

**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:	<b>2024/62/91256/W</b>
Site Address:	3, Paddock, Marsden Lane, Slaithwaite, Huddersfield, HD7 5XA
Description:	Installation of Vaillant aroTHERM Plus 12 KW Air Source heat pump to the rear (Listed Building)
Recommending Officer:	Lucy Taylor

**DECISION – CONDITIONAL FULL 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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 23-Jul-2024**

## **Officer Report.**

**Reference:** 2024/91256

**Location:** 3, Paddock, Marsden Lane, Slaithwaite, Huddersfield, HD7 5XA

**Proposal:** Installation of Vaillant aroTHERM Plus 12 KW Air Source heat pump to the rear (Listed Building)

## **Site Description.**

3 Paddock is a Grade II Listed Building with the following Listing Description:

*Late C18. House and barn. Hammer dressed stone and coursed rubble. Quoins. Pitched stone slate roof (part bitumen covered). Moulded footstones. 2 stacks. 2 storeys (ground floor back to earth).*

The application site is located within the Green Belt and within the River Colne Corridor Strategic Green Infrastructure Network.

## **Description of Proposal.**

Planning permission is sought for the installation of a Vaillant aroTHERM plus 12 KW Air Source heat pump to the rear.

The Pump will be floor mounted and will be connected to the current plumbing system to replace 2 x Electric Boilers.

Height 1.57m

Width 1.1m

Depth 0.45m

The installation will not change any exterior features of the current dwelling.

## **History of Negotiations.**

In response to the first consultation response from KC Environmental Health, the applicant submitted a certificate to show compliance with the Microgeneration Certification Scheme (MCS).

## **Relevant Planning History.**

- 2022/90368 – External alterations (Listed Building). *Granted Conditional Full Permission.*
- 2022/91168 – Listed Building Consent for external and internal alterations. *Consent Granted.*

## **Representations.**

We are currently undertaking 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, a site notice and within the newspaper.

Final publicity date expired: 21<sup>st</sup> June 2024.

No representations received.

### **Consultation Responses.**

**KC Environmental Health** (formal) - A MCS 020 permitted development calculator sheet from Vaillant has been submitted which shows the proposal does meet with the MCS Scheme. The submitted information is therefore accepted.

**KC Conservation and Design** (informal) – No concerns in principle, however, if the air source heat pump is to be white in colour, would it be possible for some screening to be incorporated.

### **Policy / Legislation.**

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).

3 Paddock is a Grade II Listed Building.

The application site is located within the Green Belt and within the River Colne Corridor Strategic Green Infrastructure Network.

The application site is located within an area with a known presence of bats.

The following policy is considered relevant in the consideration of this application:

#### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment

- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

### **Supplementary Planning Documents:**

The Kirklees House Extension and Alterations SPD, adopted on 29 June 2021, has been prepared to help householders, developers, agents and architects who are planning and designing an extension or alterations (householder development) to an existing residential property, including conservatories and outbuildings, such as garages. It provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration required by the Council.

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary 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 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

### **Legislation:**

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’.

### **Assessment.**

The following matters will be considered as part of the assessment of the proposal:

- 1) Principle of development and green belt
- 2) Impact on visual amenity and historic environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

## **1) Principle of Development and Green Belt**

### Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

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”*.

In this instance, it can be stated that the principle of development in this application could be acceptable, subject to the assessment of impacts to the Green Belt and on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

### Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 154 and 155.

Paragraph 154(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt can be appropriate development in the Green Belt.

*“c. 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; and*

*d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”*

Although officers note that the property of 3 Paddock has previously been extended, given the principle of development sought under this application, being for a floor mounted air source heat pump, is it not considered that the proposal would prejudice the open character of the Green Belt or be disproportionate in relation to the host property.

Following the installation of the proposed air source heat pump, the original building of 3 Paddock would remain the dominant element and it is not considered that its installation would impact upon the established character of the wider area.

This is concluded on the basis that, when taking into account the visual appearance of the air source heat pump, it is considered that it would appear subordinate to the main dwelling by virtue of its minor size/scale.

Therefore, it is considered that the installation of the air source heat pump at 3 Paddock would not result in the disproportionate development of the host property when taken in cumulation with previous development and / or when considered in isolation. The proposal is therefore considered to be in accordance with policies within Chapter 13 of the NPPF and policy LP57(d) of the Kirklees Local Plan.

In line with policy LP57(c), the proposal would not result in a greater impact on openness in the treatment of outdoor areas too.

## **2) Impact on Visual Amenity and Historic Environment**

### **Visual Amenity:**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and*

*development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

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, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

- *‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...’*

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

In terms of the size of the proposed air source heat pump, this would be 1.57 metres in height by 1.1 metres in width and 45cm in depth in accordance with the information as set out within the application form submitted as part of this application.

It is not considered that the proposed air source heat pump would be located in a prominent position. It would be floor mounted to the rear elevation of the property, with the area of the proposed air source heat pump mostly obscured by view given it’s siting to a lower topographical ground level than the highway of Crow Tree Road and the grassed banking and stone wall to the northern boundary of the site.

It should also be noted that, Policy LP26 of the Kirklees Local Plan establishes a general principle in favour of renewable and low carbon energy.

In summary, it has been concluded that the air source heat pump would be of a satisfactory design quality and would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF, Policies LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

*Historic Environment:*

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The requirements of Section 72 & 66(1) of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 are also relevant.

The submitted heritage statement sets out the following points:

- The pump will be floor mounted and will be connected to the current plumbing system to replace 2 x electric boilers.
- This installation will not change any exterior features of the current dwelling.
- This install will significantly reduce the energy load/demand of the current heating system.

As part of the determination of this application, KC Conservation and Design were informally consulted whereby the following comments were made:

- No concerns in principle, however, if the air source heat pump is to be white in colour, would it be possible for some screening to be incorporated.

Whilst officers have considered the recommendation of the Council's KC Conservation and Design Officer regarding screening, the case officer considers that the existing layout of the site provides sufficient mitigation in terms of the visual impact of the air source heat pump from the wider streetscene. The proposed air source heat pump will be mostly obscured from view from public vantage points, given it's siting to a lower topographical ground level than the highway of Crow Tree Road and the grassed banking and stone wall to the northern boundary of the site.

It has also been noted that, whilst the air source heat pump would require small scale interventions, these would be into an addition to the Listed Building rather than into the original property. Therefore, this is considered to contribute to an overall lesser impact, with interventions into an addition to the

building posing less harm than if interventions were to be made into the historic fabric of the Listed Building.

At paragraphs 205-208 the NPPF is clear, that where development leads to less than substantial harm, it is necessary to achieve public benefits that outweigh the harm.

Whilst the proposal is considered to lead to less than substantial harm, this harm is identified as very low level given it would not lead to significant interventions being undertaken to a listed building and, in this case, there is an identifiable public benefit insofar as the proposal would contribute to reducing carbon emissions. Therefore, the scheme is considered to accord with policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

### **3) Impact on Residential Amenity**

Section B and C of LP24 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 users.

Given that the proposal includes the installation of an air source heat pump within a close proximity to noise sensitive receptors, Environmental Health have been formally and informally consulted. This should be assessed in accordance with Policy LP52 of the Kirklees Local Plan which sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.

The proposal is not considered to significantly reduce the extent of outdoor amenity space available at 3 Paddock, in turn, appropriately complying with Key Design Principle 7 of the House Extensions and Alterations SPD.

It is considered that the properties most likely to be affected by the proposed development are those which directly neighbour the application site, these being 1 and 2 Paddock.

Given the principle of the air source heat pump, its location within the curtilage of No. 3 Paddock and its size / scale, it is concluded that its installation would not result in any undue impacts of overbearing or

overshadowing for the occupiers of the neighbouring properties, and it would not detriment their neighbouring privacy in any way.

Furthermore, in this instance, the applicant submitted a Microgeneration Certificate Scheme (MSC) from Vaillant. The information within this document was concluded to be acceptable to KC Environmental Health.

For these reasons, the proposal is considered to have an acceptable impact on residential amenity, and subject to condition would accord with Chapters 12 & 15 of the NPPF, policies LP24 & LP52 of the Kirklees Local Plan, and Key Design Principles 3, 4, 5 & 6 of the House Extensions and Alterations SPD.

#### **4) Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed scheme would not directly increase the domestic function of No. 3 Paddock, nor would it alter the existing parking arrangements at the site or access to and from the adjoining highway. Therefore, the proposal is considered to be acceptable from a highway's safety perspective.

In turn, installing the air source heat pump at 3 Paddock would appropriately accord with Chapter 9 of the NPPF, LP21 & LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extension SPD.

#### **5) Other Matters**

##### Climate Change:

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.

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 predates 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.

In this case, the application is for an air source heat pump, which would provide a low carbon energy source which, in turn, would reduce the carbon footprint at the property. Therefore, the proposed development is considered to comply with Chapter 14 of the NPPF and policy LP51 of the Kirklees Local Plan.

#### *River Colne Corridor Strategic Green Infrastructure Network:*

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The proposal would not see the removal of any existing trees or hedgerows and seeks permission only for the installation of an air source heat pump. Therefore, the proposal is not considered to have a significant impact upon the strategic green infrastructure network and is concluded to be acceptable in this regard.

#### *Bats:*

The application site lies within the bat alert layer on the Council's GIS system.

In this instance, the application seeks permission of the installation of an air source heat pump. Therefore, the principle of development is not considered to lead to the detriment of roosting bats, even if present at the site.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

## **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 development would constitute sustainable development and is therefore recommended for approval.

**Recommendation: Approve**  
**Decision Authorisation – Delegated Powers**  
**Application Number: 2024/91256**  
**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.

2. 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, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP26, LP30, LP31, LP35, LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 15 of the Council's adopted House Extensions and Alterations SPD and Policies within Chapters 2, 4, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are

discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PP-13032238v1	-	13.05.24
Current Layout	01	-	09.05.24
Heat Pump Supporting Document	-	-	02.05.24
Climate Change Statement	-	-	10.05.24
Heritage Statement	-	-	10.05.24
MCS 020 Permitted Development Calculator by Vaillant	-	-	21.06.24

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.

In response to the first consultation response from KC Environmental Health, the applicant submitted a certificate to show compliance with the Microgeneration Certification Scheme (MCS).

**Report Dated:**

17.07.24