

**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>2024/62/91732/E</b>
Site Address:	The Mansion Storthes Hall, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR
Description:	Erection of black metal fencing to the south and three 5m poles around the walled garden for the installation of CCTV cameras (Listed Building)
Recommending Officer:	Edward Cheseldine

**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:** 29-AUG-2024

## **Officer Report**

2024/91732 - The Mansion Storthes Hall, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR

### **Application Site**

The application site is a Grade II Listed manor house and its generous curtilage which includes a walled garden. In terms of topography, the manor building rests at the top of a hill landform. It has views over an outdoor lawned area, which falls steeply to the walled garden and land below. Sections of the lawned garden to the south-west have been fenced with agricultural metal railings.

The site is relatively isolated with access being from Storthes Hall Lane by a winding single track. Black metal poles used for lighting and CCTV are positioned along the access up to the manor.

### **Proposal Description**

The application is seeking planning permission for the erection of black metal fencing to the south and three 5m poles around the walled garden for the installation of CCTV cameras (Listed Building).

Example illustrations of the style of fencing and poles have been provided as part of the application information.

The fencing will be installed adjacent to a sunken wall (ha-ha) at the edge of the lawned garden. Three CCTV poles will be placed on corners of the walled garden.

### **Public Representations**

The application was advertised by a site notice, press advertisement and neighbourhood notification letters;

Site Notice Expiry date: 16-Aug-2024

Press Notice Expiry date: 16-Aug-2024

Neighbourhood letters expiry date: 16-Aug-2024

As a result of the publicity, there were no representations.

## **Consultation Responses**

KC Conservation & Design – Support the application, on the proviso that the installation of the fencing is not fixed to the retaining wall, which the plans indicate.

KC Trees – No objection, subject to conditions relating to hand dig methods.

## **Relevant Planning History**

No relevant history.

## **Amendments/Negotiations**

None.

## **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 within designated 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 21 – Parking
- LP 22 – Highway Safety
- LP 24 – Design
- LP 33 - Trees
- LP 35 – Historic environment
- LP 57 – Extensions and alterations 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 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
- Chapter 16 – Conserving and enhancing the historic environment

#### Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

#### **Assessment**

- 1) Principle of development
  - a) Historic Environment
  - b) Green Belt
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

#### Principle of development:

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for

development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The style of fencing is already present on site, within the location of the lawned area. It appears rural in style and is suitable for the setting of the listed building.

In terms of the placement of poles with CCTV, they are dipped in black paint, with the heads of cameras appearing small and unobtrusive. The suggested materials respect the setting of the listed building.

Paragraph 205 of the NPPF states that:

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

Paragraph 207 goes on to state that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

The placement of the proposed fencing and poles will not cause harm to the setting of the listed building. They are placed away from sensitive areas. Fixings will not be attached to the historic fabric and the apparatus can be removed in the future which will protect the views from the Manor House towards a significant outlook.

The application is accompanied by a Heritage Statement which meets the requirements of the NPPF in describing the significance of the heritage asset and further assessing the works required in the context of its location and heritage merit. The assessment extends to discuss the physical and visual impacts and measures taken to maximise enhancement and minimise harm.

*Green Belt*

Storthes Manor is located in Green Belt land designated under the Kirklees Local Plan.

Development is by definition, harmful to the Green Belt and should not be approved unless the development falls under exceptions listed within the NPPF or except under very special circumstances (Chapter 13 of the NPPF).

In this case, the proposal is for metal railing fencing to be erected and three CCTV poles. The type of proposed apparatus is already present on the site, with the application proposing additional placement and extension of on-site functions. The apparatus is not considered to conflict with the purpose and characteristics of the Green Belt, that being openness and its rural character.

The application statement details that the metal railing fencing will be to protect residents, especially younger children from the drop at the end of the lawn that is formed due to the existing ha-ha. Following an officer site visit it is considered that, in the interest of the safety of user of the lawn garden, the installation of the railing is appropriate. There would be minimal intervention from the erection of the railing, which appears rural in style and not uncommon within the Green Belt.

In terms of the CCTV cameras and poles, the applicant outlined that their installation will provide the ability to manage the site more effectively. Considering the land holdings and formation of the topography, the walled garden is relatively hidden from dwellings, with a separation distance of ~150.00m. The perimeter of the site is considerable and the monitoring of the walled garden by the use of remote-controlled CCTV is considered to be a reasonable measure to provide security to the Grade II listed building and land within its curtilage. The poles themselves appear similar to streetlighting and do not appear utilitarian given the size of the camera heads and their spacing.

For these reasons the proposal would not cause harm to openness and rural appearance of the Green Belt and the very special circumstances that have been provided clearly outweigh any harm that could be created.

The proposal therefore accords with Chapters 13 & 16 of the NPPF, as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on visual amenity

LP 24 of the Kirklees Local Plan regards design, 'Proposals should promote good design by ensuring:

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

### *Metal Railings*

The metal railings form an enclosure around a residential garden area which is considered to be one of the most impressive sections of the garden space due to its vista towards the open fields and tree line. The metal railings will appear lightweight due to the spacing of the bars and posts and are dipped in black paint which will blend in with views. They have a distinctive rural appearance and are commonplace in settings of large landholdings.

### *CCTV Cameras & Poles*

Three poles will be erected at sections surrounding the walled garden. They will be 5m in height, dipped in black paint, with cameras that have a lightweight appearance. In consideration of visual amenity, the poles are already present on site and do not detract from the setting of the heritage asset. They are well placed throughout the site and do not appear cluttered due to their spacing. Black paint is considered to be sympathetic to the setting of the listed appearance as it will blend closely with the shaded trees.

The proposal is compliant with Policy LP24 & LP35 of the Kirklees Local Plan

### Impact on residential amenity

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.

Given the distance between the habitable dwelling, the cameras are not considered to intrude on privacy currently enjoyed by neighbouring occupants.

### Impact on Highway Safety

Policy LP 21 & LP 22 regard impact to highway safety. The monument will serve as a structure of local interest. It is not considered the interest of such a structure will increase the amount of traffic to the detriment of road safety.

Due to nature of the of apparatus to be installed, there will be no impact on highway safety.

### Environmental Matters

## *Trees*

There are protected and mature trees in close proximity to the installed railings and CCTV poles. In order to protect the trees, in the event that planning permission is approved, it is recommended that a condition be attached that hand tool or air spade techniques are used when required to digging of apparatus or electrical wiring falls under tree coverage.

## **Conclusion**

This application for the erection of a railings and CCTV Poles has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given its acceptability in terms of the impact to the historic environment, the Green Belt, visual amenity and residential amenity, the proposal is acceptable.

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 constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. Notwithstanding approved drawings SH00 - P002 & C203256S, the height, colour, post spacing, rail spacing and width should be identical in appearance to the adjacent railings at the south-west section of the lawned garden.

**Reason:** In the interests of the historic environment and visual amenity and to comply with Policy LP24 & LP35 of the Kirklees Local Plan and Chapter 12 & 16 of the National Planning Policy Framework.

3. All earthworks for the construction of the hereby approved railing and poles shall take place using hand tool techniques or air spade type machinery. No mechanical methods shall be permitted when digging under the coverage of trees. This includes digging for the installation of associated electric wiring.

**Reason:** To protect the viability of the protected & mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

4. If during the construction phase of the development, roots that are over 1cm in diameter are uncovered then the location of the hereby approved railings and poles can be moved to the nearest suitable immediate location. Earthworks shall be overseen by a qualified arboriculturist at all times. Roots that are less than 1cm in diameter may be pruned by secateurs.

**Reason:** To protect the viability of the protected & mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and 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	SH00- E001A	A	18 June 2024
Block plan	SH00 - P001	-	18 June 2024
Proposed site / block layout	-	-	18 June 2024
Proposed elevations	SH00- P002	-	18 June 2024
Fence elevations	C203256S	-	18 June 2024
Ownership diagram	SH00 - E001	-	18 June 2024
Design and Access Statement	SH01- A	A	18 June 2024
Gen 01 – Camera Technical	-	-	18 June 2024
Gen 01 – Camera Technical (b)	-	-	18 June 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. No amendments were sought.

