

**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:	2024/62/91093/W
Site Address:	194, Helme Lane, Meltham, Holmfirth, HD9 5RL
Description:	Change of use of land to facilitate the formation of a new access drive to serve 194 Helme Lane
Recommending Officer:	Katie Chew

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 30-JUL-2024

Officer Report

Site Description

194, Helme Lane, Meltham, Holmfirth, HD9 5RL

The application site relates to a two-storey stone-built mid-terrace property which sits adjacent to Helme Lane in Meltham. 194 shares its access and driveway with no. 192 Helme Lane which adjoins the host dwelling to the north-east. To the north and south-west of the application site are residential properties, with open and undeveloped fields to the east and south. The access and driveway are bounded by low dry-stone walling.

The site is not located within a Conservation Area but is located adjacent to Helme Conservation Area (to the north), there is also a Grade II Listed Building in close proximity to the west of the site. Furthermore, the site is allocated as Green Belt.

Description of Proposal

The application seeks planning permission for the change of use of land to facilitate the formation of a new access drive to serve 194 Helme Lane.

The proposals seek to extend the width of the existing driveway to create a separate access for no. 194. The existing access from Helme Lane is to remain, with the existing driveway splitting off into 2 separate accesses once into the site. The existing dry-stone wall which runs along the south-east of the driveway is to be removed, with the driveway extended by around 4.1m in width and 25m in length. The new driveway is to be finished with crushed stone (gravel) and bounded by a new dry-stone wall measuring approximately 1.1m in height.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

96/92304 – Re-use and adaption of barn to form dwelling with integral garage. Approved 22nd October 1996.

96/90229 – Re-use and adaption of barn and outbuildings to form dwellings. Approved 9th May 1996.

86/04044 – Change of use of outbuildings to form one. Withdrawn 13th February 1987.

Representations

Final publicity date expires:

Neighbour Letters – Expired 12th June 2024.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that the application site is located within close proximity to a Grade II Listed Building and Helme Conservation Area, given the nature of the proposals it is not considered that they would negatively impact upon these heritage assets and therefore it was not deemed reasonable or necessary to consult via site notice and press notice on this occasion. This is discussed in more detail within the report.

Consultation Responses

KC Highways Development Management – Comments received 3rd June 2024. No objections.

KC Ecology Unit – Comments received 25th July 2024. No objections.

Parish/Town Council

Meltham Town Council – Support.

Local Ward Members

N/A.

Planning Policy Background

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

The application site is located within the Green Belt and Bat Alert Area, a private watercourse also runs across the north-eastern part of the site. It is also important to note that the site is located adjacent to a Grade II Listed Building to the west and Helme Conservation Area to the north.

Officer note: Whilst Officers acknowledge the site's location adjacent to a Grade II Listed Building and Helme Conservation Area, given the proposed alterations are located to the rear of nos. 192 & 194 Helme Lane, are minor in nature and would be somewhat screened by the existing buildings in the area. Officers do not consider the proposals to impact on the setting of these

heritage assets on this occasion, and therefore an assessment of such impact has not been undertaken within this report as it is not deemed necessary.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 - Drainage**
- **LP30 – Biodiversity and Geodiversity**
- **LP35 – Historic Environment**

Other Guidance Documents:

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

National Policies and Guidance

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

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 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
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development

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

1 – Principle of Development

1.1 - Sustainable Development

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

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

1.2 – Land Allocation (Green Belt)

The application site is located within the Green Belt.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraphs 154 and 155 of the NPPF.

Paragraph 155 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

Paragraph 2.11 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

Whether the proposal is inappropriate development in the Green Belt

In relation to the above exceptions listed, the proposals seek to create a new entranceway to serve no. 194 Helme Lane, which will involve the extension of the existing driveway into residential garden and adjacent undeveloped land. As outlined above, Paragraph 155 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including criterion b), engineering operations.

The proposed new/extended driveway is considered to constitute an engineering operation; therefore, an assessment needs to be undertaken as to whether the engineering works would preserve openness and not conflict with the purposes of included land within the Green Belt.

The proposed works include an extension to the width of the existing driveway to create a separate access for no. 194. The existing access from Helme Lane is to remain, with the existing driveway splitting off into 2 separate accesses once into the site. The existing dry-stone wall which runs along the south-east of the driveway is to be removed, with the driveway extended by around 4.1m in width to the south and 25m in length. Given the difference in land levels between the existing driveway and garden area/undeveloped land, which is to be incorporated into the new access, infilling will be required of approximately 0.6m (in height) to provide a level driveway. The new driveway is to be finished with crushed stone (gravel) and bounded by a new dry-stone wall measuring approximately 1.1m in height.

In addition to the above, there is not considered to be any increase in traffic to and from the site, as no changes are being made to the overall scale and size of the host dwellings of which the revised access relates, it will simply allow 2 separate accesses for the existing dwellings to be created.

In respect of openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal would introduce additional built development within the Green Belt which may have some effect on the character and openness, especially in respect of the small portion of undeveloped grassland to the east which is to be utilised to form part of the extended driveway. However, it is noted that the proposed alterations would not increase the volume or floorspace of the host properties, the extended driveway would be finished in similar boundary treatments to what currently exists at the site, and that the proposals would be viewed against the existing driveway/access at nos. 192 & 194, and similar arrangements found at 190 and 190a Helme Lane. Officers therefore consider

that given the minor changes proposed, and the location of these changes of which the majority would fall within a residential garden area, that on this occasion, the effect on the Green Belt would be minimal.

On this basis, it is considered that the proposed development would preserve openness and would not constitute inappropriate development in the Green Belt in accordance with Chapter 13 of the National Planning Policy Framework and Paragraph 2.11 of the House Extensions and Alterations SPD. As such, the principle of development is considered to be acceptable, and therefore the proposals shall be assessed against other material planning considerations including visual and residential amenity, as well as highway safety.

2 – Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape... c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*.

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

‘Key design principle 1 (Local character and street scene) – Extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene’.

Key design principle 2 (Impact on the original house) – Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail’.

The application site relates to a portion of land which is currently used as a driveway/access and residential garden area to properties 192 & 194 Helme Lane. A small portion of undeveloped grassland to the east, is also to be included within the development. The driveway and access are bounded by a dry-stone wall, with the garden area cordoned by a post and rail fence.

The proposals seek to undertake engineering works to provide an extended driveway to allow for 2 separate accesses to nos. 192 & 194 Helme Lane. These engineering works would include the removal of the existing dry-stone boundary wall to the south-east, and the extension of the existing driveway to the south, which given the differences in ground levels will result in an infilling of land of approximately 0.6m (as shown within the section drawings on the submitted plan). The driveway is to be extended by around 4.1m in width and 25m in length. The new driveway is to be finished with crushed stone (gravel). The new extended driveway is to be bounded by a dry-stone wall which is welcomed by Officers. It is however, considered reasonable to condition that the new dry-stone boundary wall utilise and recycle materials taken from the existing dry-stone boundary wall which is to be removed, and reuse these materials within the new boundary treatments, in the interests of visual amenity.

Subject to conditions, the proposed alterations are considered to be of scale and size which is reasonable given the proposed end use and that the extended driveway will be finished with materials which are considered to be sympathetic to the context of the area and adjacent residential properties.

In conclusion, taking the above assessment into account, the proposals are considered to accord with Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

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

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

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principles 5 and 6 of this SPD relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained. In this instance Officers are satisfied that the properties would still have suitably sized amenity spaces as a result of the proposal.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 190A Helme Lane

This neighbouring property adjoins the application site to the south-west and is located approximately 15m away from the proposed new driveway. Given the nature of the proposals and large separation distances, Officers have no concerns in respect of overshadowing, overlooking, or the proposals appearing overbearing in nature on this occasion.

Impact on nos. 133 and 135 Helme Lane

These neighbouring properties are located to the north of the application site, approximately 25+ metres away from the proposed new driveway. As outlined above, given the nature of the proposals and large separation distances, Officers have no concerns in respect of overshadowing, overlooking, or the proposals appearing overbearing in nature on this occasion.

In conclusion, taking the above into account, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Principles 3, 5, 6 and 7 of the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

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

Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.

This application seeks approval to the change of use of land to facilitate the formation of a new access drive to serve 194 Helme Lane at 194, Helme Lane, Meltham, Holmfirth. Given the nature of the proposals the Council's Highways Officers have been consulted on the proposals. They note that as the existing access onto Helme Lane is unchanged and sufficient space is retained for off-street parking and internal turning to both 192 and 194 Helme Lane, no objection is raised to these proposals. In addition, it is considered that the waste collection and storage arrangements would remain as is or be similar to the existing and therefore is considered to be acceptable.

The proposals as submitted are therefore considered to comply with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Within the submitted application forms, the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the development will be impacting less than 25sqm of habitat. The Council's Ecology Officer was consulted on the application and concurs with the applicant's assessment and as such, the application is exempt from BNG on this occasion.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature of the proposals which do not include any alterations to any existing buildings at the site, the Council's Ecologist raises no concerns in respect of roosting bats, and therefore the proposals are considered to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to

climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

The application is supported by a Climate Change Statement, this statement outlines that all materials are to locally sourced, energy and water efficient appliances will be used where possible, and that the application site is not located within a flood risk area and will not impact upon flooding elsewhere.

Given the nature of the proposals and the details provided above, it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance. The proposals are therefore considered to accord with LP26 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

Drainage

Policy LP28 of the Kirklees Local Plan relates to drainage and is considered relevant in this case. Chapter 14 of the NPPF is also relevant in terms of foul/surface water drainage.

Whilst it is acknowledged that there is a culverted watercourse which runs through the application site, this watercourse is located to the far east of the site and would not be impacted by the proposals given their location and separation distance from this watercourse. Officers therefore have no concerns in respect of this element of the scheme.

There are no other matters for consideration.

6 – Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve subject to conditions.

Decision Authorisation - Delegated Powers

Application Number: 2024/91093

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to preserve the openness of the Green Belt and to accord with Policies LP1, LP2, LP3, LP21, LP22, LP24, LP28, LP30 and LP35 of the Kirklees Local Plan, Chapters 2, 4, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework and Principles 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 15, and 16 of the House Extensions and Alterations SPD.

2. The dry-stone boundary walls hereby approved, to be constructed within the site as shown on approved plan no 2024/010/01 Rev A, shall be constructed utilising stone taken from the existing dry-stone boundary wall to be removed. If additional materials are required, the materials shall include stone which in all respects shall match those used within the construction of the existing dry-stone boundary walls within the site.

Reason: In the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 1 and 2 of the House Extensions and Alterations SPD.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	LP01	-	18 th April 2024
General Arrangement Drawing	2024/010/01	A	2 nd May 2024
Planning Statement – Supporting Information	-	-	18 th April 2024
Climate Change Statement – Supporting Information	-	-	18 th April 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought on this occasion as the proposals were deemed to be acceptable upon submission.

Report Dated: 25th July 2024