and opportunities.

3.0 PLANNING HISTORY

- 3.1 The Site has no recorded planning history with historic maps showing the dwelling being constructed between 1932 and 1950. A review of public access, and historical maps, demonstrate that the building on-site is the existing house with no recent alterations or extensions being added since it was first constructed.
- 3.2 Although not forming part of the application site, the planning history of the land at Storthes Hall is of relevance when considering the surrounding context. The land adjacent to the Application Site is covered by a 28.82Ha allocation for residential development in the Kirklees Local Plan, with an indicative capacity of 505 dwellings. Part of this allocation already benefits from a detailed planning consent for 300 units (2016/61/90711/E), with the remainder currently subject to an Outline application awaiting determination (2023/93667).
- 3.3 In this context, the surrounding uses are soon to be wholly residential and the nature of the immediate locality will consequently change as a result of this. It is considered that the proposed development will not conflict with the Storthes Hall allocation as it progresses.

4.0 PROPOSED DEVELOPMENT

4.1 The planning application to which this Planning Case Report supports, seeks Full planning permission for proposed demolition of an existing dwelling and construction of a replacement dwelling with associated works on land at Dale Bank, Storthes Hall. The proposed development will be accessed via the existing private drive from Storthes Hall Lane, as detailed on the proposed site layout.

4.2 The development comprises of:-

- Access via the existing access point on Storthes Hall Lane. ;
- Demolition of the existing dwelling on-site and erection of a replacement 5-bedroom dwelling re-orientated within the plot at 2-storeys in height;
- Retention of the Arts and Crafts design with walling comprising stone and render with stone detailing to window sills and surrounds under a hipped swept terracotta tile roof.
- Extensive landscaping of native species to provide an aesthetic improvements and environmental benefits;
- Parking, including provision for electric vehicle charging, to the west of the dwelling; and
- Drainage proposals to control surface and foul water.

4.3 The proposed development is detailed on the supporting plans and further set out in the supporting DAS.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

5.2 At the time of writing the current development plan comprises solely of Kirklees Local Plan (adopted February 2019). The Local Plan is in separate parts which include the Strategy and policies document, allocations and designations and the policies map. The application site is identified as Green Belt land outside of any defined settlement limits.

5.3 National Policy Guidance is provided by the National Planning Policy Framework (the Framework) which was adopted on the 27th March 2012 and subsequently revised. The most up to date version is the December 2023 and is a significant material consideration when determining this application.

Local Policy

Kirklees Local Plan (February 2019)

5.4 The Kirklees Local Plan was adopted on 27th February 2019 following an Examination in Public by an appointed Government Inspector. The Local Plan was examined and adopted having regard to the Framework.

5.5 Policy LP 1 sets out the presumption in favour of sustainable development and that development in accordance with the Kirklees Local Plan will be permitted without delay unless material considerations indicate otherwise.

5.6 Subsection 4.2 sets out the Vision for Kirklees for 2031 it includes:-

“a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing...”

“People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure.”

5.7 Policy LP 2 relates to place shaping and sets out the need for development proposals to build on the strengths, opportunities and address challenges identified within the Plan.

- 5.8 The Spatial Development Strategy is located at section 6.1 of the plan. It sets out the need for the minimum delivery of 31,140 new dwellings between 2013 and 2031 (1730 per annum) through allocation sites and taking account of windfalls, committed housing figures and losses/demolitions. The proposed development would be considered as windfall.
- 5.9 Policy LP 3 relates to the location of new development and sets out that the location of new development will reflect the spatial strategy. It sets out the requirements for development and the need for development to support housing growth in a sustainable way.
- 5.10 Policy LP 4 relates to the provision of infrastructure. It sets out that development should contribute to its provision either on site or off site through planning conditions, legal agreements or Community Infrastructure Levy Contributions.
- 5.11 Policy LP 7 relates to the efficient and effective use of land and buildings. It encourages the efficient use of previously development land, and the re-use or adaptation of vacant or underused properties.
- 5.12 Policy LP 11 requires that housing is of high quality and design and contributes to mixed and balanced communities. This policy encourages proposals for custom/self-build homes where consistent with other policies in the Local Plan.
- 5.13 Policy LP 21 relates to highway safety and access it requires that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The proposal does not conflict with the criteria set out by this policy and there will be no net increase in dwellings, as such the highways safety impacts are negligible.
- 5.14 Policy LP 22 is a general policy on parking. In relation to car parking provision the policy sets out:-
- f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;*
 - g. provision will be made to meet the needs of cyclists for cycling parking in new developments;*
 - h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.”*

- 5.15 Policy LP 24 relates to design and promotes the pre-application process. It then provides a checklist of criteria to promote good design, which the proposed scheme does not conflict with.
- 5.16 Policy LP 28 relates to drainage. The policy sets out a presumption in favour of SuDS. Dart Engineers have developed a Drainage Strategy with details of surface water drainage and foul drainage measures.
- 5.17 Development surface water runoff is proposed to discharge to soakaway crates to be maintained by the homeowners. The surface water infiltration rate is to be limited to - 0.801m/h with a total volume of 68m³ to sufficiently drain the proposed impermeable areas. It is proposed to discharge the foul water flows from the development to the existing Yorkshire Water combined sewer to the north west of the site.
- 5.18 Policy LP 30 this policy seeks to protect the biodiversity and geodiversity of international, national and local importance of Kirklees. The site falls within a biodiversity opportunity zone and adjoins a local wildlife habitat network. The supporting Ecological Report and Arboricultural Report ensures there is no direct or indirect adverse effect on the adjacent site and identified habitats or species.
- 5.19 The supporting Preliminary Ecological Appraisal identifies that the site provides opportunity to incorporate measures to mitigate any potential impacts to ecological features, with no significant residual impacts expected which would prevent a positive determination of a planning application in ecological terms.
- 5.20 The application site is exempt from providing biodiversity net gain, as the proposed development constitutes a self-build dwelling. However, it is considered that ecological gains will still be achieved through high quality landscaping.
- 5.21 Policy LP 32 relates to landscape and seeks for proposals to enhance the landscape character of the area. New tree planting will diversify the range of tree species on site and provide a sustainable long term population of high quality trees.
- 5.22 Policy LP 33 seeks to protect trees and woodland of significant amenity. The development proposals have been designed in line with Policy HS18 which requires compliance with relevant national standards regarding the protection of trees in relation to design, demolition and construction. An Arboricultural Impact Assessment supports the application.

- 5.23 Policy LP 34 seeks to conserve and enhance the water environment including water bodies, groundwater, manage water demand and improve water efficiency, use of SuDS and disposal of surface water. A Drainage Strategy, produced by Dart Engineers, has been submitted in support of the proposed development.
- 5.24 Policy LP 35 relates to the historic environment and seeks to conserve the significance of designated heritage assets. A Heritage Statement has been provided by MB Heritage and is submitted in support of this application.
- 5.25 The standing dwelling is in poor structural and visual condition and is not considered to retain architectural or historic interest to warrant consideration as a non-designated heritage asset. The dwelling does not make a positive contribution to NHLE recorded designated assets, including Storthes Hall, now The Mansion, a Grade II listed building located to the east. In principle, it is assessed that the dwelling can be demolished without harm to the built historic environment.
- 5.26 The proposed dwelling will provide a degree of enhancement to the visual condition of the site and the Arts and Crafts detailing will reflect that of the existing dwelling and a style seen on buildings within the Storthes Hall Hospital campus. The dwelling will be screened and filtered by woodland and tree belts to the west and east and will not give rise to harm to the setting of The Mansion or the Lodge house and gate piers/gates to the north-west.
- 5.27 In conclusion, subject to detailing, landscape and boundary treatment, it is considered that the proposed development can be brought forward without causing any harm to the built historic environment in line with Policy LP 35.
- 5.28 Policy LP 47 promotes health, active and safe lifestyle through access to open spaces, local initiatives for healthy food, improving walking and cycling, energy efficient design, air quality and inclusive environments.
- 5.29 Policy LP 53 requires that contamination assessments and/or instability risk assessments are provided on unstable, contaminated or suspected contaminated land. A Preliminary Geoenvironmental Appraisal has been submitted alongside this planning application, which includes an inspection of historical and geological maps alongside information provided by the British Geological Survey, the Landmark Information Group, the Coal Authority and QGIS.
- 5.30 There may be some (likely very minor) contamination associated with made ground surrounding the property and the tarmac access road. However, recent use of the site (residential) is considered unlikely to have given rise to any significant ground and

groundwater contamination. It is considered that any contamination risk can be suitably addressed via appropriately worded conditions.

- 5.31 Policy LP57 supports the replacement of buildings in the Green Belt provided that the new building is in the same use and is not materially larger than the building it is replacing. Furthermore there must be no greater impact on the openness in terms of treatment of outdoor area, including hard standing, curtilages and enclosures and means of access. The materials must also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 5.32 The existing dwelling comprises 1085.3m³ of built development, with the proposed dwelling comprising 1697.2m³ of built development. Given there will be an increase in volume, it is acknowledged that this is materially larger than the existing dwelling and therefore creates a conflict with Policy LP57.
- 5.33 As previously set out, Dale Bank as built is the original dwelling and benefits from a full range of permitted development rights. The supporting 'permitted development review' plan demonstrates the potential additions that could be built at the property, consisting of a double storey rear extension, single storey side extension and single storey outbuilding. This represents a material 'fall back position' and is a material consideration within the decision-making process.
- 5.34 The permitted development scheme would result in a total massing of 2147.6m³, which would indeed be 21% larger than what is proposed under this application. As it is expected that the proposed dwelling once approved would have permitted development rights removed, there would be a reduced impact on the openness of the Green Belt once the fall back position is taken into consideration.

National Policy

National Planning Policy Framework (December 2023)

- 5.35 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.
- 5.36 Paragraph 2 of the advice states:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”

- 5.37 There are three objectives (Paragraph 8) to sustainable development comprising economic, social and environmental roles.
- 5.38 Paragraph 10 sets out that the heart of the framework is a presumption in favour of sustainable development.
- 5.39 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

“For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay;*” (JM underlining).

- 5.40 It is considered that the proposal complies with the Development Plan which allocates the site for housing.
- 5.41 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 4: Decision Making

- 5.42 In determining applications, Paragraph 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

- 5.43 Paragraph 47 requires that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5: Delivering a Sufficient Supply of Homes

- 5.44 Paragraph 60 reiterates the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Section 8: Promoting healthy and safe communities

- 5.45 Paragraph 96 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings.

Section 9: Promoting Sustainable Transport

- 5.46 Paragraph 109 sets out that:-

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

- 5.47 Paragraph 116 sets out development should:-

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.48 Paragraph 117 sets out that:-

“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Section 12: Achieving Well Designed and Beautiful Places

5.49 Paragraph 131 stresses the Government's commitment to achieving good design, high quality buildings and places.

5.50 Paragraph 135 sets out planning policies and decisions should:-

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Section 13: Protecting Green Belt land

- 5.51 Paragraph 142 attaches 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 that openness and their permanence.
- 5.52 It is recognised at Paragraph 152 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.53 Exceptions to inappropriate development are listed at Paragraph 154, it is considered that the exception listed at 149(d) and 149(g) applies to the proposed development:-
- “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:...*
- ...d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”*
- 5.54 With regards to Paragraph 149 (d) of the Framework, this replicates Local Plan Policy LP57 which is addressed at paragraphs 5.31 – 5.34 of this report. In summary, the proposed development is within the same use as the existing building and is materially smaller once the ‘fall back position’ is taken into consideration. The acceptability and material impact of a fall back position was confirmed in *Mansell v Tonbridge and Malling Borough Council* ([2016] EWHC 2832 (Admin), where Mr Justice Garnham confirmed that *“appropriate regard must be had to material planning considerations including the permitted development fall back position”*.
- 5.55 The fall back position can only be effective if it meets the three fall back tests which were established in *R v Secretary of State for the Environment and Havering BC* [1998]. For clarity, these are listed below:-
- i. is there a legal fall back use, i.e. can the applicant lawfully undertake the use without any new planning permission;
 - ii. is there a real prospect of the use occurring; and
 - iii. if the answer to (ii) is “yes”, compare the proposed development to the fall back use.

5.56 With regards to point (ii), to be considered as having a real prospect of occurring the fall back doesn't have to be probable or even likely, a mere possibility of the fall back happening is enough to pass this test¹. The 'Permitted Development Review' plan has a possibility of being submitted should the Applicant wish to restore and extend the existing property as opposed to demolition and re-build. The proposed dwelling is a 11% reduction when compared against this fall back position.

5.57 With regards to Paragraph 149 (g), the proposed development would result in the complete redevelopment of previously developed land, therefore the impact on openness of the Green Belt is key to the principle of development being accepted.

Section 14: Meeting the challenge of climate change, flooding and costal change

5.58 Paragraph 159 sets out that new development should be planned to:-

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.”*

5.59 Further at Paragraph 162 it sets out that:-

“In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

¹ Samuel Smith Old Brewery v Secretary of State for Communities and Selby DC [2009] EWCA Civ 333

Section 15: Conserving and enhancing the natural environment

5.60 Paragraph 180 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-

- “d) minimising the impacts on and providing net gains for biodiversity....*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Section 16: Conserving and enhancing the historic environment

5.61 Paragraph 200 sets out:-

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

5.62 The proposed development will enhance the setting of nearby heritage assets, given the poor aesthetics of the existing building currently makes a negative contribution to their setting.

Annex 1: Implementation

5.63 Paragraph 224 with regard to decision taking:-

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

5.64 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption being weighed in their favour.

Other Material Considerations

National Planning Practice Guidance (March 2014)

5.65 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

Neighbourhood Plans

5.66 The site is not located in designated Neighbourhood Area, therefore there is currently no made Neighbourhood Plan in place which cover the application site.

Supplementary Planning Documents

5.67 It is noted that the Council have adopted the following SPDs to help guide development within the district:-

- Housebuilder Design Guide (June 2021)
- Highways Design Guide (November 2019)

5.68 These documents are a material consideration in determining the development proposals, and have been useful in guiding the design process .

Climate Change Statement

5.69 Sustainability is an inherent part of this development including the use of high-quality design materials, sustainable measures and construction methods.

5.70 The proposed development has capacity to incorporate a number of sustainable principals and measures, such as:

- Sustainable and best practice construction techniques, including measures such as the local sourcing of materials from manufacturers with certified environmental management systems.
- Ensuring habitable rooms allow sufficient natural light into the room.
- Implementation of robust procedures to minimise construction waste including measures to reduce dust, fumes, discharge and any other form of pollution on site in line with best practice.

- Conforming with up to date building regulations which put a focus on carbon reduction.
- Providing facilities to accommodate electric vehicle charging points.

5.71 Cumulatively these measures support the intent of the recently declared 'Climate Emergency' (2019) and the Councils 2038 Carbon Neutral Vision. Further measures are set out in the DAS. All measures will assist in reducing Climate Change.

Climate Emergency

5.72 Kirklees Council declared a Climate Emergency in 2019 on the basis that urgent action is required to improve and protect the environment.

2038 Carbon Neutral Vision

5.73 Kirklees Council are aiming to be completely carbon neutral by 2038.

5.74 In this context carbon emissions from human activities in Kirklees will need to be dramatically reduced to zero with any remaining emissions safely removed from the atmosphere. This has also been referred to as achieving 'net zero' carbon emissions by 2038. In order to meet the Carbon Neutral Vision the Council will: -

- Set a Carbon Budget
- Increase the Amount of Electric Charging Points
- Allow Low Emission Cars to Park for Free
- Add more Electric Vehicles to the Council's Fleet
- Environmental Impacts Considered in All Decisions
- Plant More Trees
- Create a Climate Commission and Green Charter
- Host a Youth Summit
- Increase Recycling Rates
- Develop a Programme and Action Plan

5.75 The Applicant is dedicated to taking pro-active measures to reduce the consumption of energy and natural resources and thus helping mitigate climate change. In order to do this, various measures are implemented in the fabric specification of buildings and construction methods.

5.76 Further measures are set out in the DAS. All measures will assist in reducing Climate Change. These measures are also supported by a willingness to introduce meaningful tree planting and opportunities for biodiversity improvements on the site.

Interim Housing Position Statement to Boost Supply

5.77 The Growth and Regeneration Scrutiny Panel considered an Interim Housing Position Statement to Boost Supply on 20th November 2023, the purpose of which is to respond the Councils current lack of a five-year housing land supply. It is noted that the current housing land supply position within Kirklees is 3.96 years, and as such all applications for housing must be considered in the context of a presumption in favour of sustainable development (the tilted balance). The following principles are set out within the position statement, with the intention of speeding up decision making:-

- 1) Application in favour of sustainable development.
- 2) Potential release of safeguarded land for housing development.
- 3) High quality design to ensure development continue to achieve well-design high-quality homes and quality places.

5.78 Where there is a conflict with the Local Plan, it is necessary to make a judgement on whether the adverse impact of development plan conflict, and any other identified harms, significantly and demonstrably outweigh any benefits of the proposal.

6.0 THE PLANNING CASE

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

6.2 The application site is an existing dwelling within the Green Belt which is outside development limits. The principle of the residential development of the site is therefore accepted, subject to meeting the requirements for appropriate development in the Green Belt.

6.3 Paragraphs 5.31 – 5.34 and 5.51 – 5.51 of this report set out the Green Belt policies which relate to the principle of development, and it is demonstrated that the principle is acceptable improvement in openness of the Green Belt as a result of the development proposals when the fall back position is taken into consideration.

6.4 The proposed dwelling seeks to make efficient use of previously developed land whilst also responding positively to the onsite constraints and other matters, such as adhering with design SPD's, which were not fully examined at the Local Plan stage.

6.5 The basis for determining these applications is therefore contained in the Development Plan which retains full weight.

Other Material Considerations

6.6 Having regard to the sites suitability in principle for residential development, other material considerations are contained in the supporting reports and technical documents which support the application. A list of the documents is contained at para 1.5 of this report.

Planning Balance

6.7 The site is an allocated residential site located outside of identified settlement limits, approximately 1.5 miles south of the main urban area of Huddersfield. The site is within a sustainable location by virtue of its existing and surrounding residential uses, including the major housing allocation adjacent at Storthes Hall. The proposed dwelling has good access to social and physical infrastructure.

6.8 The site is subject to no significant environmental constraints that would prevent the delivery of development and the various technical reports produced to accompany this

application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.

6.9 The proposed dwelling will be in keeping with the local characteristics and proposes a high quality design without detriment to neighbouring residents and designated heritage assets. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting DAS.

6.10 Other benefits include:-

- The provision of a bespoke self-build family home.
- The demolition of a vacant dwelling which is in poor aesthetic and structural condition, detracting from the setting of neighbouring listed buildings.
- The provision of high quality landscaping and introduction of mature tree planting.
- The development would generate an investment to the area in terms of the construction value and associated spend during the construction period.
- Planning gain package.
- Council tax revenue.
- Community infrastructure contributions.
- New homes bonus.
- Indirect "spin-off" jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure.

6.11 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.
- 7.2 This planning application seeks the demolition of a vacant dwelling and erection of a replacement self-build dwelling, and is made in the context of the Government's requirement to significantly boost housing land supply, the presumption in favour of sustainable development and the Development Plan.
- 7.3 The development proposed constitutes sustainable development by virtue of its neighbouring uses and adjacent major residential housing allocation. The site will assist the Council in meeting its aspirations for improving the Storthes Hall area, enhancing local heritage assets and also bring a significant number of economic and social benefits.
- 7.4 The proposed development would remain in the same use as existing and the technical reports accompanying the application detail how the development will not give rise to any significant adverse impact upon matters of heritage, drainage, trees or ecology or the amenities of present and future occupiers.
- 7.5 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that the proposal clearly constitutes 'sustainable development'. There are significant material considerations that weigh heavily in its favour. The scheme is in accordance with the Local Plan and the application should be approved without delay.