

**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>2024/62/91585/E</b>
Site Address:	The Lodge, 4, Beaconsfield Farm, Paul Lane, Flockton, Wakefield, WF4 4BP
Description:	Change of use of land from agricultural to domestic curtilage and erection of single storey side extension
Recommending Officer:	Edward Cheseldine

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 7<sup>th</sup> October 2024

## **Officer Report**

2024/91585 - The Lodge, 4, Beaconsfield Farm, Paul Lane, Flockton, Wakefield, WF4 4BP

## **Site Description**

4 Beaconsfield Farm is a domestic dwelling in Flockton. The building was converted from an agricultural building in 2005. The building has retained its agricultural character. As part of the conversion a cat slide roof and extension has been erected providing additional habitable space to the original building. The building is accompanied by a generous residential outdoor area. Adjacent to the residential curtilage is an area of hardstanding material, aerial imagery shows the hardstanding area has been surfaced in such a material since 2009.

The property is set within a collection of buildings with a mixed used, including a farm site and a restaurant. The Planning Statement identifies that this parcel of land has been within the ownership of the applicant since October 2018.

## **Application Description**

The applicant is seeking planning permission for the erection of a side extension and a change of use from agricultural land to residential curtilage.

The rear extension would be 7.227m(w) x 4.330m(d), eaves height 2.873m, ridgeline height 4.286m. It would feature a hipped roof with grey slates and be constructed with stone wall materials. There would be openings on the rear and side elevation.

A change of use from agricultural land to residential curtilage has also been applied for the area land currently surfaced as hardstanding.

## **Amendments/Negotiations**

The agent has been contacted with advice relating to considering amending the scheme that would reduce the harm, including a loss of outlook from the neighbouring restaurant and reduce the harm to the Green Belt. Amended plans were received, however the position and width of the extension has not been changed. An extended rear streetscene plan was included as part of the submitted amended plans.

## **Public Representations**

Neighbourhood notification letters were distributed to advertise the application, which expired on the 08-Aug-2024. As a result of the publicity, there were no representations.

## **Consultations Responses**

None required.

## **Relevant Planning History**

### Application Site

2005/93725 – Reuse, extension and adaption of agricultural building to form one dwelling with garage – Full permission granted.

2007/90863 – Erection of single-storey extension to from garden room – Refused 18<sup>th</sup> April 2007 for the following reasons:

*(1) The proposed extension by reason of its roof style, scale and design does not respect the design features of the existing house nor its character and is detrimental to the visual amenity of the host building. It is therefore contrary to Policies BE13 and D11 of the Kirklees Unitary Development Plan.*

*(2) The scale of the proposed extension combined with the existing extensions does not retain the existing building as the dominant element and is therefore harmful to the openness of the green belt, contrary to Policy D11 of the Kirklees Unitary Development Plan.*

### 17 Paul Lane

2023/91706 – Internal and external alterations – Full permission granted

## **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).

The site is located within the Green Belt on the Kirklees Local Plan Proposals Map.

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.

## **Kirklees Local Plan Policies**

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 10 - Supporting the rural economy
- LP 21 – Highway Safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 57 – Extensions, Alteration or replacement of existing buildings in the Green Belt
- LP58 – Garden extensions in the Green Belt

## **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, and 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 8 – Promoting healthy and safe environments
- Chapter 12 –Achieving well-designed places 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

## **Other material Considerations**

- Kirklees House Extensions & Alterations Supplementary Planning Document

## **Assessment**

- 1) Principle of development
  - Sustainable Development
  - Green Belt
  - Local Economy
  - Very Special Circumstances
- 2) Impact on visual amenity
- 3) Impact on residential amenity

- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

*Sustainable Development*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF draws on the objectives of sustainable development being economic, social and environmental as the central pillars as well as multiple facets of achieving sustainable development within the decision-making process.

*Green Belt*

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Paragraph 154 of which regards exceptions criterion 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.*

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and 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. Furthermore, the proposal should 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 the design and materials used should be sensitive to the character of the Green Belt setting.

The Planning Practice Guidance (PPG) sets out that “openness is capable of having both spatial and visual aspects”. In terms of a visual assessment, the proposed extension will occupy an area of land that is currently undeveloped, although there is existing hardstanding material, there is no recorded built form that sits on the land.

The proposal pertains a rear extension which is set to the side of the original building. It occupies a space in front of the rear elevation of the adjacent building. It has a high-pitched roof, with a ridgeline height of 4.286m. The extension competes with the original building when observed from the rear elevation due to its scale and ridgeline height. The building has already benefitted from an extension which has extended its roof form, although the property has retained its character and overall scale by forming a catslide roof. The rear extension will occupy a space of 7.227m(w) x 4.330m(d) within

a group of buildings. It will appear clustered creating a built-up aesthetic, which is neither integrates with the original dwelling, nor is sympathetic to the spacing of the building group, therefore introducing an appearance more commonly found within the urban environment.

In terms of a spatial assessment, the built material will be sprawled across the site, extended beyond the built form as it stood in 1948. The planning unit will therefore have extended southwards by a significant distance. This extension draws the built form away from the original building, forming an incongruous addition shifting its footprint to the south. The property has already benefitted from a rear extension pursuant to 2005/93725, which has modified the original west facing elevation. The proposed addition further disrupts the original footprint of the building, altering it from a simple 'L' shape to an elongated form. It would form disproportionate additions over and above the size of the original building due to the continuous, snaking, form and development far beyond its original footprint.

The development is therefore considered to represent inappropriate development due to disproportionate additions, elongated form and scale of the extension, forming additions that are not clearly subservient to the original building. The development is contrary to Chapter 13 of the NPPF and Policy LP 57 of the Kirklees Local Plan.

Application 2007/90863 sought an extension to the rear elevation for a single-storey extension and it is noted the decision for that application had a similar conclusion, in that *'the scale of the proposed extension combined with the existing extensions does not retain the existing building as the dominant element and is therefore harmful to the openness of the green belt'*.

#### *Change of Use*

The application also seeks a change of use from agricultural use to residential curtilage. Paragraph 155 of the NPPF states, 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it'.

LP58 of the Kirklees Local Plan regards Garden Extensions in the Green Belt.

*Proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following;*

*a. the degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt;*

*b. the means of enclosure is appropriate to its setting and is of a high quality of materials and design.*

In this instance, the applicant has suggested the land has previously been hard surfaced. Aerial imagery identifies part of the agricultural field has been surfaced since 2009. The plot of land leads to an agricultural building. It is likely the field has been surfaced for vehicular access, although there is no planning history to confirm this. The character of this part of the field has therefore changed over time. There is evidence that vehicles have been stored on the hard surfacing since 2015.

The application is for the erection of an extension upon an area where no built form has stood. The purposes of the land will therefore impact upon the openness of the Green Belt. It therefore cannot be stated that the application preserves the openness of the Green Belt as the extension conflicts with the purposes as a result of encroachment into currently open land. As stated in the previous section, the extension would represent inappropriate development due to disproportionate additions, elongated form and scale of the extension, forming additions that are not clearly subservient to the original building.

Therefore, for the purposes of LP58, the extension would not fall under the criteria for a garden extension within the Green Belt and the development is not considered to preserve openness and is considered to conflict with one of the purposes (encroachment) in this case contrary to paragraph 155 of the NPPF.

#### *Supporting the Rural Economy*

17 Paul Lane has recently benefited from planning permission pursuant to 2023/91706 for internal and external alterations, including adjusting window openings on the rear of the building.

LP10 calls upon the improvement of economic performance for rural businesses, including '*supporting the needs of small and medium businesses*.'

In this case, the adjacent building has a restaurant use, in a relatively rural location. The extension will obstruct a rear facing window that serves the kitchen, and partially block the window of an office. Window outlooks are part of a safe and healthy working environment. Paragraph 96 c) of the NPPF states '*decisions should aim to achieve healthy, inclusive and safe places, which c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs*'.

It has been identified that the kitchen has a single outlook, would be ~1.50m from the extension. The eaves of the proposed extension would sit level with the top of the kitchen window. The outlook would therefore be reduced to none. The adjacent restaurant has an established use, obstructing the outlook of a room vital to the function of a business would be contrary to the needs of a rural business, whilst providing a poor working environment for staff and would not represent sustainable development as it would harm the economic function of an established business.

The extension would therefore have a negative impact to the wellbeing of the community which is contrary to paragraph 96 c) of the NPPF and LP10 of the Kirklee Local Plan.

### *Very Special Circumstances*

The agent has submitted a justification for the development within the Design and Access Statement. The extension will form extra living accommodation for a person of disability. The floor plans do not indicate any additional services or amenities within the side extension, however the plans indicate the room would be suitable for access by way of an wheelchair.

LP24 f) states, *'good design should promote, the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places'*.

Amended plans were requested in order to overcome the loss of outlook from the adjacent restaurant and reduce the harm to the Green Belt. The received plans indicate the extension has not been reduced in width or position. An extended streetscene plan has been submitted indicating the extension will not obstruct the dining room windows of the restaurant. It is considered that whilst the room would provide additional accessible living space, the extension would harm the function of the restaurant and impact upon the openness of the Green Belt. It is considered there is potential revised location of the additional accommodation could be explored such that further development does not cause harm to the neighbouring building. In this case it is considered the factors put forward do not clearly outweigh the identified harm and that non exist more generally in this case.

The change of use therefore does not fall under the exemptions listed in paragraphs 154 and 155 of the NPPF and the very special circumstances fail to clearly outweigh the harm to the Green Belt and well-being needs of the community, contrary to policies within Chapters 8 & 13 of the NPPF, as well policies LP10, LP57 & LP58 of the Kirklees Local Plan. The principle of development is therefore not considered to be acceptable.

### Impact on visual amenity

The Council's guidance, set out in the Kirklees Local Plan (LP 24) & the Kirklees House Extensions & Alterations Supplementary Planning Document, states that good design should be at the core of all proposals in the district, by way of ensuring alterations respect the character of the host dwelling and its historic surroundings by respecting the form, scale, layout materials that are present.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Supplementary Planning Document 2021, which aims to ensure future housing development is of high-quality design.

- Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document states '*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 of the House Extensions & Alterations Supplementary Planning Document states '*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 details.*'

The application is for a side extension set rearward of the building line. In terms of Key Design Principle 1, the extension is positioned to the rear of the neighbouring building. The extension has an irregular placement that does not conform to the existing spatial layout of the building group. Although there is no fixed pattern to the collection of buildings, the extension fails to respect the adjacent building, sitting in front of the neighbouring property. There is a minimal separation space of ~1.50m between the extension and 17 Paul Lane which creates a narrow gap which should be avoided. Allowing the extension would present poor design in terms of spacing and layout which would be detrimental to the character of the area.

The scale, roof design and sitting of the extension fails to respect the original house. There is a significant increase in the footprint of the original dwelling due to the accumulation of extensions from the original property which would dominate the building when viewed from the rear. The scale of the extension is extenuated by its positioning. The extensions would form the dominant element of the original building. In addition, the pitched roof would appear higher than the catslide roof.

The proposed extension, due to its scale and positioning, would detrimentally alter the form of the host dwelling including appearing unsympathetic to the original character and form of the dwelling, leading to an incongruous design that would be detrimental to the host building and character of the area to the aims of Policy LP24 (a c & d), as well as Principles 1 & 2 of the Kirklees House Extensions & Alterations Supplementary Planning Document and the policy within Chapter 12 of the National Planning Policy Framework.

#### Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations

Supplementary Policy Document goes into further detail with respect to outlining principles.

Due to the positioning of the extension, the development will not impact any residential properties. Notwithstanding this conclusion, it should be noted the impact of the development upon a commercial premises is taken into account within the 'Principle of Development' section of this report.

#### Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal will add habitable space to the property; however the number of bedrooms will not increase. Block plans indicate there will be sufficient space to navigate a vehicle to the rear of the dwelling, which could provide one off-street parking space. There is also parking to the front of the building. The impact to highway safety is therefore concluded to accord with Policies LP21 & LP22 of the Kirklees Local Plan.

#### Environmental Matters

##### *Ecology*

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.

The development is for the erection of a side extension. Whilst the property is not located in an area which is known to include bat habitats, it is on the border of an area known to include bat habitats. Bats are a protected species, if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Biodiversity Net Gain, came into effect for change of use applications on 02 April 2024. Aerial imagery confirms the area of development has been hard surfaced since 2009, therefore there will not be a loss of habitat from the

proposal. As the application falls under the Di Minimis exemptions category, a 10% habitat uplift is not required.

### *Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which would need to be adhered to as part of the construction process, in the event of any grant of permission, and which would require compliance with national standards. As such, given the scale of the proposal and requirements of Building regulations, it is not considered further measures as part of this application would be required were this case to be recommended for approval.

### **Conclusion**

The application for the erection of a side extension at 4 Beaconsfield has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, the Kirklees Local Plan, the House Extensions & Alterations Supplementary Planning Document and other material considerations.

The development would be contrary to Green Belt policy set out in the NPPF and Kirklees Local Plan, it would lead to a poor working environment for the adjacent building, the application is concluded to be unacceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable and is therefore recommended for refusal.

### **Recommendation**

### **Refusal**

#### **Reasons for Refusal**

1. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development, when considered cumulatively with previous extensions, would result in disproportionate additions over and above the size of the original building and a material change of use to the previously open land that would lead to encroachment of urban development. Furthermore, the open character of the Green Belt would be eroded due to the positioning and siting of the proposed extension on previously open land. Therefore, the proposal is considered to

constitute inappropriate development in the Green Belt and no very special circumstances have been demonstrated that outweigh the harm. To approve the application would lead to encroachment and adversely impact upon the openness of the Green Belt contrary to Policies LP57 & LP58 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

2. The proposed extension, due to its positioning and height, would impact upon the outlook of an existing restaurant, which would create a poor working environment for the neighbouring business that would be detrimental to the well-being of staff. To allow the development would harm an existing business and the health of associated personal contrary to paragraph 96 c) of the National Planning Policy Framework and policy LP10 of the Kirklees Local Plan.
3. The proposed extension, due to its scale and positioning, would appear unsympathetic to the original character and form of the dwelling, leading to an incongruous design that would be detrimental to the host building and character of the area contrary to Policy LP24 (a c & d), as well as Principles 1 & 2 of the Kirklees House Extensions & Alterations Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan & grouped block plans	WF-0071-PLN-A-001	Rev A	03 June 2024
Existing elevations	WF-0071-PLN-B-002	Rev B	20 September 2024
Proposed elevations	WF-0071-PLN-B-003	Rev B	20 September 2024
Design and access statement	WF-0071	Rev A	20 September 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 Planning Authority has, 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. Amendments were sought to overcome the loss of outlook and the harm to the Green Belt.



