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**FULL PLANNING APPLICATION FOR REPLACEMENT DWELLING  
WHINNEY CLOSE FARM, KIRKHEATON**

**DESIGN & ACCESS AND HERITAGE STATEMENT, REVISION A**

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Revision A: Reference to new garage in Section 10 deleted.

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## 1.0 INTRODUCTION

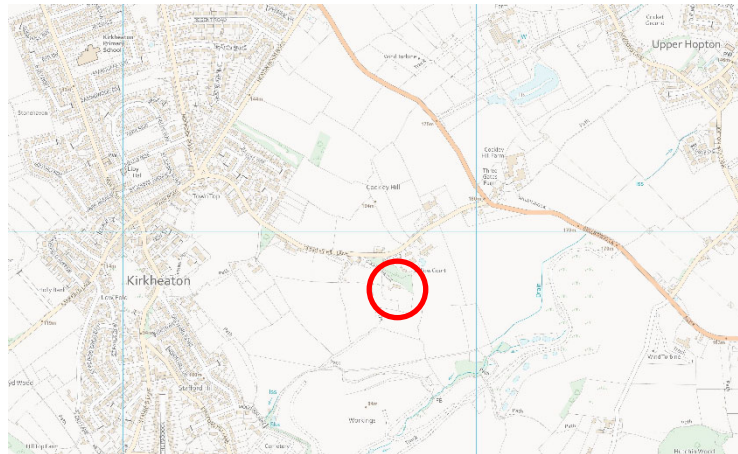
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- 1.1 This full planning application is for a replacement dwelling at Whinney Close Farm, Cockley Hill Lane, Kirkheaton and seeks to provide a new family house for the applicant. The site is located outside the development limits of Kirkheaton although the proposals are entirely contained within the existing domestic curtilage and the new house sits on a similar, slightly overlapping footprint to the existing. Access is via a private drive off Cockley Hill Lane which runs from Kirkheaton in the west towards Cockley Hill Farm in the east (Figure 1).
- 1.2 The proposal is to construct a new two storey stone-built dwelling on the plateau of the existing house. New formal gardens replace the existing gardens to the south.
- 1.3 Whinney Close Farm is one of a number of former farmsteads in this area that have been redeveloped or entirely rebuilt in recent years with the closest being Willow Court immediately to the north (2007/93678) and also at Lower Farm to the west and Hill Top Farm and Three Gates Farm to the northeast.
- 1.4 Several Permitted Development approvals have been received from Kirklees Council which increase both the volume and footprint of the original house as follows:
- 2023/92292 – 8m single storey rear extension. PRIOR APPROVAL NOT REQUIRED.
  - 2023/CL/92300/W – Single storey side extensions. CERTIFICATE OF LAWFUL USE GRANTED.
  - 2024/CL/90607/W – Erection of Outbuilding. CERTIFICATE OF LAWFUL USE GRANTED.
- 1.5 The purpose of this document is to set out the rationale behind the proposal for a replacement dwelling.
- 1.6 This application is a resubmission, with very minor changes, of the previous proposal for a replacement dwelling which was withdrawn as it was not believed the Permitted Development extensions would be implemented.

## 2.0 SITE DESCRIPTION

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- 2.1 The application site is located on the south side of Cockley Hill Lane. Whinney Close Farm sits on the southern side of wide expanse of woodland on a small level escarpment. The wood is designated a Wildlife Habitat Network but this lies outside of the site boundary. The site lies within Greenbelt and the Kirkheaton Neighbourhood Area.
- 2.2 Cockley Hill Lane forms the northern tip of the boundary to the site where the road access to the site is bounded by the woods to the north of the site. The southern, western and eastern boundaries are defined by a post and rail fence beyond which is extensive farmland leading down into the valley below. The site forms an escarpment that sits out from Cockley Hill.



*Figure 1: OS map of Kirkheaton showing site (highlighted in red).*

- 2.3 Access into is via an existing private drive from Cockley Hill Lane that also affords access to the neighbouring property at 110 Cockley Hill Lane.
- 2.4 Cockley Hill Lane provides access to Kirkheaton to the west and eastwards Cockley Hill Lane leads to Bellstring Lane (B6118). In turn, the B6118 provides access to Kirkheaton and Bradley to the west and Grange Moor to the east, which was the seat of the Denby Grange estate. The site is located approximately 0.7km East of Kirkheaton and 4.1km northeast of Huddersfield.
- 2.5 Whinney Close Farm historically formed part of the Denby Grange Estate which had been reduced since the mid-19th century and was broken up in 1948 when the remaining land was sold off. Denby Grange hall was demolished in 1950. The other large estate in the area was

Whitley Hall, known as Whitley Beaumont (also demolished in 1950) and both halls were near Grange Moor.

- 2.6 There are no listed buildings within 500m of the site with the nearest being the grade II listed pinfold in Kirkheaton some 600m to the west.
- 2.7 The site is located in Flood Zone 1 therefore no flood risk assessment is required with the application.
- 2.8 There is a public footpath (KIR/9/30) which runs along the western boundary of the property and also uses the driveway for a short section. This application proposes to divert the footpath for a short section immediately to the west of the existing house to follow the property boundary. The Council's footpath officer has been consulted prior to the submission of this application and has no objections.

### 3.0 PLANNING POLICY

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- 3.1 The basis for the planning system in England is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

In this case the relevant documents against which proposals will be considered are:

- The Kirklees Local Plan (adopted 27<sup>th</sup> February 2019)

In addition to local policy, the National Planning Policy Framework (NPPF) sets out the governments aims for new development with a particularly strong emphasis placed on sustainability, stating that sustainable development is a key aim of the government’s national planning policy:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”*

Sustainability in this sense is not just about the environmental role of the building but also social and economic roles including the provision of a high quality built environment.

#### **The Kirklees Local Plan**

- 3.2 Having reviewed the Local Plan, the following policies are considered relevant in the determination of the application:

- LP1 Presumption in Favour of Sustainable Development
- LP7 Efficient and Effective Use of Land and Buildings
- LP9 Supporting Skilled and Flexible Communities and Workforce
- LP24 Design

- LP32 Landscape
- LP33 Trees
- LP57 The extension, alteration or replacement of existing buildings (in Green Belt)
- LP58 Garden extensions

- 3.3 The development strategy set out in the Local Plan under Policy LP1 is to support sustainable development and follows guidance in paragraph 7 of the NPPF. The Local Plan seeks to concentrate development within the principal settlements and a number of named villages and to refuse planning for any development in the green belt unless there are very special circumstances. As the proposal is for a replacement dwelling, which is covered by a specific policy (LP57), and residential use on the site is clearly established, the principle of development is not considered relevant in this instance.
- 3.4 Policy LP7 concerns the efficient and effective use of land and buildings and encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value. It is considered that the proposal complies with this policy.
- 3.5 Policy LP9 supports skilled communities. The creation of fine country house using traditional masonry skills is rare and should be encouraged to retain specialist construction skills in the area.
- 3.6 Policy LP24 concerns design and states that *“good design should be at the core of all proposals in the district and should be considered at the outset of the development process”*. At the core of the design principles of the new dwelling has been the ethos of creating a ‘beautiful and safe place to live’ that promotes a sustainable lifestyle. The design mantra for Shaw and Jagger Architects is the guidance from NPPF paragraph 134b which states that *“outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*. The design principle for this project was to create a fine Georgian country house, an essay in the art of proportion and detail, and not merely a pastiche. Shaw and Jagger Architects are accredited conservation architects and have a keen understanding of classical architecture that has been lauded by peer reviews such as The Traditional Architecture Group (TAG) and the celebrated Historian, Journalist and Writer, Jeremy Musson. Shaw and Jagger

were also at the centre of research by Dr Keith Emerick of Historic England when Hellifield Peel was restored and followed on Grand Designs. Dr Emerick's research, outlined in his publication 'Conserving and Managing Ancient Monuments' (Boydell Press 2014) established the impact of lost houses on the sense of wellbeing of an area, the psychological impact of an area being harmed by the loss of such properties or the impact of horrific incidents such as the murder at Whinney Close Farm. The proposed design seeks to repair the lost significance of the area.

- 3.7 Policy LP32 - Landscape Proposals states that “[landscapes] *should be designed to take into account and seek to enhance the landscape character of the area*”. The proposed design improves the landscape setting by removing a poor building altered to the extent that at best its current contribution might be regarded as neutral. The existing landscape has a negative contribution with a large, fenced tennis court and planting that is not of local character, nor does it encourage local biodiversity. The proposed landscaping will provide a significant improvement which is supported by the Biodiversity Net Gain calculations which accompany this application.
- 3.8 Policy LP33 considers trees and states that “*the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity*”. No trees are to be removed as part of this proposal and indeed a significant amount of new deciduous tree planting is proposed along with reinstating meadows. The existing woodland behind the house provides a backdrop for both the existing and proposed dwellings.
- 3.9 Local Plan Policy LP57 is key in the determination of this application and is in line with NPPF Paragraphs 149 d & g. Policy LP57 states that proposals for the “*extension, alteration or replacement of buildings in the Green Belt will normally be acceptable*” provided that certain criteria are met. The relevant criteria are:
- b) in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*
  - c) the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*



*d) the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.*

Paragraph 19.26 of the Local Plan provides clarification on the openness of the green belt by stating *“While the essential characteristic of the Green Belt is its openness it follows that no harm to openness should be caused if a building that is already there is altered or replaced, provided that the new or altered building does not have a greater impact on openness than the one it is replacing”.*

- 3.10 Policy LP58 sets out the council’s policy for gardens and garden extensions in green belt. Paragraphs 19.28 and 19.29 of this policy outline the council’s reluctance to extend the domestic curtilage of properties in green belt unless there are very special circumstances. The design submission sets out the applicants desire to remove the existing tennis court - clearly a domestic feature - and introduce new tree planting and meadows. Such planting would reinforce the local distinctiveness of the proposed house and the significance to the setting in providing replacement for one of the lost halls (Denby Grange and Whitley Beaumont) that until recently were key landmarks in the area.

#### **National Planning Policy Framework (NPPF)**

- 3.11 The latest version of the NPPF was published in December 2023 and sets out the government’s planning policies for England and how these should be applied. It makes clear that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is such a material consideration.
- 3.12 Paragraph 139 of the NPPF states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

In considering paragraph 139 there are clearly several considerations to address which are dealt with in turn below. We have however, reordered the considerations so they are presented with reference to the thought process in determining whether a proposal constitutes a design that is of outstanding quality or innovative. The point being is that it is usual to consider the characteristics of an area and opportunities for enhancement with a view to gaining an appreciation of the context for a proposal. It is only once the context can be appreciated that thought can be given to an appropriate design response that might raise the standards of design more generally in the area. Just as it is only possible to understand whether the design is truly outstanding once the scheme as a whole can be reviewed. As such, whether a scheme is of exceptional quality is the overall assessment of the proposal. The intention being to ensure the thought process behind the design of the house is robust and correct.

- 3.13 For the design of a dwelling to be considered outstanding, paragraph 139 of the NPPF requires it to help raise the standard of design in an area. The Design Inspiration and House Design sections of this document outline the research and design approach undertaken to ensure that the proposed replacement dwelling complies with the requirements of paragraph 139. In brief, the general character of the landscape has been heavily influenced by the development of industry in the area, so areas of countryside are fragmented by towns and scattered development. Within the countryside there was also a considerable number of country houses and parklands, where the designed landscape is evidence of the developing industrial enterprises and increasing wealth apparent between the 16th and 19th centuries. The landscape to the north of the site is recorded as being defined by pastoral grasslands with woodland plantations, dispersed with urban influences. To the south of the site, the landscape is characterised by valleys and woodland plantations. The location of the site on the edge of a woodland escarpment provides an opportunity to improve the setting, in particular to establish new tree planting. This includes, introducing planting and new meadowland along the southern boundary of the proposal site to improve the net biodiversity

of the site and remove alien planting, and the removal of associated domestic paraphernalia (tennis court etc) from other public vantage points to the north, west and south of the site. There is no notable landscape or visual constraint that might prevent development of a replacement dwelling of design quality because the site itself is visually well contained. Any public views are gained from the limits of the immediate area, especially as the woodland along the northern boundary screens views of the site from the wider area.

- 3.14 Historic Maps of the site and its surroundings reveal the way in which the landscape matured as development progressed in the form of scattered farmsteads and historic parklands with later encroachment of expanding townships through industrial expansion, inevitably leading to the destruction of the ancestral homes that were the original logic for the settlements to exist. In order to respond to the historic context of Cockley Hill and to assist with repairing the historic landscape, the idea of the application is to incorporate additional tree screening and meadow land and incorporate the tennis court and poor landscape to improve the setting in the greenbelt but also to mirror the landscape settings of Denby Grange Hall and Whitley Beaumont. The purpose being to remove the visually intrusive paraphernalia from the immediate context of the farmstead; to allow the hedging and tree planting along the footpath and drive to be enhanced; to create a seamless flow between the proposed dwelling and its context; and to create a suitable sized landscape for the dwelling.

#### **Significantly Enhance its Immediate Setting**

- 3.15 One of the considerations set out under the NPPF is how a proposal should enhance its immediate setting. Typically, it is understood the expectation is that a scheme will improve the quality or value of the immediate setting to the proposal. A number of opportunities to enhance the immediate setting of the proposal have been identified, which predominantly relate to extending or creating new habitats through the introduction of additional planting, meadow and water. The accompanying drawings identify how there are opportunities to enhance the existing setting and also the ecological value of the site described in the Landscaping section of this document. The various opportunities for ecological enhancement are set out in the Ecology section of this statement which are considered to accord with the Local Plan as well as the NPPF.

### **Raise Standards of Design**

- 3.16 Having reviewed the landscape and heritage setting for the site, it is apparent that purposeful landscaping and building placement has heavily influenced the character of the surrounding landscape and provides an important influential role. The landscape associated with Denby Grange was purposefully designed on the basis of principles defined by Repton, who was a notable landscape architect of his time. The historic association of the proposal site with Whinney Close Farm (part of the Lister Kaye Estate) and the proximity of the proposal site to the lost historic country house and parklands would therefore suggest it is appropriate to adopt traditional techniques in the design of the recreational landscapes associated with country houses for the development of the proposal site. This is an appropriate opportunity to celebrate traditional architectural design and landscape design principles.
- 3.17 Section 4 of this document explains how the concept for the proposal has evolved through to the submitted scheme. Originally derived directly from the principles used in the design of Denby Grange, which is based upon geometry and architectural methodology, a process led to the design of the villa, but also the extent of the site. Paragraphs 4.3 and 4.4 explain the development of the principles behind the design of the proposed new dwelling and accompanying landscaping scheme, which is based on the principles of a traditional Georgian gentleman's villa. Examples of similar country houses and their parklands, as well as setting out illustrations of how villas were designed are provided in Section 4 illustrating the proportions and scale of such country residences, which would have an irregular floorplan and incorporate an 'antiquated' style. It should be noted that the tradition in 18th century landscape design, as evident in the approach to Denby Grange and Whitley Beaumont, was to create a series of landscapes within a more comprehensive landscape. The intention was for each part of the landscape, where some landscape cells contained or framed buildings, to create a series of separate pictures. Each picture was then intended to fit together to create the whole historic holding. The intention of the proposal is the same, whereby the dwelling is to be located within its own landscaped cell that contributed to the setting of Cockley Hill as a whole.
- 3.18 In terms of raising the quality of design generally, the proposed dwelling and landscaping scheme are based on design principles from one of the key influential periods in landscape history. Without doubt, the proposal clearly improves upon the visual quality of the site as

existing and therefore the contribution the site makes to the wider landscape. Removing the poor existing building and domestic paraphernalia and replacing them with a with small country house of beautiful proportions executed in a classical design will, quite simply, improve the appearance of the area. As such, the proposal accords with paragraph 139 and 154d of the NPPF.

### **Reflecting the Highest Standards in Architecture**

- 3.19 Shaw and Jagger Architects have achieved several Paragraph 84 (and precursor) approvals where planning permission has been granted for buildings which reflect the highest standards in architecture. The practice is well versed with designing schemes involving heritage assets, including scheduled ancient monuments and the repair and conversion of listed country house and castles at all grades. The development of the proposal has therefore been based on a significant level of academic knowledge and appropriate experience. The high standards of Shaw and Jagger's work is also evident in various comments set out within example peer reviews that accompany this application.

### **Exceptional Quality**

- 3.20 Overall, it is believed the proposal site offers a unique opportunity to repair harm and enhance the setting of various heritage assets found across the valley by employing classical architectural design techniques in terms of both the design of the house and also its grounds. The intention is not to create a pastiche, but actually employ the traditional architectural rules associated with designing a new villa in celebration of Denby Grange and the original vision for the Estate. Mr Musson stated in his peer review of Woodfold Villa (a Paragraph 84 application by Shaw & Jagger Architects in green belt next to a grade two listed parkland and grade 2\* listed house by James Wyatt) that *"There have been few neo-classical houses of this design ambition realised in the later twentieth and early twenty-first century, and an exemplary project should be a reference point for new domestic work in a traditional style."*
- 3.21 Given the loss of Denby Grange and Whitley Beaumont, the proposal site offers an opportunity to complete the vision and bring the application site back into the Estate. This includes extensions to the parkland through new landscaping, which would secure visual improvements to the site by removing the current domestic paraphernalia and enhancing the ecological value of the otherwise single species grassland.

- 3.22 Paragraph 139 of the NPPF states that significant weight should be given to outstanding design, if it fits in with the overall form and layout of their surroundings. Given the understanding of the context for the proposal and how the knowledge has influenced the proposal then it is considered that paragraph 139 is engaged, and significant weight is to be given in support of the proposal.
- 3.23 It is considered that the proposal complies with the requirements of national and local planning policy.

## 4.0 PLANNING HISTORY

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4.1 There are no applications on the application site in the last thirty years prior to recent applications by the new owner. Relevant applications to properties in the immediate vicinity are listed below:

- 2024/CLD/90607/W: Certificate of lawfulness for proposed erection of outbuilding (Application Approved)
- 2023/HHPD/92292/W: Erection of single storey rear extension (Prior Approval not Required)
- 2023/CLD/92300/W: Certificate of lawfulness for proposed single storey side extensions (Application Approved)
- 2023/62/90643/W: Demolition of existing dwelling and detached garage and erection of replacement dwelling, detached garage and associated landscaping (Application Withdrawn)
- 2010/62/92011/W2: Proposed Erection of Double Garage and Driveway, 111 Cockley Hill Lane, Kirkheaton (Application Approved)
- 2008/62/94060/W2: Demolition of existing farmhouse and agricultural building and erection of new dwelling with detached garage (modified proposal) Cockley Hill Farm, Cockley Hill Lane, Kirkheaton (Application Approved)
- 2007/62/93678/W2: Demolition of existing farmhouse and agricultural building, erection of new dwelling and conversion of barn to ancillary accommodation, Cockley Hill Farm, 112 Cockley Hill Lane, Kirkheaton (Application Approved)
- 2005/62/94284/W2: Change of use and alterations to former agricultural buildings to 2No. semi-detached dwellings, 1No. detached dwelling with integral garage and B1 Offices, Cockley Hill Farm, Cockley Hill Lane, Kirkheaton (Application Approved)

4.2 Following grant of permission for the Permitted Development applications 2024/CLD/90607/W, 2023/HHPD/92292/W & 2023/CLD/92300/W, a Building Regulations application was submitted on the 3<sup>rd</sup> of June 2024.



*Figure 2: Photographs showing the start on site for the Permitted Development extensions*

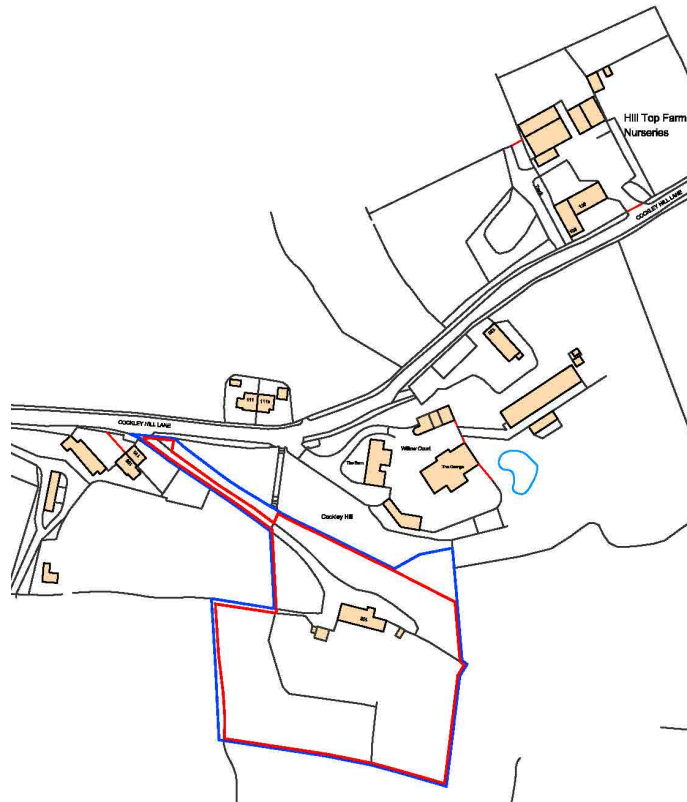
- 4.3 On receipt of confirmation that the Building Control application had been registered and the Local Authority notified, works commenced on site on the 2<sup>nd</sup> of July 2024 (see Figure 2) and the Approved Inspector has carried out their first site inspection.



## 5.0 PROPOSALS

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- 5.1 The red line boundary in Figure 3 below identifies the land and buildings to which the full planning application relates for the erection of a replacement dwelling. The proposed detached dwelling is to comprise living accommodation at ground floor and five ensuite bedrooms at first floor. The proposed dwelling is to be set within existing landscaped grounds that provide parking and amenity space to serve the detached house.



*Figure 3: OS map of site showing application boundary in red*

- 5.2 The application involves the demolition of the existing house and garage to allow for the erection of the new dwelling. The application also involves the removal of a tennis court and for the site to be laid out as a formal garden. The existing access onto Cockley Hill Lane to the northwest of the site is also to be widened to allow better visibility.

### **Design Inspiration**

- 5.3 The inspiration for the design of the proposed house is a Georgian gentleman's residence based upon the architectural designs of John Carr (1723-1807). This design approach was adopted in order to repair some of the damage to the significance to the area due to the loss

of the key residence Denby Grange, near Grange Moor, most likely built by Sir John Lister Kaye (1725-89, 4th Baronet) who succeeded to the barony in 1752. It is likely that the Hall was designed and built between 1759-1761 as Sir John became Sheriff of Yorkshire in 1761 and records indicate that Denby Grange did not exist prior to the early 1760's and there is correspondence with John Carr in late 1750's. The house shares close design details to John Carr's houses at Pye Nest, Halifax (1767), Middleton Lodge (1777), Billing Hall (1776) and Everingham Hall (1761). Carr was an established architect of note by the late 1750's having won the commission for Harewood House against stiff competition from Robert Adam. Denby Grange Hall was the primary estate house to which Whinney Close Farm historically belonged and was designed as a three-storey house with a single storey portico and balustrade to the first floor.



*Figure 4: Denby Grange in its landscape*



*Figure 5: Denby Grange house*

Denby Grange was positioned similarly on an escarpment overlooking the valley, set in front of a backdrop of established woodlands. This form of setting was popularised by Humphrey Repton (1752-1818) who was prolific in designing landscapes for the gentry across England. Closer to the site is Whitley Beaumont – a much older house part dating back to the 14th century, rebuilt in 1560 and remodelled (plans drawn by Thomas Mann in 1680) in 1708 and 1752 (work by James Paine, 1717-1789). Whitley was a grand house of the Baroque and Rococo styles, with gardens by Capability Brown and was a huge loss when it was demolished in 1950. Both Denby Grange and Whitley Beaumont were little more than two miles from the proposed site and both houses were built on the side on escarpments with commanding views across the valley. The common feature of both houses are the detailed window frames and ornate stonework set in the tympanum and parapet detailing. It is possible that James Paine, having worked at Whitley Beaumont also carried out the designs for Denby Grange – the Rococo swags in the tympanum are a feature that Paine was famous for but Carr also used at

Middleton Hall. Paine's early career started in Yorkshire at Nostell Priory, and he later worked at Heath House near Wakefield. Sadly the estate papers for Denby Grange were burned after the furniture was sold off at auction.



Figure 6: Whitley Beaumont principal elevation



Figure 7: Whitley Beaumont garden elevation

- 5.4 The House design, as stated above, was inspired by the architectural compositions of the architects Carr and Paine. The house that was the greatest influence in the design of 'Whinney Close Hall' is Middleton Lodge c1777. Carr, a Yorkshire born architect, was thought to be the best precedent for a language for a new house on the site. Middleton Lodge, *"is of well-cut ashlar, is a particularly fine example of Carr's smaller house manner and is sighted on a slight ridge to take advantage of views east and west"* (Wragg B, Carr of York, 2000).



Figure 8: Middleton Lodge (Lilguy Weddings)

The house, by its nature, has two frontages; an entrance frontage to the north, facing the access courtyard and one to the south that opens out onto the terrace escarpment and faces the valley. Both elevations are of importance and the applicant wanted a formal 'five bay' house with Georgian windows. The attraction of Middleton is that it is a compact design for a local gentleman, not ostentatiously large just a simple elegant composition of refined detailing. Whinney Close follows this tradition, the meaner proportions and simple detailing

of houses like Paine's Heath House show the Yorkshire vernacular tradition reflected in the classical language. We have sought to echo this in the proportions of the proposed house. A strong, simple, well emphasised string course gives a clear reflection of storey heights (like Heath) with windows sprung from the floor, however meaner in proportion in width and height. The stone carved architraves around the windows with a single key stone are a characteristic of Carr's early work.

- 5.5 The layout has been conceived as a central planned hall serving 'wings' to either side. The applicant's brief for rooms was well defined. He is a keen historian and a refined connoisseur of antiques with a particular interest in furniture and porcelain. The rooms are to be designed around period interiors that will define the house and be a fine home for our applicant's furniture collection. The ground floor comprises a large drawing room, study, deep entrance stair hall, kitchen dining room, and sitting room. Guest toilets and a cloakroom are located near the entrance. The first floor comprises five bedrooms with bathrooms and a laundry utility room. There is no basement or convertible roof space.
- 5.6 All new external walling will be natural stone and all new roofing will be natural slate. Windows will be timber framed double glazing in a traditional style.
- 5.7 The applications noted in Section 4 show either new garage blocks or replacement dwellings being of a considerable scale and being much larger than originally proposed. In the case of application 2008/62/94060/W2 the proposed replacement dwelling is 803m<sup>2</sup> being approximately 20% larger than the proposed dwelling in this application. This approved building is also designed over four levels with an exposed basement built into the hillside with two floors above and a large, converted roof space with an unusual dormer window and a series of roof lights. In the case of application 2007/62/93678/W2 the replacement dwelling was 875m<sup>2</sup> being 29% larger than the proposed dwelling in this application. In the case of application 2005/62/94284 the replacement dwelling approved is 1,198m<sup>2</sup> being 76% larger than that proposed in this application. In each case the proposed replacement dwellings are significantly larger in area, height, impact, scale and footprint and therefore have a greater impact on the openness of greenbelt than this proposed new house. In each case the applications have been approved.

- 5.7 The proposed dwelling is set at a sufficient distance from other dwellings so that no issues will arise in respect of overlooking, overbearing and overshadowing. Additionally, there are no neighbouring land uses that might conflict with the proposed residential use of the site.

## 6.0 BRIEF HERITAGE STATEMENT

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- 6.1 This Heritage Statement has been produced by Shaw & Jagger Architects on behalf of the applicant during February 2023 and considers Whinney Close Farm. The house is not listed nor is located in or near a conservation area.
- 6.2 Whinney Close Farm is a low stone-built farmhouse with thinly coursed sandstone under a stone flagged roof with outshoots to the east and west. The house was a relatively small farmhouse built as a tenanted farm to the main Denby Grange Estate and was probably constructed between 1840-50 – it is not shown on the Denby Grange estate plans which are dated c.1840 and are all that remains from the estate records which were burned in 1950. The house has been extensively altered during the 1960's with all of the fenestration being altered and widened, new lintels and 1960's windows in poor joinery or later replacements in the 1980's in uPVC. Internally much of the internal wall construction has been replanned or removed and replaced with new beams. The entrance to the building was also remodelled with a new stair hall when the original stairs were removed and a raised floor with a flat roof added. The entrance and side entrance doors are designed in a neo-Tudor rustic style which appear incongruous.
- 6.3 Whinney Close Farm was unfortunately the setting to the murder of two policemen in 1951: *"A little further up Cockley Hill Lane look out on the right for the sign for Whinney Close Farm. The house itself cannot be seen from the road but it is of some interest in that it was once the home of Alfred Moore who was accused of murdering two policemen on Sunday, 15th July 1951. Moore had been suspected of committing a number of burglaries in the Huddersfield area and, on the night of Saturday, 14th July 1951, a team of policemen assembled in the area to keep Whinney Close Farm under observation. Two of the team, Detective Inspector D.A. Fraser and Constable G. Jagger, were posted to cover a footpath leading across the fields below the farm. At about 2 a.m a man walking on the path towards the farm was stopped by Constable Jagger who was immediately joined by D.I. Fraser. When challenged, according to the later evidence of the constable, the man agreed that he was Alfred Moore but when informed that the police wanted him to go with them for questioning he produced a pistol and fired at point blank range at Constable Jagger. Moore immediately turned the pistol on D.I. Fraser and shot him. As Fraser staggered, Moore shot him again and*

*again after he had fallen to the ground. Then Moore made himself scarce. When other members of the team arrived at the scene they found constable Jagger badly wounded and D.I. Fraser dead. Alfred Moore was arrested at Whinney Close Farm, without any resistance, about three hours after the murders. Later that day he took part in an identity parade held at the bedside of Constable Jagger who unhesitatingly identified Moore as the man who had shot D.I. Fraser and himself. At that time Jagger was quite lucid and he went on to make a statement in the presence of Moore and a local magistrate. Sadly, Constable Jagger died at 8.15 a.m. on Monday, 16th July. Alfred Moore was brought to trial at Leeds on Monday, 10th December 1951 when he pleaded not guilty to the charge of murdering D.I. Fraser. Although the murder weapon, despite two weeks meticulous searching by the police, was never found, the jury took only fifty minutes to arrive at the verdict of guilty. An appeal against the conviction failed and Alfred Moore was hanged at Armley Jail, Leeds, on Wednesday, 6th February 1952.” Taken from the ‘Huddersfield Exposed’ website.*

- 6.4 The infamous recent history of the house has brought waves of ‘tourists’ over the years. This has been fuelled by attempts to investigate the murder by retired policemen and amateur sleuths. The case has clearly galvanised many as at its core the murder seems to be a miscarriage of justice, which was at the root of the United Kingdom ending capital punishment. What has not changed, despite previous owners carrying out substantial alterations, is the association with the house, the murder and the murderer. Such associations are toxic and unwanted to those who live in the area and especially those that live in or next to the property. In similar cases where there has been too great a ghoulish interest, councils’ have bought the properties and demolished them - examples being the houses of Fred West, John Christie, Hindley and Brady and Ian Huntley. There is also a campaign for the house where four people were murdered in Killamarsh, Derbyshire two years ago, to be compulsory purchased and demolished. The expunging of history is something that should be weighed in the balance. This is why Historic England gives weight to Significance but clearly a toxic or difficult history often requires a ‘reboot’ – a fresh or new start.
- 6.5 There were earlier buildings close by at Cockley Hill Farm but almost all of these have been demolished and replaced with a large house and garaging apart from a small early 19th century barn which has been converted into residential use.

- 6.6 Paragraphs 6.2 & 6.3 of this report identify the heritage significance associated with the site in accordance with the requirements of paragraph 200 of the NPPF. In this instance, the application site contains the existing building 'Whinney House Farm' which is not designated as a heritage asset and was constructed post 1850. The existing building has been extensively altered both externally and internally; resulting in the loss of extensive fabric and unsympathetic incongruous extensions. The existing building also has a toxic and negative past that still causes a negative influence on the area as a whole. The existing building is considered to have a negative influence upon the setting and significance of the wider area.
- 6.7 It is therefore considered that the proposal, which includes a replacement dwelling and reinforces the landscaping of the area of land between the woodland and adjoining modern property, will act to remedy some of the harm created by previous changes and recent development. This is insofar as the landscaping and proposed dwelling will act as a signpost to the lost heritage assets and offer a more appropriate context to the historic setting through the creation of a landscape based on principles of traditional parkland landscaping.



## 7.0 BUILDING CONDITION

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- 7.1 A full structural survey was carried out by chartered structural engineer Ian Holdgate of Holdgate Consulting on the 11<sup>th</sup> of October 2022. The conclusion of the report (submitted as part of this application), states that “We recommend that both the front and rear elevations of the right-hand extension be taken down and rebuilt. This will eliminate problems associated with the weathered and significant leaning plinth to the rear plus also deflections to the front. This rebuild should also include for the provision of an adequate lintel to the inner leaf with this to support first floor supporting king beams. We would also recommend that the external leaf of the front elevation of the left-hand extension be taken down and rebuilt. This should include for an adequate number of wall ties. We consider that the external leaf only will require rebuilding to this area. External stone lintels of an adequate depth plus timber lintels should be replaced by appropriately sized stone (or Art stone) lintels. As the property is to be totally refurbished, we would consider it appropriate to provide restraint to tie all elevations back into the main body of the property. This can be done using steel straps all fitted internally and hidden on completion beneath plaster, skirtings, floorboards etc. Straps should be secured to elevation walls (where necessary) and then anchored into first floor timbers and all solid partition walls (to both floors). We would envisage that restraint should only be provided to the front and end gables (the new extensions to the rear providing an effective buttress). We recommend that straps be inserted to fully comply with the requirements of Building Regulations and BS5628. Where first floor supporting king beams are supported by timber lintels, then we would recommend that consideration be given to replacing the timber lintels with appropriately sized probable concrete members. This will eliminate future problems associated with creep. The inspection of Whitney Close Farm, Huddersfield revealed a property requiring significant works to ensure the long-term serviceability and structural stability of the property. These works range from carrying out rebuilding through to replacement of undersized/timber lintels etc.’
- 7.2 It is clear from this summary and extensive areas of rebuilding that the existing building is not viable to be rebuilt. Given the extent of proposed work, the poor condition of the building, its inefficient construction and toxic past it is logical to demolish the property and replace it with a beautiful, more efficient and attractive place to live.

## **8.0 SUSTAINABILITY**

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- 7.1 The applicant is very keen to achieve an energy efficient building. The fabric first approach to energy efficiency will utilise high levels of thermal performance in the new elements whilst retaining the traditional appearance externally.
- 7.2 Materials used in the build will be locally sourced wherever possible.
- 7.3 Heat into the property is expected to be provided via renewable means, as the primary heating source is to be with the use of a geothermal borehole ground source heat pump. Consequently, the proposal satisfies the requirements of NPPF paragraphs 157, 159b & 162 of the NPPF. This is on the basis that the proposal will assist with reducing carbon emissions by limiting energy demand.

## **9.0 LANDSCAPNG**

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- 9.1 The proposals include a new landscaping scheme to the existing gardens and tennis court area. It is proposed to replant the lawn with a local grass and flower meadow mix and to remove the tennis court which dominates the gardens and use the land for a mix of vegetables, local fruit trees, beehives and beetle banks.
- 9.2 The proposal includes the planting of trees, as both specimens within and to create new belts of woodland planting. Additionally, new lengths of hedgerow are to be planted along sections of the site boundary. The planting is intended to enhance the ecological value of the site, increasing the visual interest and to provide screening.
- 9.3 The Local Plan makes clear how the visual, botanical and historical value of trees is an important factor when determining applications. The additional tree and hedgerow planting is therefore considered to be a significant benefit of the proposal and will enhance the existing belt of tree planting to the north of the site and along the length of the driveway to Cockley Hill.
- 9.4 The proposal therefore offers an opportunity to provide additional woodland planting along the existing lengths of woodland that will act to reinforce the presence of planting for the future. The additional depth to the planting will also reinforce the visual screening role of the woodland, as well as enhance the foraging and breeding function of the woodland planting by extending the habitat.
- 9.5 The proposed planting scheme, which is illustrated on the proposed site plan accompanying this application, is therefore considered to accord the Local Plan.

## 10.0 GREEN BELT CONSIDERATIONS

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- 10.1 The Proposals Map shows the application site to be located within the general extent of the green belt. Policy LP57 of the Local Plan as well as paragraph 154 of the NPPF makes clear that the construction of new buildings is to be considered inappropriate in the green belt although the replacement of existing buildings is considered an exception. This is with a view to upholding the fundamental aim of green belt policy which is to prevent urban sprawl by keeping land permanently open.
- 10.2 Following the High Court's judgement in [Samuel Smith v NYCC], where Lindblom J agreed with an earlier judgement [Turner v Secretary of State for Communities and Local Government], it is clear that visual impact, as well as spatial impact, is part the consideration of 'greater impact' on openness. Lindblom J found that *"To exclude visual impact, as a matter of principle, from a consideration of the likely effects of development on the openness of the Green Belt would be artificial and unrealistic"* and that *"A realistic assessment will often have to include the likely perceived effects on openness, if any, as well as the spatial effects."*
- 10.3 In this instance, the potential harm to the green belt is in respect of building a new dwelling within the open countryside, where new dwellings are generally considered inappropriate. This is because the physical presence of a new structure will create a physical interruption in otherwise open land. As such, the impact on openness is a consideration in respect of determining whether the potential for harm to openness is outweighed by other considerations. This is why this matter has been left until last, as it requires an overall assessment of the impacts of the proposal. In this case the application is for a replacement dwelling however the height and volume are greater than the original building.
- 10.4 In terms of spatial considerations in respect of openness, there is already sporadic development present within the same vista, where the presence of existing buildings lends itself to part of the character of the area. The area, is therefore, not completely open and there are views of different built forms within both short and long-distance views. Spatially, development therefore has a role to play within the character of the landscape. A replacement dwelling will not detract from the general character given the scale is not sufficient to conflict with the purposes of green belt policy, as listed under paragraph 143 of the NPPF.

- 10.5 Public views of the site are generally short in nature due to topography and the presence of existing land features, such as woodland. The proposal will, therefore, have limited opportunity to impact on openness in respect of visual impacts. This means that the potential visual impact of the dwelling on the wider character of the area is restricted to the adjoining footpath to the far west of the property. Extensive woodland is proposed along this footpath to strengthen the habitat. Any visual impacts on the openness of the green belt will, therefore, be limited in terms of significance by virtue of the existing land features that already determine the potential to gain views of the application site.
- 10.6 Of particular significance is the fact that the proposed dwelling is to be located against a backdrop of mature woodland planting, which already interrupts views beyond. The presence of existing trees and the intention to extend the woodland planting will further limit views and increasingly restrict the potential impact of the dwelling on the openness of the countryside.
- 10.7 A very recent appeal decision for a completely new dwelling on green belt land near Blackburn (APP/T2350/W/24/3339770) found that an increase in overall volume in conjunction with a decrease in footprint could result in an improvement to the openness of the green belt. Like this proposal, the large new dwelling granted permission in this appeal was set against a treed backdrop. It also found that the simple fact of being visible in the landscape does not equate to harm particularly when there is an existing dwelling on the same site. The same appeal decision found that 'tidying up' the site, with consolidation of built form and a cohesive approach to landscaping and planting (as would happen with these proposals) can improve the character and appearance of an area.
- 10.8 In this instance, the exceptional quality of the proposal and the removal of a negative building and associated domestic paraphernalia is of sufficient weight to outweigh any potential harm to the green belt. This is especially true when coupled with the tangible benefits of the proposal in respect of ecological and landscape enhancements, removing the current tennis court and as all other technical matters can be dealt with satisfactorily. Subsequently, very special circumstances exist in favour of the proposal with reference to paragraph 152, 153, and 154d of the NPPF given that the potential for harm is clearly outweighed by all other considerations.

## **10.0 ACCESS & HIGHWAYS**

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- 10.1 Access into the dwelling is currently via a sloping drive which is unavoidable due to the topography of the site. Apart from widening the entrance to Cockley Hill Lane no alterations are proposed.
- 10.2 Within the site, there are up to five parking spaces to be provided on the north side of the proposed dwelling.
- 10.3 Access for emergency vehicles will be as existing.
- 10.4 Waste collection will remain as existing.
- 10.5 The house has been designed to allow full accessibility to both levels where a lift can be provided in the future. The main stair has been designed to be ambulant accessible. All doors and rooms have been designed to ensure full accessibility and level access is afforded to each terrace. A ramp access has been provided to the front door of the dwelling due to the sloping site.

## 11.0 CONCLUSION

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- 11.1 One of the exceptions to local and national green belt policy is for replacement dwellings therefore the principle of development should not be contentious.
- 11.2 In this instance, a dwelling is proposed that is considered to be of high quality with reference to paragraph 139 of the NPPF. This has been demonstrated through the level of analysis in respect of the defining characteristics of the local area and the opportunities that have been identified to enhance the immediate setting. Consequently, the proposal will help to raise the standards of design more generally by virtue of its high quality. As such, paragraph 139 of the NPPF is engaged and exceptional quality of the proposal is to be given significant weight.
- 11.3 The proposal requires the demolition of a non-designated heritage asset. The existing building has been harmed following a number of alterations and extensions, which means that their significance has been undermined to the level that the existing building makes a negative or at best neutral contribution to the landscape. The proposal will act to repair some of the harm and secure a number of enhancements by establishing a new dwelling as part of the hierarchy of dwellings and buildings that constitute the wider setting of Cockley Hill and the historic estates of Denby Grange and Whitley Beaumont. As such, the proposal accords with paragraphs 203 and 207 of the NPPF.
- 11.4 The proposal is expected to deliver a number of tangible benefits. Of particular significance is the landscaping scheme, which will secure both visual improvements and ecological enhancements to the site. The site is currently of low ecological value, so the introduction of additional tree and hedgerow planting, along with flowers and shrubs, and the introduction of a pond will introduce new and extended habitats.
- 11.5 The additional tree planting will also serve to visually reinforce existing woodland planting around the site, and secure succession planting. Visually, the proposal will also secure improvements in respect of the removal of the domestic character of the land, which is considered to be harmful to the hillside setting and green belt. Removing the tennis court and other peripheral structures will allow the application site to be landscaped in a manner that is sympathetic to the setting.

- 11.6 The previous application for the same replacement dwelling on this site was withdrawn as it was not considered that the Permitted Development fallback position (rear extension, side extensions to both sides, and garden building on the site of the tennis court) would be implemented. This has now happened with construction work commencing on the extensions and building control having visited the site to inspect.
- 11.7 The proposal satisfies all other technical considerations and will not result in any adverse impacts. In particular, the site is served by existing access onto Cockley Hill Lane, and the site is not subject to flood risk, plus contamination is not expected to be an issue. Residential amenity will be upheld in respect of neighbouring properties and future occupants of the proposal.
- 11.8 Overall, the proposal represents a high-quality design and is considered to constitute sustainable development by virtue of enhancing the natural and built environment and offering social and economic benefits. There is no identifiable harm that significantly and demonstrably outweigh the identified benefits and for these reasons, it is clear that planning permission should be granted.