

ROGER LEE PLANNING LTD

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Residential and Commercial Planning : Planning Applications, Appeals and Enforcement

PLANNING STATEMENT

CHANGE OF USE OF PART OF DWELLING TO USE AS GYMNASIUM AT CARTERS BARN, HOLLINS LANE, SLAITHWAITE

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1. INTRODUCTION

- 1.1 This statement is submitted in support of a planning application for the change of use of part of the upper floor of Carters Barn from living accommodation to a gym to provide personal training to clients. The application is submitted retrospectively.
- 1.2 The purpose of this statement is to provide an evaluation of the site and its planning history, together with a review of the relevant local and national planning policies associated with the proposal, before presenting a case in support of the application, taking into account all material planning considerations.

2. THE SITE AND THE APPLICATION

- 2.1 The site is located in a rural setting to the south west of Slaithwaite and is accessed via Hollins Lane which runs from Lingards Road. Hollins Lane is a no through route track and branches off onto a private access serving both Carters Barn and the adjacent property Carters Farm.
- 2.2 Levels drop from Hollins Lane to the site and the property is in split level form taking account of the sloping nature of the land. The existing access into the property passes in front of Carters Farm and there is room within the surfaced yard area in front of and to the side of the property, for parking for up to five cars. There is also an extant planning permission in place for a detached garage at the property (ref 2021/92403).
- 2.3 With regard to the application proposals, one of the bedrooms on the upper level at the rear of the property has been altered into a small gymnasium, which is used

by the applicant and her family for their own private purposes, but also to provide 1 to 1 personal training by the applicant to a select group of clients. All training sessions are by appointment only.

- 2.4 Following communication with the local planning authority (LPA) it has been determined that planning permission is required for this use. There remain three bedrooms within the house.
- 2.5 The training sessions are carried out on a part time basis as the applicant also works as a bookkeeper for 20 hours per week and also works 7 hours a week for KAL Gyms at the leisure centre in Slaithwaite.
- 2.6 On average the applicant has between 10 and 12 clients visiting the property per week on Tuesdays to Saturdays only. Client visits would be no earlier than 8:15am and are usually during the day time but occasionally there will be an evening appointment.
- 2.7 Clients park in the yard area at the side of the barn and enter the gym directly via an external entrance door accessed from steps at the side of property, i.e. clients do not walk through the house.

3. PLANNING POLICY CONTEXT

Local Policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development

- plan unless material considerations indicate otherwise. The Kirklees Local Plan allocates the site as falling within the green belt.
- 3.2 Policy LP21 requires development proposals to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.
- 3.3 Policy LP22 refers to car parking provision and much of its content relates to town centre locations. On general points the policy advises that the level of car parking in new development will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development.
- 3.4 Policy LP24 requires any development proposals to provide a high standard of amenity for future and neighbouring occupiers.
- 3.5 Policy LP57, amongst other things, deals with alterations to buildings in the green belt and advises that such proposals will normally be acceptable provided that, in the case of applications such as this one, the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.

National Policy

- 3.6 The most recent version of the National Planning Policy Framework was published in December 2023.

- 3.7 Paragraph 85 advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 3.8 Paragraph 115 advises 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.
- 3.9 Paragraph 142 states that *"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"*.
- 3.10 Paragraph 143 states that there are five purposes for including land in the Green Belt, these being;
- i. To check the unrestricted sprawl of large built up areas;*
 - ii. To prevent neighbouring towns from merging into one another;*
 - iii. To assist in safeguarding the countryside from encroachment;*
 - iv. To preserve the setting and special character of historic towns; and*
 - v. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 3.11 Paragraphs 154 and 155 set out the exceptions to inappropriate development in the green belt which include alterations to buildings and material changes of use.

4. CASE IN SUPPORT OF THE APPLICATION

- 4.1 The level of use of the property for the one to one PT sessions is low key, being on limited days of the week and with limited numbers of clients visiting the property. There is an arguable case to suggest that no change of use has actually occurred, however, the applicant considers that the use as applied for does not contradict any of the policies set out in Section 3 above.
- 4.2 Firstly, in terms of the green belt, no external alterations have been carried out to facilitate the use of the gym and the internal alterations are effectively limited to removing previous furniture and replacing it with gym equipment. The en-suite for the previous bedroom is now used as a WC and washroom for visiting clients.
- 4.3 The access to the property and the layout of existing parking would not change, so there is no impact on the green belt from the only other activity associated with the application. Therefore, the openness of the green belt and the purposes of including land in the green belt are not affected by the proposals.
- 4.4 On that basis Policy LP57 of the Local Plan and paragraphs 142, 143, 154 and 155 of the Framework are satisfied.
- 4.5 The only potential impact in terms of residential amenity (Policy LP24) is that associated with vehicles coming and going to the property, as the gym activities themselves are not noise sensitive. Carters Farm is the only nearby dwelling and although vehicles would pass that property when entering and leaving the site, the level of such use is low over a typical day and averaged out over a typical week. The level of traffic activity is also reduced because in working from home for the

bulk of the week, the applicant isn't leaving and then arriving back at the property as would be the case in a typical situation where employed full time at an external location.

- 4.6 Hollins Lane is not a through road and the number of properties served from the lane is low, so the level of traffic activity through clients visiting the gym would not have a significant impact and there is no reason for taking a view that there would be any highway safety issues arising (Policy LP21 and paragraph 115 of the NPPF).
- 4.7 It is also relevant to note the support in the Framework at paragraph 85) where significant weight is placed on the need to support economic growth and productivity, taking into account local business needs.

5. CONCLUSION

- 5.1 The level of use of the property for providing personal training sessions is very minor and the extent of activity carried out is also low key such that there is no conflict with either local planning policies or national policy in the NPPF.
- 5.2 The application should, as a result, be supported and planning permission granted.