

**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:	2024/62/92073/E
Site Address:	Dam Head Farm, Dam Head Lane, Lepton, Huddersfield, HD8 0NT
Description:	Conversion of stables/garage and alterations to create dwelling forming annex accommodation associated with Dam Head Farm, Dam Head Lane, Lepton, Huddersfield, HD8 0NT
Recommending Officer:	Nicole Helliwell

DECISION – Conditional Full 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04 November 2024

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Officer Report

Reference No. 2024/62/92073/E

Site Address: Dam Head Farm, Dam Head Lane, Lepton, Huddersfield, HD8 0NT

Proposal: Conversion of stables/garage and alterations to create dwelling forming annex accommodation associated with Dam Head Farm, Dam Head Lane, Lepton, Huddersfield, HD8 0NT

Site Description

The application relates to Dam Head Farm, a two storey detached property located on Green Belt Land in Lepton, Huddersfield. The dwelling is faced in natural stone and incorporates a dual-pitched roof finished in slate. The site is not within a conservation area, nor are there any listed buildings within close proximity. However, it is noted that a Public Right of Way (KIR/27/10) is located along the eastern boundary of the site.

Description of Proposal

The application seeks planning permission for alterations to form annex accommodation associated with Dam Head Farm. The details of the proposal are summarised below:

- Replace the existing timber door within the east elevation with a glazed door
- Installation of velux windows within the east and west facing roof planes
- Alterations to fenestration within the north, west and south elevations
- Several of the existing openings would be infilled with stone to match the original build
- A new canopy will be erected over the utility door

History of Negotiations/Amendments Received

No amendments have been sought or received during the course of the application.

Relevant Planning History

- **2002/93011:** Erection of replacement workshop, tractor and implement shed. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2000/90699:** Erection of extensions and alterations to existing outbuilding to form garage and stables. [Planning application details | Kirklees Council](#) - Conditional Full Permission

- **95/92872:** Re-use of existing barn and extension to form dwelling.
Planning application details | Kirklees Council – Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 22nd October 2024. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Kirkburton Parish Council – No comment received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Highways Development Management – No objection

KC Environmental Health – No objection subject to recommended condition

The Coal Authority – No objection

National Grid – No objection

Policy

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

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 60** - The Re-use and Conversion of Buildings

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:

- House Extensions and Alterations SPD (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 12** - Achieving Well-Designed 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

Assessment

1. Principle of development

Impact on the Green Belt

The application site is located within the designated Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP60 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

Policy LP60 of the Kirklees Local Plan states that *proposals for 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, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
- c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety*

The application site relates to Dam Head Farm, a residential dwelling located off Dam Head Lane. In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. The proposal seeks planning permission for alterations to the existing building to form annex accommodation. The proposed alterations comprise mainly internal alterations, with minor external alterations to the fenestration and openings. Given that no extensions are proposed to the building and that its overall size/scale will remain as existing, the proposal is considered to appropriately accord with Policy LP60 of the Kirklees Local Plan.

On this basis, it is considered that the proposed development would preserve openness and would constitute appropriate development in the Green Belt in accordance with Policy LP60 of the Kirklees Local Plan and the guidance contained within Chapter 13 of the NPPF.

1. Impact on Visual Amenity

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that 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. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Part c of Policy LP 60 states that *“the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety”*.

Alterations to Fenestration

It is noted that new windows would be installed within the north, west and south elevations of the building and several of the existing openings would be infilled in stone to match the appearance of the original build. Furthermore, the existing timber door within the eastern elevation of the structure would be replaced with a glazed door. Given that the fenestration would be appropriately designed, it is considered that the proposed alterations would not have any significant visual impact on the character and appearance of the host property and surrounding area.

Canopy

The proposed canopy would extend approximately 1m from the western elevation of the building. The structure would have a modest scale and would appear subservient to the original build. Furthermore, the canopy would not appear overly prominent from public vantage points. Therefore, it is considered that the proposed development would be acceptable in terms of visual amenity.

Velux Windows

The submitted plans confirm that velux windows would be installed within the east and west facing roof planes of the building. Given that the roof lights proposed would be of an appropriate design and scale, they are considered to respect the appearance and character of the host property and surrounding area.

External Areas

The surface around the building is already hard surfaced and as such no change to the character of the site would occur as a result of the proposals.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies LP24 and LP60 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on

overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on Lodge Mill Farm

The submitted plans confirm that the host dwelling is situated in an isolated location with the nearest residential property (Lodge Mill Farm) located approximately 171m away from the proposed development. Given that the separation distance retained would be substantial, it is considered that there would be no significant harm to the neighbour's residential amenity with regards to overbearing, overshadowing or overlooking impact.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions and Alterations SPD and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 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.

The proposal would introduce annex accommodation to the property, which would include two bedrooms. However, the existing access and internal vehicle turning arrangements are unchanged by these proposals and ample space is retained for off-street parking. As such, KC Highways Development Management have no objection to these proposals. Therefore, the proposed development would be acceptable in terms of highway safety and would accord with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways 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 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Contaminated Land

The site of the proposed development is not shown to be on potentially contaminated land; however, part of the access road is situated in an area described on our mapping as high risk area due to coal. Whilst KC Environmental Health have no objections to permission being granted, groundworks may be required and a watching brief should be maintained. As such, Officers recommend a condition relating to unexpected contamination.

Coal Mining Legacy

The Coal Authority records indicate that the northern part of the access to the site along Dam Head Lane lies in an area where coal mining is recorded to have taken place at shallow depth and where further historic unrecorded shallow coal mining is also likely to have occurred. This coal mining legacy can pose a risk of ground instability and may give rise to the emission of mine gases. The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application. However, in this instance the part of the site where development is proposed is within the Development Low Risk Area. Therefore, the Coal Authority does not consider that a Coal Mining Risk Assessment is required to support the proposal and Officers do not object to this planning application.

Biodiversity

Whilst the site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Public Right of Way

Public Right of Way KIR/27/10 is located along the eastern boundary of the application site. Given the distance retained between the proposed development and the footpath, it is considered that the proposal would not have a significant impact on the amenity of the footpath or its users. As such, the proposal was not advertised as affecting a Public Right of Way in this instance as is considered to accord with Policy LP23 of the Kirklees Local Plan.

Use of the Annex

A condition will be imposed restricting the annex accommodation from being sold, leased, rented or used as an independent dwelling unit or let out as holiday accommodation in accordance with the aims of Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Conclusion

This application for the conversion of stables/garage and alterations to create dwelling forming annex accommodation associated with Dam Head Farm 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 the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered 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. 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

Decision Authorisation - Delegated Powers

Application Number: 2024/92073

Officer 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.

2. 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 Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP52, LP53 and LP60 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The alterations hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

4. The annex accommodation hereby approved shall be used solely as ancillary accommodation to the existing dwellinghouse known as Dam Head Farm, Dam Head Lane, Lepton, Huddersfield, HD8 0NT and shall not be sold, leased, rented or used as an independent dwelling unit or let out as holiday accommodation.

Reason: To ensure that the annex is used solely as ancillary accommodation to the main dwellinghouse in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a

Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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: 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.

NOTE: The development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Existing Plans and Location Plan	DHF/P01	-	09/09/2024
Proposed Floor Plans	DHF/P02	-	09/09/2024
Proposed Elevations & Sections	DHF/P03	-	09/09/2024
Climate Change Statement	-	-	09/09/2024

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 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 case, the design of the original scheme has been found acceptable. No further amendments were sought thereafter.

Report Dated: 30/10/2024