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:	**2024/62/91723/W**
Site Address:	Windmill Farm, Windmill Lane, Cumberworth, Huddersfield, HD8 8YD
Description:	Erection of pergola
Recommending Officer:	Lucy Taylor

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Aug-2024

Officer Report.

Reference: 2024/91723

Location: Windmill Farm, Windmill Lane, Cumberworth, Huddersfield, HD8 8YD

Proposal: Erection of pergola

Site Description.

Windmill Farm is a two-storey detached dwelling located in Cumberworth, Huddersfield. The external walls of the property are faced in stone, with tiled pitched roofing forms above. The property benefits from a substantial extent of garden amenity space to the east and south of the dwelling. On-site parking amenity space is available to the west of the dwelling.

The site is located within the Green Belt.

Description of Proposal.

Planning permission is sought for the erection of a pergola.

The proposed pergola would be sited to the south of the dwelling and would have the following dimensions:

- North and south elevations – 4 metres
- East and west elevations – 5.8 metres
- Maximum height – 3 metres

The pergola would have a Pergolux frame, with glazed panels in each elevation.

History of Negotiations / Amendments Received.

In this instance, the case officer did not enter into negotiations with the planning agent or applicant, given the reasons for refusal as set out within this report and the decision notice, and that it was not considered that these reasons could be overcome via the submission of amendments.

Relevant Planning History.

- 88/02286 – Conversion of barn to form extension to dwelling. *Granted.*

- 2003/91164 – Erection of two storey and single storey extensions. *Granted.*

Representations.

The application was advertised via neighbour notification letters.

Final publicity date expired: 8th August 2024.

No representations were received.

Whilst officer's note the presence of a Listed ward boundary post to the north of the site, it was not deemed necessary to advertise the application via site or press notice as a result of this, given that it is not considered that the proposed pergola to the south of the dwelling would affect its setting.

Consultation Responses.

Holme Valley Parish Council – oppose, the structure is inappropriate development in the Green Belt.

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) and Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within the Green Belt.

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Whilst officer's note the presence of a Listed ward boundary post to the north of the site, it is not deemed necessary for any further assessments to be carried out regarding this, as the proposed pergola to the south of the dwelling is not considered to affect its heritage significance.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety and Access
- LP22 – Parking
- LP24 – Design
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)

- House Extensions and Alterations SPD:

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

Holme Valley Neighbourhood Plan:

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

Policy 1 - Protecting and Enhancing the Landscape Character of Holme Valley: *"Overall, proposals should aim to make a positive contribution to the quality of the natural environment."*

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design: *"Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings" and [proposals] "should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets…"*

Policy 6 – Buildings Homes for the Future: Sets out certain requirements for building residential development in the Holme Valley.

Policy 11 – Improving Transport, Accessibility and Local Infrastructure: *"New development…should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design."*

Policy 12 – Protecting Sustainability: *"All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions."*

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain: *"All development proposals should demonstrate how biodiversity will be protected and enhanced."*

It is important to note that the application site is within Landscape Character Area 3 – Hade Edge Upland Pastures. Key landscape characteristics of this area are:

- the open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way follows lanes or field boundaries. Minor roads and Public Rights of Way, including sections of the

Kirklees Way and the Barnsley Boundary Walk long distance footpaths, connect farmsteads located on the valley sides. National Cycles Route no. 68 also passes through this area.

Key built characteristics of the area include:

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.
- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

<u>Assessment.</u>

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

<u>Sustainable Development:</u>

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

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

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

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

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

Green Belt:

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

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

Paragraph 155 of the NPPF sets out further other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 155(b) is engineering operations.

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration 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;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, 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."

The Council's GIS mapping data and the planning history highlight that the site has been significantly extended since the grant of planning permission for the erection of two storey and single storey extensions in 2003 (2003/91164).

Officers have calculated that, what is interpreted to be original built form, presents a total volume of approximately 615m^3.

Officers have calculated that the previous proposal under application 2003/91164, and the subsequent built form of the extensions, presents a total volume of approximately 376m^3. In turn, presenting a percentage increase of approximately 61% to the original built form.

It has been calculated that the proposed pergola under this application would present a total volume of approximately 61.8m^3 and a further percentage increase of approximately 10%, taking the total percentage increase to the original built form to 71%.

Therefore, as a result of the extensions set out above, the size of the original building has already been significantly increased. Therefore, any further extensions to the property amount to a disproportionate addition over and above the size of the original building.

As well as the above assessment, the impact on openness needs to be considered. The proposed structure would be located to the southern elevation of the dwelling, within the garden amenity space of Windmill Farm. It is considered that, in this instance, the proposed pergola would lead to an adverse impact on the spatial and visual openness of the Green Belt, over and above that of the original dwelling. The pergola would be visible from public vantage points, especially on the approach from Hey Slack Lane towards Windmill Lane, with this highway having an upwards sloping topography and the siting of the pergola to be at the top of the topographical land level of the highway. In addition, the pergola would be enclosed to all elevations by glazed panels, resulting in the structure appearing as a more permanent structure. Resultantly, it is considered that the pergola would lead to an adverse impact on the spatial and visual openness of the Green Belt over and above that of the original building. The increase in built form over and above the extent of the original dwelling impacted, is considered to be harmful.

As addressed above, 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 statement does not define any ‘very special circumstances’ in this instance. Whilst officers acknowledge the comments in the statement regarding the location of the pergola within the domestic curtilage of the site, it is evident that the development as proposed would nonetheless increase the footprint and volume of the original building to an extent that it would be disproportionate to this building, contrary to paragraph 154(c) of the NPPF.

As such, in this instance, no very special circumstances have been put forward to be considered to outweigh the harm of the development and subsequently justify approval of the scheme whereby the proposed pergola would result in disproportionate additions to the original building which constitutes inappropriate development.

In conclusion, on the basis of historical mapping data and the planning history at the site, the proposal would constitute inappropriate development in the Green Belt and therefore, by definition would harm the openness, character and setting of the Green Belt.

To permit the development as proposed would conflict with the aims of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF. In this case, very special circumstances have not been demonstrated so as to justify the proposal with regard to paragraph 153 of the NPPF. Thus, the development as proposed could not be supported from a Green Belt perspective.

1) **Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states: *"The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -
- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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

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.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been

informed by the key characteristics of the Local Character Assessment (LCA), Hade Edge Upland Pastures (LCA3).

Policy 2 of the HVNDP states that "*proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings"* and [proposals] *"should protect and enhance local built character and distinctiveness…"*

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

- Key Design Principle 1: Local Character and Street Scene - *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: Impact on the Original House - *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 detail.*

In this instance, the proposed pergola would be located to the south of the dwelling, within the rear garden amenity space at Windmill Farm. Whilst the overall size/scale and height of the proposed pergola would be subservient to the existing extent of built form at the site, the structure is not considered to be in keeping with the architectural style of built form at the site or the character of the wider area. The existing dwelling and outbuildings at Windmill Farm are of a traditional agricultural design, constructed from stone and wooden cladding. The other buildings within the immediate vicinity of the site also share this agricultural style vernacular.

Furthermore, the pergola would appear as a permanent and stand alone feature within the garden of Windmill Farm. The pergola would be visible from public vantage points, especially on the approach from Hey Slack Lane towards Windmill Lane, with this highway having an upwards sloping topography and the siting of the pergola to be at the top of the topographical land level of the highway. In addition, the pergola would be enclosed to all elevations by glazed panels, resulting in the structure appearing as a much more permanent development.

It is therefore considered that the proposal would not be in keeping with the host property of character of the wider area and given its prominent siting within the site, would cause detriment to the open setting within which it would be sited. It is therefore considered that the pergola would not be an in keeping addition to the property and wider locality. The proposed development is therefore not considered to comply with the Policies within Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions SDP.

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.

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

In accordance with Key Design Principle 7 of the House Extensions and Alterations SPD, it is considered that an appropriate extent of outdoor amenity space would be retained at Windmill Farm.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties'.*

In terms of the impact of the works on neighbouring dwellings, given the siting of the pergola and its distance from the nearest neighbouring properties, it is not considered that it's development would cause undue harm to residential amenity and would therefore comply with the aforementioned policies.

3) **Impact on Highway Safety**

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

Policy 11 of the Holme Valley Neighbourhood Development Plan states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

The proposed pergola would not result in any alterations to existing access to and from the property in conjunction with the highway, nor would it result in alterations to existing parking arrangements at the site or parking demand.

Therefore, the proposals are concluded to comply with LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Principles 15 of the House Extensions and Alterations SPD.

4) **Other Matters**

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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

As part of this application, a climate change statement was submitted. Whilst the climate change statement concluded that no climate change mitigation measures would be incorporated, in this instance, due to the limited nature of the proposed development, it is not considered that specific mitigation measures are required to faciliate this development.

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 material considerations. It is considered that the development proposals do not accord with the development plan and 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 considerations.

Recommendation: Refuse

Decision Authorisation – Delegated Powers
Application Number: 2024/91723
Officer Recommendation: Refuse

<u>Reasons for Refusal.</u>

1. The proposed development, by virtue of its scale when combined with the extensions previously approved, would amount to a disproportionate addition over and above the size of the original building in the Green Belt. As such, it would constitute inappropriate development, which is by definition, harmful to the Green Belt and very special circumstances have not been clearly demonstrated to outweigh that harm. To permit the proposal would be contrary to Policy LP57 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

1. The size, scale, design and siting of the pergola would not harmonise with the existing dwelling or the wider character and appearance of the area, contrary to Policies LP24 and LP57 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	(LOC)	-	18.06.24

Existing Elevations and Site Plan	(100)01	-	18.06.24
Proposed Elevations and Site Plan	(100)02	-	18.06.24
Climate Change Statement	-	-	18.06.24
Covering Letter / Statement by Acumen Designers & Architects	-	-	28.06.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a 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. In this instance, the case officer did not enter into negotiations with the planning agent or applicant, given the reasons for refusal as set out within this report and the decision notice, and that it was not considered that these reasons could be overcome via the submission of amendments.

Report Dated: 09.08.24