

**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>2024/62/92315/E</b>
Site Address:	5, Hand Bank Lane, Lower Hopton, Mirfield, WF14 8EX
Description:	Alterations and refurbishment of one dwelling to form two dwellings
Recommending Officer:	Elenya Jackson

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 22-Oct-24**

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## **Officer Report**

### **Site Description**

The application site refers to 5 Hand Bank Lane which is a two-storey end terrace dwelling in the ward of Mirfield. The property is part of a small collection of properties on Hand Bank Lane which is an unadopted Road off Hopton Lane.

The property is therefore set back from the road by over 200m.

The site is located within the Green Belt and the immediate vicinity consists of a mix of residential terraced properties of a similar age and design, a stable and other larger properties. The majority of these have maintained their original form.

### **Description of Proposal**

The application is seeking planning permission for the subdivision of a single dwelling to form two separate dwellings. This application is retrospective.

The single dwelling (5-6 Hand Bank Lane) was originally built as two separate dwellings, therefore the application seeks to bring the houses back to their original form. This will involve both dwellings consisting of two bedrooms and a bathroom on the first floor and a kitchen and living area on the ground floor.

The proposal will make no alterations to the external appearance of the building.

### **Relevant Planning History**

No relevant planning history on site.

### **History of Negotiations**

Officers requested confirmation of the internal footprint of the dwellings and an indication of parking layout on site.

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015). The application has been publicised by neighbour notification letters, which expired on 14<sup>th</sup> October 2024.

No representations were received.

## **Consultation Responses**

Informal consultation with KC Highways: officers in KC Highways requested confirmation that there was parking provision on site.

## **Allocation and 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 Green Belt.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

### *Kirklees Local Plan*

- 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 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land
- LP57 – Replacement alteration or extension of existing building

### *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, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient 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, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

### *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)  
Housebuilders Design Guide SPD (adopted June 2021)

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
  1. Impact upon the character and appearance of the area
  2. Impact upon residential amenity
  3. Impact upon highway safety
  4. Climate Change
  5. Other matters
  6. Representations
  7. Conclusion

### **1 – Principle of Development**

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development.

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."

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Having visited the site, officers are of the opinion that the site is within a residential strip of development and would be utilising an existing structure on site. As such, the proposal would be seen in principle meeting the requirements of Policies LP1 of the Local Plan and Chapters 2, 5 and 9 of the NPPF in this regard.

However, the site is also located within the Green Belt and this must also be taken into consideration.

### Green Belt

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so

as to amount to the very special circumstances necessary to justify development

### Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'.

The construction of new buildings is regarded as inappropriate development in the Green Belt. However, within paragraph 154, one of the exceptions to this is 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.

Following on from this, an assessment is therefore required as to whether the proposal would preserve the openness of the Green Belt.

LP57 of the Kirklees Local Plan provides some parameters for the alteration of an existing building and states 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.

As previously highlighted, the proposal does not propose any external alterations and would not create any increased volume in the Green Belt.

It is therefore considered that the proposal would constitute appropriate development in the Green Belt with respect to Chapter 13 of the NPPF. But in summary it is considered that the proposed development, subject to conditions, would be of appropriate design and could be accommodated without detriment landscape quality, residential amenity or highway safety. The development is therefore considered to be in accordance with Policy LP57 of the Kirklees Local Plan.

## **2 – Impact on 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.

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'*

Local Plan Policies LP1, LP2 and most importantly LP24, are all 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.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

In terms of visual amenity, the proposed development would reinstate the original layout of the site and there would be no external changes to the host building itself

This would have the positive effect of appearing in- keeping with the local character of the area. In turn, the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan, Chapter 12 in the NPPF and Principles within the Housebuilders Design Guide SPD.

### **3. Impact on Residential Amenity**

Sections B and C of LP24 states that alterations to existing buildings should:

*"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighboring 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 users.

The change of use from one dwelling into two is not considered to have any significant impacts to any neighbouring properties, whereby cumulatively, the two dwellings have no additional bedrooms to the existing dwelling, proposing four bedrooms in total. In turn, the change of use is not likely to give rise to a significant increase in noise pollution.

With regard to future occupiers Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Principle 16 states *'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations. The provision of homes that meet these standards*

*should be considered within the housing mix of the wider site in line with Local Plan policy LP11'*

Occupants must have sufficient space within their homes to be able to carry out day to day activities, and where homes are accessible and adaptable they are able to meet the changing needs of occupants over time. The government's Nationally Described Space Standards deals with internal space within new dwellings across all tenures.

The plans provided show three levels to the property; however, a cellar would not be considered habitable accommodation and there is not a spatial recommendation for a three storey two bedroom house.

National space standards require the following gross internal floor area for a two bed two storey dwelling:

- 2 Bedroom, 3-person dwelling set over 2 storey's- 70 square metres
- 2 Bedroom, 4-person dwelling set over 2 storeys- 79 square metres

The proposed floor plans show the proposal would have two bed spaces and therefore is required to have an internal floor space of 70m<sup>2</sup>. As a 'new dwelling' the development would fail to meet the Space Standards set out.

In this instance it is difficult to apply the space standards strictly and retrofit the current space standards. The original development was constructed as two individual properties and considered to provide adequate accommodation. The site sits within a row of similar properties of terraced dwellings of similar scale. The lounge/kitchen is shown as open plan and has adequate lighting as a consequence. The first floor provides two bedrooms and a bathroom but it is not clear how many persons would be accommodated. It is assumed to be a double room with a very small single. The sizes are existing and as such it would be unreasonable to retrospectively apply the space standards. Material weight is afforded to the previous use as residential and is, on balance, acceptable.

With regard to Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that:

*"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

It is considered that an appropriate extent of outdoor amenity space would be retained to serve two dwellings which is in character with the rest of the dwellings on the street.

The proposal is not considered to result in any adverse impacts upon the residential amenity of any surrounding neighbouring occupants and are

considered to provide an acceptable standard of living for both properties, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

#### **4. 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 Principle 10 and 12 of the Housebuilders Design Guide SPD seek to ensure sustainable transport modes are supported and acceptable levels of off-street parking are accommodated. The policy background advises that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

KC Highways was informally consulted on the application and requested clarification regarding the parking arrangements on site.

A plan has been provided which outlines where vehicles are able to park in the vicinity.

Although the properties do not provide any specific off-street parking, the proposal will not create any further bedrooms and parking arrangements will not be changed.

There are bin storage arrangements for both dwellings to the sides of the dwelling.

It is considered that the proposal would be acceptable in highway safety terms, reasonably satisfying the requirements of Policies LP21, LP22 and LP24 of the Kirklees Local Plan and of the Highway Design Guide SPD in this regard.

#### **5. 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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is a change of use with minimal external alterations. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

The proposed development is therefore considered to comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

## 6. Other Matters .

## 7. Representations

No representations have been received.

## 8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

### Recommendation

**APPROVE**

### Decision Authorisation: Delegated Powers

**Application Number:** 2024/92315

**Officer Recommendation:** Approve

### Conditions

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP11, LP21, LP22, LP24, LP30 , LP51 and LP57 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 5, 6, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan		-	30/08/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan,	001	-	30/08/2024
Existing and Proposed Elevations	002	-	30/08/2024

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 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.

A plan showing parking location was requested during the course of the application.