

**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: | 2024/62/91460/W |
| Site Address: | The Old School, Dean Head, Church Lane, Scammonden, Huddersfield, HX4 0EA |
| Description: | Erection of detached building to create dwelling forming accommodation associated with The Old School, Dean Head, Church Lane, Scammonden, Huddersfield, HX4 0EA (Listed Building) |
| Recommending Officer: | Laura Yeadon |

DECISION - REFUSED

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

Kevin Walton

AUTHORISED OFFICER

Date: «Current_Date»

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Officer Report

[Website](#)

Site Description

The Old School is a large residential property located to the south-east of a small hamlet of Scammonden and is close to the banks of Scammonden Water. The Old School is considered to be curtilage Listed to the Grade II Church of St Bartholomew which is located to the immediate west and to the north east of the Old School is the Grade II Yew Tree, which is a late 18th-century dwelling. The garden area of the property is to the south-east and in an elevated position to the access road.

Access to the Church is also to the south-east, where a track is located. Beyond the track is an area of land which slopes steeply downhill and hosts a pond and detached outbuilding. The distance in levels is approximately 10 metres. Whilst this area appears to have been used as garden for the host dwelling, it is physically separated from the curtilage of the host dwelling and forms a separate parcel of land with a 2 no. separate land registry title deeds. As such, it is not considered that this parcel of land is curtilage.

Surrounding the site and the cluster of built development are open fields with Scammonden Water to the south and south-east.

The site is within the Green Belt as defined within the Kirklees Local Plan.

Description of Proposal

The application is for the erection of detached building to create dwelling forming annex accommodation associated with The Old School, Dean Head, Church Lane, Scammonden, Huddersfield, HX4 0EA (Listed Building).

The applicants propose to site a mobile home on the parcel of land to the south-east, adjacent to the pond and would replace the existing outbuilding. The area of land is set down from the host building by approximately 10 metres and the mobile home would be sited at a distance of approximately 30 metres from the closest elevation of the property.

The proposed size of the mobile home would be 13.55m in length, 6.55m in width and 3.0m internal head height and overall external height of 4.5m.

The mobile home would consist of 2 no. bedrooms, shower room, utility and water tank room, kitchen and living area. The submitted Planning Statement states that the mobile home is to be occupied by the applicant's parents to provide accessibility and support whilst maintaining a balance of independence whilst having the necessary care readily available.

The proposed construction materials would be fibre cement lap weatherboard cladding in light grey for the walls, dark grey Calderdale pitched roof and white PVCu windows and doors.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

However, correspondence has taken place with the Agent whereby it was outlined that Officers were unable to support the scheme based on being inappropriate development in the Green Belt, the impact on the setting of the Listed Buildings and the location, independence, size and use of the building not being a domestic adjunct to the dwellinghouse.

Relevant Planning History

2024/91461 Certificate of lawfulness for proposed use of land for siting a mobile home for ancillary use to the main dwelling (Listed Building) - Refused

Representations

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, site notice and newspaper advertisement.

Final publicity date expired 5th July 2024

Parish/ Town Council – not applicable

As a result of the public consultation period two representations have been received with the summary of comments set out below:

- Green belt location and inappropriate development
- Not an extension, alteration or replacement building as per LP57
- Separate annex of a separation piece of land and thus not acceptable
- Would have a greater impact on openness
- Sited between two listed buildings and would have a detrimental impact on the historic character and rural nature of the area
- Would be visible from other side of Scammonden Water thus diminishing the amenity of the area and landscape
- If minded to approve the application, conditions requested in terms of the access to the church not being impeded and that the building should never be used for a commercial purposes such as a business or holiday let as these activities would be extremely detrimental to the area
- Access to building is very limited
- Parking is limited
- Spoil landscape

Consultation Responses

K.C Conservation and Design – concerns with regards to the location, design and materials – would not meet test of LP24 (a) and LP35 (a) along with the Planning (Listed Building and Conservation Areas) Act.

Policy

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

The site is a listed building within the Green Belt, as defined on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** - The extension, alteration or replacement of existing buildings

National Policies and Guidance:

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding & 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 and Country Planning (Listed Building and Conservation Areas) Act.

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

As confirmed by the refusal of the accompanying certificate of lawful development application for, effectively, the same development, the proposed building is considered to be sited outside the curtilage to the property and not ancillary accommodation to the dwellinghouse. The proposed building is considered to amount to development to construct a new dwellinghouse with all the facilities for day-to-day existence. As such the Supplementary Planning Document [“SPD”] for Housebuilders is also considered relevant.

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

Green Belt

The site is located within the Green belt therefore the main issues are:

- whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- the effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- if found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other consideration, so as to amount to the very special circumstances, necessary justify development

Policy LP57 of the Kirklees Local Plan is relevant and states the following:

‘Proposals for the extension, alterations or replacement of buildings in the Green Belt will normally be acceptable provided that: a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building; b) in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing, 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’.

Turning to national policy detailed within the NPPF, the following is relevant:

Paragraph 152: *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’*

Paragraph 153: *‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

Paragraph 154: *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) 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;’*

Green Belt – it the development inappropriate in 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 (para. 143), the most relevant in this case being to assist in the safeguarding the countryside from encroachment. Paragraph 152 states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to ‘inappropriate development’. These are set out within paragraphs 154 and 155 of the NPPF.

Use of land

The application has been submitted with plans and an accompanying Planning, Design, Access and Heritage Statement. With specific regard to the impact of the proposal on the Green Belt, this is referred to on pages 9 and 10 of the Statement. The Statement suggests that in terms of Policy LP57 of the Kirklees Local Plan:

“The proposed annexe (89 sqm footprint) is clearly inferior and subordinate to the existing main dwelling (304 sqm footprint), so is therefore an ancillary structure that does not compete in size and scale with the main dwelling. The annexe is located physically close to the main dwelling and would not encroach into the openness of the green belt or the surrounding area.”

The Statement goes on to state that:

“As the annexe is replacing a 23 sqm timber residential garden shed, this further minimises the net increase in the level of development on the site, meaning only a net increase of 66 sqm would be added to the overall developed footprint. This is clearly proportionate in size and scale to that of the main dwelling. Furthermore, the annexe would retain the residential use previously held by the garden shed, which would ensure there would be no change to the residential character of the site.

The development would be contained within the residential application site and would not lead to infilling or a loss of open countryside; the annexe would always be viewed in the context of built development.”

With regards to the proposal and its compliance with Policy LP57 and as referenced within the application for the Lawful Development Certificate, it is not considered that the proposed mobile home would be sited within land defined as curtilage.

There are clear boundaries to the garden area of the host dwelling which consists of dry-stone walling at a significantly higher ground level to the land proposed to site the mobile home. This area of land proposed to site the building is clearly detached from the dwelling as separating the 2 no. parcels of land is the access to the Church. This is further demonstrated on the submitted plans with the two red line boundaries and the information held by the LPA with regard to Land Registry titles. The land is steeply sloped and set approximately 30 metres from the closet elevation of the property and set down from the dwelling by approximately 10 metres.

While it is accepted that the Courts have held physically detached buildings can be considered as extensions to the dwellinghouse¹, paragraph 43 of the judgment states:

“43. Finally, Mr Fullbrook asked how the scope of [149(c)] was to be confined if the meaning of "extension" was not restricted to structures which were physically attached to the building being extended. It is right that the interpretation proposed by the Claimant would provide a clear "bright line" definition. That is far from being a conclusive argument and there was considerable force in Miss Hutton's response that rejection of the Claimant's interpretation would not remove all restraint on purported extensions. Instead it would be a matter of fact and degree having regard to the proximity of the new building to the existing building; to the purpose and use of the buildings; and to factors such as the size of the buildings whether the new building was or was not an extension with the result that some

¹ Warwick DC v Secretary of State for Levelling Up, Housing And Communities 2022

detached structures would be found to amount to extensions of existing buildings but that others would not.”

In this case and as set out above, the building is self-contained living accommodation which, due to its siting would not appear to relate to the host property and is of a size, scale and use which would not be a domestic adjunct to the host property. Therefore, the proposal cannot be considered as an extension to the building and therefore fails to meet this requirement of Policy LP57 (a).

With regards to being a replacement building, the building would replace an existing garden shed, which does not have planning permission although it is understood the timber structure is used for domestic purposes.

The Statement continues on to NPPF Policy and assess the scheme against paragraph 154 (c) which states:

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

b) in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing,

The Statement sets out that the proposed building replaces a 23 sq metre residential garden shed with a 89 sq metre building with “*only a net increase of 66 sq metres would be added to the overall developed footprint, this is clearly proportionate in size and scale to that of the main dwellinghouse.*” In this instance, the applicant is suggesting the proposed building should be assessed against the existing timber shed and dwellinghouse as a collection of buildings with only the timber shed being replaced by the proposed building. With respect to the applicant’s argument, policy LP57 (b) refers to the replacement building not being materially larger than the building it is replacing. The policy does not provide for the replacement of a number of buildings and even if it could be interpreted in such a manner it would only be in the circumstances whereby a number of buildings could fairly and reasonably be argued to be a collective cluster of buildings forming a single built environment. This would be consistent with the Court’s view whereby normal adjuncts to a host building may be considered extensions. As set out above, it is considered by reason of separation distances, difference in land levels and location outside curtilage, the timber shed and its proposed replacement would not be considered part and parcel of the dwellinghouse. Consequently, the replacement of the timber shed with the proposed buildings amounts to approximately a 300% increase in footprint alone thus contrary to NPPF paragraph 154 (d) and LP57.

In any event, the proposed siting of the building in a relatively isolated position away from other build forms in an area largely devoid of buildings, would significantly impact upon the openness of the Green Belt. Due to the scale of the building would lead to the introduction of a substantially sized building capable of being viewed from nearby public rights of way and at distance from the other side of the valley beyond the reservoir. This not only impacts upon the

visible openness of the Green Belt but also detrimentally encroaches into the Green Belt beyond the small cluster of existing buildings leading to a significant spatial impact upon the Green Belt. The proposed building has a significant detrimental impact upon the openness of the Green Belt.

Therefore, it is not considered that the works would be supported by current Green Belt Policy within the Local Plan or the NPPF and therefore represents inappropriate development.

Green Belt – Very special circumstances

Paragraphs 152 and 153 of the NPPF state that should development be considered harmful, very special circumstances to allow the development must be demonstrated. In this instance, the Supporting Statement does not define the 'very special circumstances' in this instance. Reference has been made to the use of the building by my family members as a convenient location for care purposes although there is no further justification that this can amount to very special circumstances that clearly outweigh the harm to the Green Belt or that all other options have been discounted.

In addition, it has been concluded that the works would not take place within the established curtilage of the site. It has not been demonstrated that the parcel of land which is physically separated from the dwelling forms part of the residential planning unit known as The Old School, thereby permitted development rights do not extend to outbuildings within this parcel of land and neither to uses for primary accommodation.

Green Belt – Conclusion

In conclusion, the proposed development for the erection of a detached building to create a dwelling forming an annex associated with The Old School would represent inappropriate development in the Green Belt due to its independent self-contained living accommodation, location and size whereby no 'very special circumstances' required by the NPPF have been submitted. The proposal would therefore fail to accord with Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the NPPF.

Impact on the Listed Building including its setting:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Principle 2 of SPD seeks to ensure development for residential purposes should take cues from the character of the built and natural environment, creating a positive and coherent identity complementing the surrounding built form in terms of its height, shape, form and architectural details.

The Old School is considered to be a curtilage Listed building to the Church of St Bartholemew which is located to the immediate west of the host dwelling. The Listed Building description is as follows:

Mid to late C19. Gothic revival church. Hammer dressed stone with ashlar dressings. Steeply pitched grey and purple slate roof. Coped gables with footstones and kneelers. Carved finials. Nave with tower, chancel, transepts. Between chancel and south transept is 4-pier square bell tower with crenellated parapet and slated spire. On bell tower is 5 sided stair tower. Ashlar parapet to bell tower is supported on brackets and has gargoyles. Upper level of tower has louvred openings to belfry with pointed arch and hood mould, and paired colonnettas to jambs. Other openings in tower have false pointed and shouldered arches in deep lintel. On south side is sundial with date 1813 (presumably reset). Transepts have pointed arched windows with geometrical bar tracery, with 3 slender lights, 3 trefoil and one 6-foil lights. Small light with shouldered head to apex of south gable. On south elevation of nave is porch with pointed arched opening and doorway with semicircular head in ashlar. One 2-light window with stained glass and shouldered heads in deep lintel with semicircular relieving arch over. East gable: large pointed arched window with geometrical bar tracery with 4 slender lights, one quatrefoil and 2 trefoil openings. West gable: 8-light rose window, 3 slender lights at ground level with pointed heads and blocked light in gable apex with shouldered head.

Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

Listed Buildings are designated heritage assets and paragraph 201 of the NPPF states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.”*

Paragraph 205 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 206 goes on to state that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Policy LP35 of the Kirklees Local Plan echoes this guidance and 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.”

In this case, the Council's Conservation and Design Team have provided comments on the proposed scheme and state that the building would be located within the centre of the plot and Officers are not convinced by the placement of the structure as it would be too visual in the proposed location. In addition, there are concerns regarding the proposed design and material palette which does not reflect the stated buildings and wider surrounding area. Conservation and Design Officer's do not consider the design of the building to be appropriate and it was suggested that the design was amended to reflect a modest outbuilding. Comments also conclude that the materials could include the use of some timber cladding, this would however need to be of a natural finish, allowing for the timber to naturally tone down and weather and that the roof to be finished in slates, which again would reflect the local vernacular.

Therefore, it was considered that further consideration of the scheme in terms of the location, design and materials would require amendments in order to meet the tests of Policies LP24 and LP35 of the Kirklees Local Plan and also Section 66(1) of the Planning (Listed Building and Conservation Areas) Act.

Impact on visual amenity:

With regards to the impact of the proposal on visual amenity, it is proposed that the building would be located to the south-east of the host dwelling which would form an annex to the host building. Taking into account the Statement submitted with the application, this states that the building would be within the curtilage of the host property. As detailed above, the LPA dispute this claim.

Whilst the use of the land as curtilage is disputed, a full assessment of the proposed building shall be made for clarity.

Chapter 12 of NPPF, Local Plan policy LP24 and principle 5 and 13 of SPD places importance on design, location, character of the area and materials used. In this case, whilst the building would replace a garden shed building, the appearance of the building would be much more prominent. The land where the building would be located is open land at the base of a steep embankment at a significantly lower level than the host dwelling, clearly visible from public vantage points around Scammonden Waters. It would introduce feature to the landscape which would have the appearance and function of a separate dwellinghouse, therefore forming an erosion to the landscape.

The submitted details indicate that the proposal would have no greater impact on the surrounding area than outbuilding which would be permitted under Class E of the GPDO however, Officers contend that the land where the building would be sited is not residential curtilage, regardless of ownership and therefore cannot benefit from this permitted development. Therefore, no weigh can be give to any fall back position in this case.

The scale, siting and materials proposed, the building would be very prominent and in terms of materials, at odds with the traditional stone construction of surrounding build form. The use of modern materials for the external walling is not sympathetic to the surrounding rural and historic character of the area and fails to respect the prevailing use of natural stone contrary to design principles set out in NPPF and Local plan policy.

It is therefore considered that the proposed building would not relate satisfactorily to the host building and have an unacceptable impact on visual amenity due to location, scale and appearance, contrary to the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, having regard to principles 5 and 13 of the Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and SDP principle 6 seek to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

In order to protect properties from being overlooked, the SPD's recommend a minimum distance of 21 metres between habitable windows of new and existing dwellings. The openings within the east and south elevations would face the existing garden area and adjacent woodland and therefore there are minimal concerns. The opening within the north elevation exceeds the 21 metres required and is therefore acceptable. However, the SPD's also recommend a minimum of 12 metres between habitable and non-habitable openings.

The siting of the building would be such that it would be to the south of the cluster of dwellings close to the host building and on land approximately 10 metres lower than the dwellings themselves. Therefore, due to the screening of the embankment and the separation distances between the proposed siting, it is not considered that the annex would have an impact on residential amenity.

Therefore, it is considered that the proposed annex is acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan and policies within chapter 12 of the National Planning Policy Framework.

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 12 of SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed building which is to be used as an annex to the host dwelling is likely to result in at least one additional vehicle requiring space to park at the property. There is sufficient space for a number of vehicles to be parked close to the host property and it is not considered that any additional vehicles due to the presence of the building would cause undue harm to parking provision.

In terms of highway safety, the proposed annex is not considered to adversely impact upon the highway and is thus consistent with chapter 9 of NPPF and KLP policies LP20, LP21 and LP22 and the Kirklees Highway Design Guide SPD.

Other matters:

Climate Change - Principle 13 of SPD highlights that the use of sustainable construction materials and techniques.

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.

A Climate Change Statement has been submitted with the application which details the mitigation measures for the annex. These are considered proportionate to the proposed works.

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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the annex being a new building, replacing a timber shed.

Representations:

Two letters of representation have been received with the following being a summary of comments and LPA response:

- Green belt location and inappropriate development

Response: This has been addressed within the assessment

- Not an extension, alteration or replacement building as per LP57

Response: This has been addressed within the assessment

- Separate annex of a separation piece of land and thus not acceptable

Response: This has been addressed within the assessment

- Would have a greater impact on openness

Response: This has been addressed within the assessment

- Sited between two listed buildings and would have a detrimental impact on the historic character and rural nature of the area

Response: This has been addressed within the assessment

- Would be visible from other side of Scammonden Water thus diminishing the amenity of the area and landscape

Response: This has been addressed within the assessment

- If minded to approve the application, conditions requested in terms of the access to the church not being impeded and that the building should never be used for a commercial purposes such as a business or holiday let as these activities would be extremely detrimental to the area

Response: Noted

- Access to building is very limited

Response: Noted

- Parking is limited

Response: This has been addressed within the assessment

- Spoil landscape

Response: This has been addressed within the assessment

7 – 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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/91460

Officer Recommendation: Refuse

1. By virtue of its siting, use, design, size and scale the proposed building would constitute inappropriate development in the Green Belt. Further harm would be caused to the visual and spatial openness of the Green Belt by developing land that is currently open and the encroachment of development into the countryside. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.
2. The location, design and materials of construction would fail to preserve or enhance the setting of the adjacent Listed and curtilage Listed Buildings and historical backdrop which would fail to accord with Policies LP24 & LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and the Town and Country Planning (Listed Building and Conservation Areas Act).
3. The development of a building with the use of modern construction materials away from the existing build form introduces a building which does not relate well to the existing rural character of open countryside with stone built traditional buildings and therefore is contrary to Policy LP24 and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|--|--------------------------|----------------|---------------------------|
| Proposed floor plans | 2206.04.24D.01 Rev: 1 | - | 28 th May 2024 |
| Proposed north and east elevations | 2206.04.24D.02 Rev: 1 | - | 28 th May 2024 |
| Proposed south and west elevations | 2206.04.24D.03 Rev: 1 | - | 28 th May 2024 |
| Existing location plan and block plan | 2206.04.24D.04 Rev: 1 | - | 28 th May 2024 |
| Proposed block plan | 2206.04.24D.05 Rev: 2 | - | 30 th May 2024 |
| Proposed section | 2206.04.24D.06 Rev: 1 | - | 28 th May 2024 |
| Planning, Design and Access and Heritage Statement | NACP/JD/1421/JM | | 29 th May 2024 |
| Climate Change Statement | Appendix A | | 29 th May 2024 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated:

24th July 2024

Coal – none