

**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:	2024/62/91612/W
Site Address:	Butternab Road, Beaumont Park, Huddersfield, HD4 7BA
Description:	Re-use of existing barn and new extension to form dwelling (within the curtilage of a listed building)
Recommending Officer:	Lucy Taylor

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 7-NOV-2024

Officer Report.

Reference: 2024/91612

Location: Butternab Road, Beaumont Park, Huddersfield, HD4 7BA

Proposal: Re-use of existing barn and new extension to form dwelling (within the curtilage of a listed building)

Site Description.

The barn is part of a collection of buildings known as Butternab Farm, located off Butternab Road to the south of Beaumont Park, Huddersfield. An existing vehicular access serves the site, as well as existing properties adjacent to the site known as Butternab Farmhouse and Butternab Farm Cottage, both Grade II Listed.

The application site is Allocated within the Green Belt in the Kirklees Local Plan.

Public Footpath HUD/212/10 runs adjacent to the site.

Description of Proposal.

Planning permission is sought for the re-use of the existing barn and a new extension to form dwelling.

The proposal sees the conversion of the existing building, with extensions to the south and western elevations. The proposed development will see the removal of single storey outbuildings and a shipping container.

The resultant dwelling would have three bedrooms, kitchen / dining area, living room, snug, study and bathrooms.

History of Negotiations / Amendments Received.

Negotiations took place between the case officer, Council's Conservation & Design Officer and the planning agent.

These negotiations resulted in the submission of amended plans, with the overall determination of this application based on the latest proposed plans, submitted 14th October 2024.

Given that the amendments saw the retention of the same description for the proposal and the same in terms of principle of development, it was not considered necessary in this instance to re-advertise the application.

Relevant Planning History.

At the application site:

- 2006/92216 – Listed Building Consent for re-use of existing barn and new extension to form dwelling. *Consent Granted.*
- 2007/90853 – Re-use of existing barn and new extension to form dwelling. *Granted Conditional Full Permission.*
- 2024/91613 – Listed Building Consent for re-use of existing barn and new extension to form dwelling. *Pending determination.*

Neighbouring the application site:

- 2022/93525 – Erection of extensions and alterations to convert former agricultural buildings to form one detached dwelling. *Granted Conditional Full Permission.*
- 2023/91660 – Listed Building Consent for erection of extensions and alterations to convert former agricultural buildings to form one detached dwelling. *Consent Granted.*

Representations.

The application was advertised via a site notice, press notice and neighbour notification letters.

Final publicity date expired: 19th July 2024.

In response to publicity, one general comment was received, which raised the following:

- Concerned about the loss of light that the proposed extension at the rear will have on adjacent buildings that are being converted.

Officer Response: Noted. A full assessment of impacts to residential amenity will be set out within assessment section 3 of this report, entitled 'Impact on Residential Amenity'.

Consultation Responses.

KC Environmental Health (formal) – no objections to the application with the inclusion of conditions and footnotes regarding contaminated land and construction site working times.

KC Highways Development Management (formal) – the proposals are acceptable from a Highways perspective.

KC Conservation & Design (informal) – confirm that the amended plans have addressed any previous concerns and KC Conservation and Design

now support the proposals. (Note: recommended several conditions be attached to the associated Listed Building Consent application)

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 application site is Allocated within the Green Belt in the Kirklees Local Plan.

Butternab Farmhouse and Butternab Cottage, Grade II Listed buildings, are located adjacent to the site.

The application site is located within the Holme Valley Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats. A TPO area is located to the rear of the site.

The site is close to a former landfill site and a historic sandstone quarry and the barn itself may have been used to house farm machinery and farming associated chemicals.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP30 – Biodiversity & geodiversity
- LP31 – Strategic green infrastructure network
- LP32 – Landscape
- LP35 – Historic environment
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of local environmental quality
- LP53 – Contaminated and unstable land
- LP57 – The extension, alteration or replacement of existing buildings
- LP60 – Re-use and conversion of buildings

Supplementary Planning Documents (SPD):

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)

Other Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- 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

Assessment.

1) Principle of Development

Sustainable Development:

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

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

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The site measures around 410.27m³, however, this includes an area encompassing vehicular access arrangements to the site. Given the size of the site, it is not considered feasible for more than one dwelling to be provided within the red line. Furthermore, even if there was a possibility to provide more dwellings at the site, it would increase the potential for other material planning issues to arise, which could have a harmful impact, including on the openness of the Green Belt and highway safety. Therefore, in this instance, the density of development is considered to be appropriate.

In this instance, the site comprises of a plot, which currently hosts a barn. A more detailed assessment of the proposal’s design and its impacts on visual and residential amenity, highway safety and other relevant considerations, is undertaken in the following report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

Land Allocation (Green Belt):

The application site is located within the Green Belt. As such the proposal falls to be assessed against Chapter 13 of the NPPF.

Firstly, with regard to the conversion part of the proposal, this will be assessed against Chapter 13, paragraph 155(d) of the NPPF, which sets out:

“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. These are:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.”

Policy LP60 of the Kirklees Local Plan reiterates the first exception as stated above, by stipulating that the conversion or re-use of buildings in the Green Belt will normally be acceptable where:

“a) The building to be re-used or converted is of a permanent and substantial construction.

b) The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape.

c) The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting.”

Whilst paragraph 155(d) of the NPPF does not define ‘permanent and substantial’, officers accept that the barn under the assessment of this application can be considered as such, having been in place for a substantial period of time (shown on maps dated 1955) and constructed from stone. Based on the concluded permanent and substantial nature of the barn, officers consider that it is capable of conversion without significant levels of demolition and rebuild. The stone external walls will be retained and re-pointed and the roof is to be re-laid with artificial stone slates (considered to improve the structure from a visual amenity perspective).

Secondly, with regard to the proposed extensions, these are to be assessed under paragraph 154(c) of Chapter 13 of the NPPF, which states:

“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.”

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings. Noting 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'.

Officers have calculated that the existing barn structure has a volume of approximately 373.65m³.

The proposed single storey lean-to extension has been calculated to have a volume of approximately 42.4m³.

The proposed two-storey lean-to extension has been calculated to have a volume of approximately 113.70m³.

Therefore, cumulatively, the proposed extensions present a volume increase to the existing barn of approximately 41.8%.

Given the above calculations, it is not considered that the proposed extensions would result in disproportionate additions to the original barn structure. It is also noted that the proposed development would see the removal of single storey outbuildings and a shipping container, with the natural stone walled extensions more in keeping with the architectural form of the host barn and surrounding built structures.

In addition to the above, it is considered that weight can be afforded to the fact that permitted development rights can be removed, as a condition of any grant of permission. It is considered that this is a factor which weighs in favour of the development in this case. In the event that planning permission is approved, it is recommended that a condition to this effect be attached in order to ensure that any harm to the openness of the Greenbelt can be effectively managed.

The proposed development is therefore considered to fulfil the criteria of NPPF paragraphs 154(c) and 155(d) and Policies LP57 and LP60 of the Kirklees Local Plan.

1) Impact on Visual Amenity

Visual Amenity:

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

identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Policy LP11 of the Kirklees Local Plan requires that All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details*
- *Illustrating how landscape opportunities have been used and promote a responsive appropriate approach to the local context.”*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

In terms of the proposed layout of the site, this is somewhat dictated by the existing barn. Therefore, given that the proposals will not significantly change the existing arrangement of built form at the site, with the existing barn to be retained and converted and the extensions to replace some single storey outbuildings and a shipping container, the proposals are considered to accord with Principle 5 of the above SPD.

Principle 6 of the Housebuilders Design Guide SPD highlights that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.*

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

In this instance, the position of the proposed barn to be converted is dictated by its existing position, separated from the adjacent side wall of the neighbouring barn by approximately 0.5 metres, however, the proposed two-storey extension is to be separated from this adjacent side elevation by approximately 1.9 metres. It has been noted that there are no openings in the adjacent side elevation of the neighbouring barn, being converted into a dwelling under application 2022/93525.

Therefore, whilst the proposals don't adhere strictly to the recommendations of Paragraph 7.19 of the aforementioned SPD, based on the individual merits of the application and circumstances at the site, it is considered in this instance that the siting of the proposed dwelling is acceptable.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The proposed barn would be converted, with the stone external walls retained and the existing roofing form retained. Whilst officer's note that the submitted plans outline the use of artificial stone slates, given that the building is within the curtilage of a Listed Building, in the event that planning permission is approved, it is recommended that the use of natural stone slates for the roof be secured via condition. The proposed extensions would harmonise with the design of the host barn. Therefore, with the inclusion of a condition regarding the roofing materials, it is considered that the new dwelling under this application would reflect what currently exists at the site and thus also accord with Principles 13 and 15 of the above SPD.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The dwelling would have openings to all elevations. These openings would have stone surrounds and those to the front and rear elevations would have pinned back barn door features. It is considered that the proposed design of the openings would relate well to the original nature of the building as a barn and with residential development in the immediate vicinity.

An existing pedestrian and vehicular access route are via a shared surface driveway and will be retained. Proposed vehicle parking is designed down the west side of the property where a pre-existing farm track entry with gate will be utilised. The remainder of the rear courtyard will be utilised as garden space.

No details of boundary treatments have been provided as part of this application. Therefore, upon any grant of approval, it is considered reasonable to include a condition regarding the submission of boundary treatments.

In summary, with the inclusion of the aforementioned conditions, it is concluded that the proposed development would have an acceptable impact on visual amenity.

Historic Environment:

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'*.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 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."*

Policies within Chapter 16 of the NPPF are of relevance, this chapter initially sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 200 of the NPPF details that applicants must describe the significance of any heritage assets affected, including any contribution made by their setting and that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 206 of the NPPF details 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. In the event of such harm being considered substantial the justification would need to be exceptional / wholly exceptional if such harm relates to Grade II listed buildings or buildings, parks monuments, battlefields world heritage sites with a higher degree of protection.

The submitted Heritage Statement concludes the following:

- The proposal does not impact on the historical fabric of the existing barn building. The scheme has been designed to minimise these impacts where possible.
- The proposal has minimal impact upon the setting within the farmstead, or the wider character of it.
- Through traditional design, the proposal for the barn offers a modest and sympathetic solution, appropriate to the setting of the listed building.
- The proposal has minor impact on the street scene of the listed building. It offers opportunity to enhance the overall appearance of the heritage asset within the curtilage by improving the current state of repair.
- The scheme brings the dilapidated barn into beneficial use, offering a sustainable home which will safeguard the farmstead and listed building for the future.
- The proposal utilises the distinctive traditional features to respect and enhance the historic interest of the farmstead and adjacent listed building.

As part of the assessment and determination of this application, an informal consultation was undertaken with KC Conservation and Design. The Conservation and Design Officer concluded that, based on the amended plans, they can support the proposals.

As set out within the above visual amenity section, upon any grant of approval, the use of natural stone slates for the roof of the barn and extensions is recommended to be secured by condition, rather than the use of artificial stone slates as outlined on the submitted plans.

(Note: recommended several conditions be attached to the associated Listed Building Consent application)

Therefore, based on the above, the proposal is considered to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

2) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: *'Maintain appropriate distances between buildings'* and *'...minimise impact on residential amenity of future and neighbouring occupiers'*.

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

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Impact to Neighbouring Properties:

Butternab Farm Cottage was granted planning permission under application 2022/93525 for the erection of extensions and alterations to convert former agricultural buildings to form one detached dwelling. The site of application 2022/93525, neighbours the site under consideration to the east.

The position of the proposed barn to be converted is dictated by its existing position, separated from the adjacent side wall of the neighbouring barn / dwelling by approximately 0.5 metres. The two-storey lean-to extension proposed to the rear of the barn would be separated from this adjacent side elevation by approximately 1.9 metres. It has been noted that there are no openings in the adjacent side elevation of the neighbouring barn, being converted into a dwelling under application 2022/93525. Given that the built form of the proposed dwelling would be directly adjacent to a solid side elevation of the neighbouring barn / dwelling, it is not considered that the proposed conversion or extension would result in any significant impacts of undue overbearing, overshadowing or overlooking.

Furthermore, with regard to the proposed position of the garden to serve the new dwelling under this application, this too would be directly adjacent to the adjacent solid side elevation of the neighbouring barn / dwelling of Butternab Farm Cottage. Therefore, it is not considered that the position of the outdoor amenity space to serve the new dwelling would result in any undue impacts of overlooking. It is recommended that, upon any grant of approval, a condition be attached for the submission of a scheme detailing all boundary treatments.

It is considered that the proposed dwelling would retain a sufficient distance from the other residential properties within the immediate vicinity of the site as to prevent undue impacts of overlooking, overshadowing and overbearing.

Noise / Dust / Odour:

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development Policy LP52 of the Kirklees Local

Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

To protect the amenity of surrounding residents, upon any grant of approval, an informative note which restricts noisy construction related activities during construction works is recommended.

Amenity of Future Occupiers of the Proposed Dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

Internally, the proposed dwellings would have GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one form of glazing.

Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

In this case, the dwelling would have three bedrooms. It is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

In conclusion, with the inclusion of the aforementioned informative note, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

3) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways

grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the SPD states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management.

The Highways Officer made the following conclusions:

Site Access:

This application is for the erection of extensions and alterations to convert a former agricultural into a 3-bed dwelling with access from Butternab Road, a 30mph two-way single carriageway link road of approximately 7.4m width with a footway opposite and street lighting present.

The site is close to an almost 180-degree bend on Butternab Road and because of this visibility from the access is limited but also the expected road speeds would be considerably lower than the posted 30mph limit.

The site is approximately 655m from the closest bus stops and the closest shops and services are approximately 1.2km and the closest school approximately 1.6km from the site and these are beyond the recommended walking distances provided in guidance.

This would make the location of the site mostly unsustainable and so we would expect the dominant mode of transport to be by private car.

No trip generation details were provided with the application; however, it is not considered that a development of this size and type would generate sufficient additional traffic as to have a severe impact on the operation or efficiency of the local highway network.

The access to the site is along an unsurfaced shared private drive approximately 3.2m wide and this would be suitable for a single dwelling. It should be noted that there is a second access to the north of the one indicated within the red line and this may service the other dwellings opposite the application site.

The proposed dwelling would be the fifth dwelling accessed by this private drive and this would be acceptable.

Internal Layout:

Two car parking spaces are proposed adjacent to the proposed dwelling and vehicles using these parking spaces can turn on the private drive to enable them to enter and exit Butternab Road in forward gear.

Upon any grant of approval, a condition should be imposed regarding the surfacing and drainage of hard surfaced areas.

Waste Storage and Collection:

A bin storage area is shown on the plan.

A bin collection / presentation point should be shown located adjacent to the public highway. The bin collection / presentation point must not obstruct the adopted highway or the access road, details for waste storage requirements can be found in the document "Waste Storage and Collection Guidance for New Developments" which is available from waste.planning@kirklees.gov.uk. Or at <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>).

For these reasons, with the inclusion of the suggested condition, the proposed development is considered to comply with the requirements of LP21, LP22 and LP24 part d(vi) and LP43 of the Kirklees Local Plan and the Kirklees Highway Design Guide SPD.

4) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy."*

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, given the requirement in relation to building regulations.

Biodiversity / Ecology:

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 9 of the Housebuilders Design Guide SPD states that *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.”*

The application site is located within an area with a known presence of bats. Given that the existing roof of the barn is constructed from corrugated sheets rather than tiles, it is considered unlikely that roosting bats would be present. Therefore, in this instance, officers did not consider it necessary for a full assessment of bats to be undertaken.

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

Upon any grant of approval, a condition shall be imposed to allow for biodiversity net gain at the site and continuity of opportunities within the bat layer. Subject to the inclusion of such a condition, the proposal is considered to meet the requirements of the aforementioned policies.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The submitted application form sets out that the application is exempt from Biodiversity Net Gain under the de-minimus exemption, stating that the proposed development does not impact on a priority habitat and impacts on less than 25 square metres of on-site habitat linear habitats such as hedgerows and therefore the proposed development falls below the threshold for BNG.

Officers can see no reason to query the explanation as set out within the application form, with the proposal for the conversion of the existing barn and the proposed extensions to be built in place of existing out buildings and a shipping container.

Therefore, overall, the development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements

(Exemptions) Regulations 2024 and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

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 application form confirms that there are no trees or hedges on the proposed development site and that there are no trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character.

As such, given that the proposal would not result in the loss of any existing trees or hedgerows at the application site, it is not considered that the proposal would have a significant impact upon the Strategic Green Infrastructure Network.

Trees:

Policy LP33 of the Kirklees Local Plan sets out that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

A Tree Preservation Order (TPO) area is located to the rear of the site, which is also classed as Ancient Woodland. In the case of new buildings, it is considered good practice to allow a 15 standoff between development and ancient woodland. As the proposals are to convert a former barn to a dwelling, with the single storey lean-to extension set no closer to the woodland than existing built form and the two-storey lean to extension to replace existing outbuildings, it is considered that any direct impacts would be insignificant.

Whilst the proximity of the proposed dwelling could also be of concern, the TPO which protects the woodland will enable the Council to maintain an element of control over what Arboricultural management is carried out in the future.

Therefore, overall, given the existing structures and land use, it is unlikely that any excavation works to secure new footings would raise significant concern.

In addition, the site boundary will act as a barrier to prevent accidental damage or incursion into the woodland, and as no condition could be applied beyond the ownership of the applicant, an Arboricultural method statement for tree protection measures is not requested in this instance.

For the reasons above, the proposal is thereby considered to accord with the aims of Policy LP33 of the Kirklees Local Plan.

Contaminated Land:

Policy LP28 seeks to ensure development has an acceptable impact, having regard to surface water drainage. Policy LP53 of the Kirklees Local Plan and paragraphs 186 and 195 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is close to a former landfill site and a historic sandstone quarry, which may have been infilled. The barn itself may have been used to house farm machinery and farming associated chemicals.

Therefore, upon formal consultation with KC Environmental Health, it was recommended that upon any grant of approval, conditions be imposed regarding contaminated land.

With the inclusion of such conditions, the application is considered to accord with Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the NPPF.

Air Quality:

Government guidance on air quality mitigation outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24, LP26 and LP51 and the West Yorkshire Low Emissions Strategy Planning Guidance seek to mitigate Air Quality harm.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition. However, upon any grant of approval, an advisory footnote for electric vehicle charging points would be included.

PROW:

Public Footpath HUD/212/10 runs adjacent to the site.

Given that the proposed development does not prejudice the function, continuity or implementation of footpath HUD/212/10 as a walking or cycling network, the proposal is considered to appropriately comply with Policy LP23 of the Kirklees Local Plan.

5) 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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2024/91612

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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, LP3, LP11, LP20, LP21, LP22, LP23, LP24, LP30, LP31, LP32, LP35, LP43, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18 & 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

2. Any external works to the external walls of the barn shall be carried out in natural stone to match existing and, notwithstanding the submitted details on plan, the roof of the barn shall be infilled with natural stone slate. These materials shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. The external walls of the extensions hereby approved shall be faced in natural stone to match existing and, notwithstanding the submitted details on plan, the roofs of the extensions shall be infilled with natural stone slate. These materials shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D or E of Part 1 and / or class A of Part 2 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.
Reason: To ensure that no incongruous or discordant additions can be made in the interests of the Green Belt and visual amenity. This would be in accordance with Policies LP24 and LP60 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and

Principle 2 of the Housebuilders Design Guide Supplementary Planning Document.

5. The development hereby approved shall not be brought into use until a scheme detailing all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the height, location and construction of all boundary treatment. The boundary treatments approved by this condition shall be completed prior to the development being brought into use and retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan and policies within Chapters 12 of the National Planning Policy Framework.
6. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians within the curtilage of the dwelling has been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. Should permeable or porous surfacing be intended to be used, no dwelling house shall be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians for that dwelling house has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
7. The dwelling hereby approved shall not be occupied until one bat box has been incorporated. The box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light and at least 5 metres above ground. Once installed, the bat box shall thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 12 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.
8. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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.

NOTE:

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy (WYLES) Group.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Barn Location Plan	LOC	-	06.06.24
Proposed Site Plan	(100)03	B	14.10.24
Existing Plans, Site Plan and Elevations	(100)01	-	06.06.24
Proposed Plans and Elevations	(100)02	B	14.10.24
Climate Change Statement	-	-	06.06.24
Planning Statement by Acument Designers & Architects	2907	-	06.06.24
Planning, Heritage Statement by Acument Designers & Architects	2907	-	22.08.24

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 Planning 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.

Negotiations took place between the case officer, Council's Conservation & Design Officer and the planning agent. These negotiations resulted in the submission of amended plans, with the overall determination of this application based on the latest proposed plans, submitted 14th October 2024.

Report Dated: 05.11.24

