



Planning Statement

The Barn, Land to the Rear of 35 Peel Street

August 2024

Contents

1. Introduction	3
1.1 Context	3
1.2 Site description	3
1.3 Proposed development	6
1.4 Planning history	10
2 Planning Policy Context	12
2.1 National policy	12
2.2 Local policy	12
2.3 Other documents consulted	13
3. Planning Policy Review and Material Planning Considerations	14
3.1 Principle of development	14
3.2 Design, heritage and visual amenity	24
3.3 Impact on residential amenity	30
3.4 Environmental pollution and nuisance	31
3.5 Highway safety	31
3.6 Waste	34
3.7 Impact on ecology, trees, and the Green Strategic Infrastructure Network	34
4 Conclusions and Planning Balance	36

1. Introduction

1.1 Context

This Planning Statement is submitted to Kirklees Council as part of an application for full planning permission for the demolition of a building and erection of a self-build dwelling and garage. This report seeks to establish that the proposal is in line with national and planning policy, and its high quality design would enhance the site and surrounding area, making use of an underutilised plot.

It is accompanied by a Design and Access Statement by HEM Architects and a suite of specialist reports, plans and surveys. This Planning Statement was written by Jennie Steele, and reviewed by Iain Armstrong MRTPI.

1.2 Site description

The site is located in the historical village of Marsden, 7 miles (11km) west of Huddersfield in the Colne Valley, West Yorkshire. It sits in the South Pennines on the edge of the Peak District and is surrounded on three sides by moorland. The village used to house a number of woollen mills, and was a centre for cloth production throughout the 19th and 20th centuries. Notable historic buildings include St Bartholomew's Church and the Marsden Mechanic's Institute, which is located on a prominent position on the main commercial street, Peel Street.

The site includes land and a building (referred to as 'the barn') located off Peel Street, behind the Shakespeare Public House and Sass Wellbeing Studio & Coffee House (35 Peel Street). The site is accessed by a single track unadopted access road off Peel Street.



Current view of the site from Peel Street

The barn is a tall (c.6m high) one-storey detached building with timber shiplap on the front elevation with green barn double doors, and blown concrete render exposing its brick construction on the other three elevations (see below). There are a number of window openings, rooflights, and a door in addition to the barn doors. There is grass to the south of the building, and it is surrounded on the remaining sides by hardstanding and tarmac. The land is enclosed by a stone wall topped by a wooden fence creating a 2.6m high barrier (see below).



West elevation



North elevation
4 of 37



East elevation



South elevation



Indication of height of existing boundary fence

Beyond the barn to the north is Marsden Infant and Nursery School, and to the northeast is open land with some parking and sheds/outbuildings and perimeter trees (this was previously the car park for the Brougham Road New Mills before the mills closed in 2002). To the east and south are residential dwellings and associated outbuildings, including the Grade II listed Ingfield House. The site is unallocated in the Local Plan, borders the Marsden District Centre, and within the Marsden Conservation Area, Strategic Green Infrastructure Network and a bat alert area.

1.3 Proposed development

The proposed development is for demolition of a building and erection of a self build dwelling and garage. The design has developed in response to the immediate and wider site context, and it has been intentionally designed to be climate conscious. As a self-build house, the design is also specifically in response to the applicant's particular needs, including being adaptable to wheelchair living as their partner has a progressive disability.

The footprint of the dwelling is shifted south of the existing barn footprint, and comprises a timber framed stone-clad building with asymmetrical roof pitch to achieve a 1.5 storey building, and a further 1 storey component with pitched roof on the south side, also clad in stone. The roofs will be slate tiled, and include two conservation rooflights facing Peel Street, a roof light on the eastern pitch of the 1.5 storey component, and two rooflights on the eastern side of the single storey component. The public-facing fenestration on the west elevation mimics large scale barn-style openings (to reflect the current building's design and use) with windows inset in timber. In the private areas, a set of French doors and a window seat face the garden. Further windows are proposed on the north elevation, and on the south side of the 1.5 storey component.

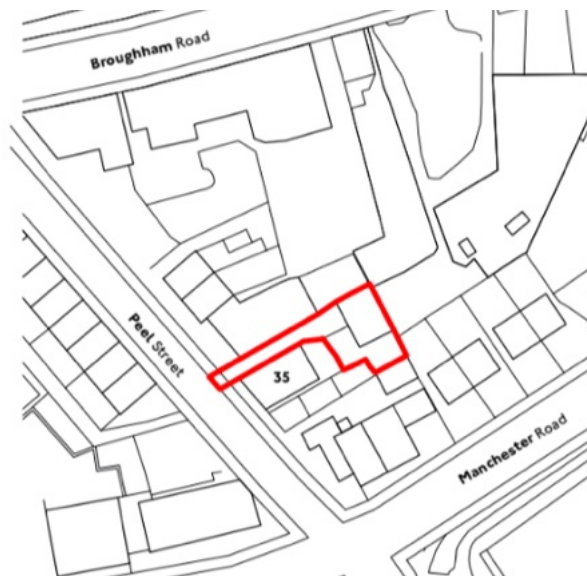
The access road and area around the house is proposed to have cobbles as seen elsewhere in Marsden. Shifting the footprint south creates a buffer space with stone boundary and green fence delineating an outdoor storage area, hiding bins and an air source heat pump. This also provides

part of the turning circle for vehicles. Perpendicular to the dwelling, and hidden from view from peel Street, is a white rendered garage the same height as the existing fence, with space for one car and a green roof. A covered roof connects the garage to the dwelling's front door to protect from the elements. Sliding doors screen the garden and front door; they can be open, partially open or fully closed as desired. These sliding doors and the garage form part of the perimeter of the southwest-facing walled garden.

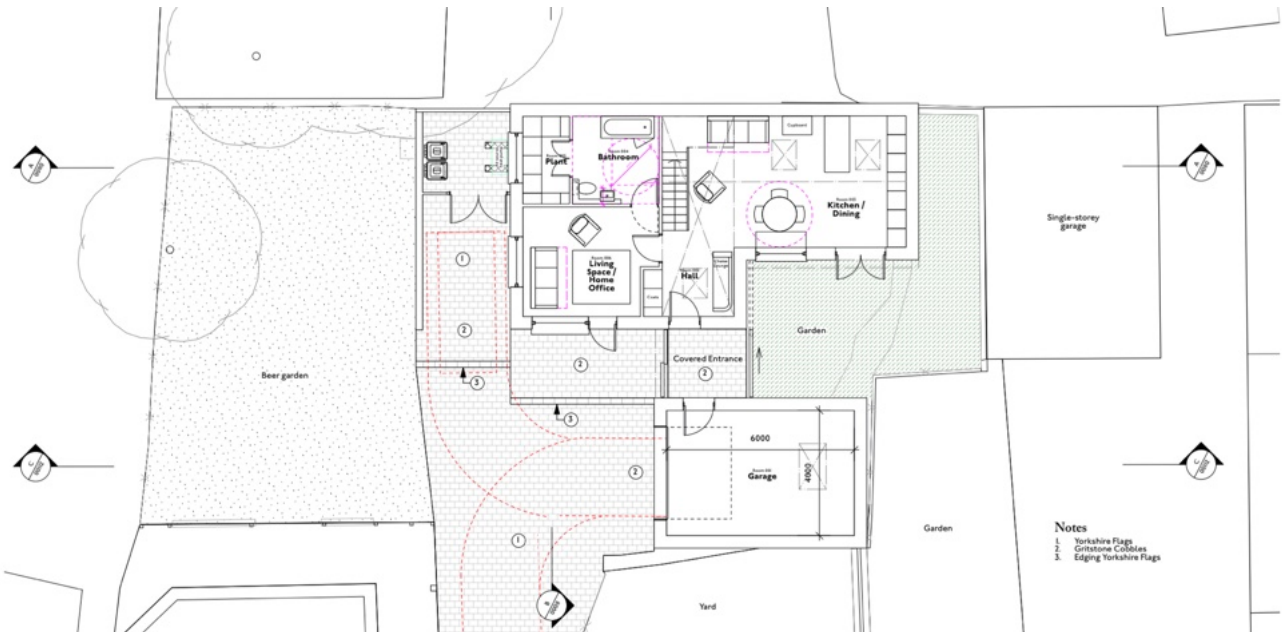
The full design is set out in the accompanying plans and diagrams, with key elements of the design drawings included below. A full exploration of the design and how it responds to the site context is provided in the Design and Access Statement.



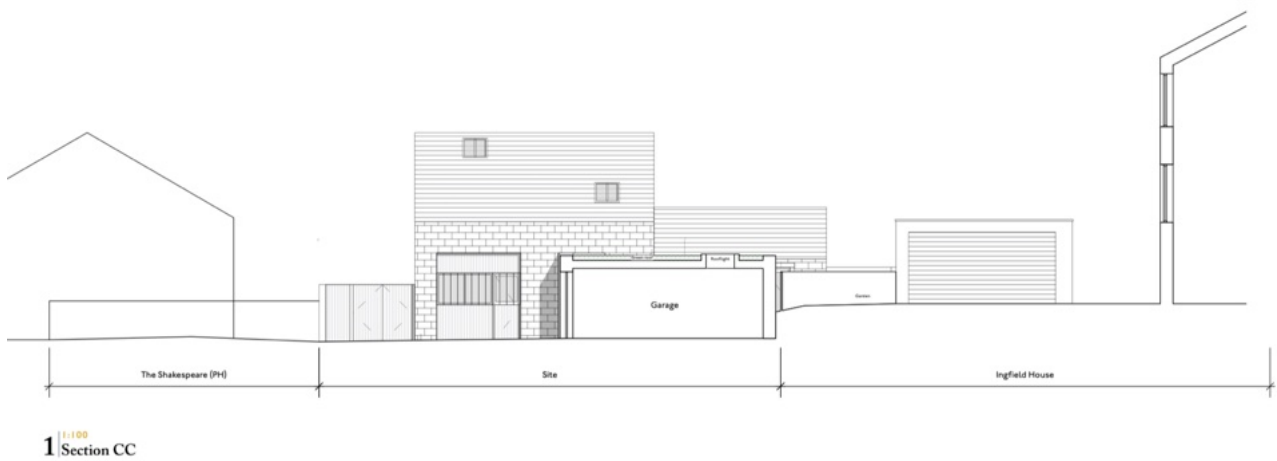
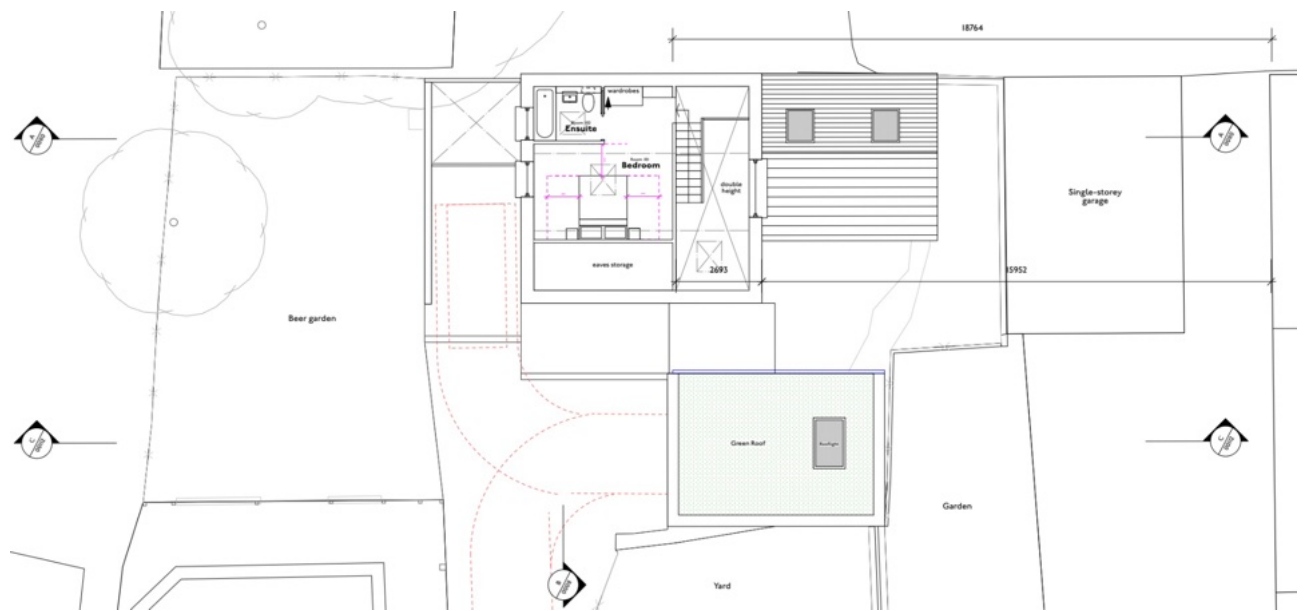
Indicative visualisation of the development as seen from the key viewpoint from Peel Street



Proposed red line boundary for the development



Existing (top) and proposed site plans



Proposed site plan, section, and elevation

1.4 Planning history

Development site

The site itself has no recorded planning history.

The barn is c.100 years old, originally constructed for uses associated with Marsden's mill industry (having been originally owned by John Crowther, owner of the Marsden mills). Currently and for the last 25 years, it has been used for general storage. Prior to this, previous owner Associated Dairies Limited used the barn to store and deploy milk floats.

As such, the site has a B8 use after a long period of use as storage.

Pre-application consultations

A pre-application consultation was submitted to Kirklees Council in October 2022 for a 2/3 bedroom residential development, and received a response in February 2023, including responses from:

- Trees
- Ecology
- Environmental Health
- Waste Strategy (Refuse and Recycling)
- Conservation & Design

A further consultation response was received from Highways in November 2023.

As a result of these responses, the design was revised to minimise impacts raised.

The proposal went from a 2/3 bedroom dwelling to a 1 bedroom dwelling and the layout was redesigned to make better use of the space, and create a buffer space and vehicle turning space next to the pub. In recognition that a detached residential-looking building could look incongruous in this location, the style of the dwelling was reimagined to present as a collection of light commercial buildings, reflecting the historic and use of the building currently on the site. A noise impact assessment was commissioned to understand the full impact of surrounding noise sources.

Following the redesign, a further pre-application consultation was submitted to Kirklees Council in January 2024, and received a response in April 2024, including responses from:

- Environmental Health
- Conservation & Design
- Highway Development Management

Since this most recent pre-application consultation response, the design has been honed to reduce impact on the view from Peel Street. This has included:

- Minimising the built form of the bin store and proposing painting it green to recede into the vegetation behind the site
- Simplifying the window reveals to be more in keeping with window designs seen throughout the village
- Proposing relandscaping of the access road with cobbles to contribute to an improved sense of place in the Conservation Area.

A full table of pre-application comments and subsequent mitigations, design changes and responses is set out in the Design and Access Statement.

Other community consultations

Over the past few years, the applicants have proactively and extensively engaged with the Shakespeare Public House and Sass Wellbeing Studio and Coffee Shop, who are both supportive of the proposals.

Positive discussions have also taken place prior to the submission of the planning application with the following community stakeholders:

- Punch Pubs - landowners of the Shakespeare Public House
- SB Homes - landowners of Sass Wellbeing Studio and Coffee Shop
- Crowther Estates - adjacent landowner
- Beverley Addy - local ward councillor
- Adjacent residents including
 - 1 Ingfield House
 - 2 Ingfield House
 - 3 Ingfield House
 - 4 Ingfield House
 - 1 Parkfield
 - 33 Peel Street (above the Shakespeare)

2 Planning Policy Context

2.1 National policy

The National Planning Policy Framework (NPPF), published in 2012 and last revised in September 2023, sets out national policy for sustainable development in England. It is founded on three core objectives (paragraph 8):



Other relevant sections of the NPPF in relation to this development include:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

A consultation on the NPPF was launched by the Government on 30th July 2024 (ending on 24th September 2024). An accompanying ministerial statement called “Building the homes we need” was published on the same day which set out the direction of travel. It should be noted that this ministerial statement is capable of being a material consideration in planning decisions now even without a new and adopted version of the NPPF ([Cala Homes \(South\) Ltd, R \(on the application of\) v Secretary of State for Communities and Local Government & Anor \[2011\] EWCA Civ 639](#)).

2.2 Local policy

The Kirklees Local Plan was adopted in 2019 and comprises the strategy and policies document, allocations and designations document, and associated policies map.

Relevant policies for this proposal from the Local Plan include:

- LP1 - Presumption in favour of sustainable development
- LP2 - Place shaping
- LP3 - Location of new development
- LP7 - Efficient and effective use of land and buildings
- LP10 - Supporting the rural economy
- LP11 - Housing Mix and Affording Housing
- LP13 - Town centre uses
- LP15 - Residential use in town centres
- LP20 - Sustainable travel
- LP21 - Highways and access
- LP22 - Parking
- LP24 - Design
- LP26 - Renewable and low carbon energy
- LP28 - Drainage
- LP30 - Biodiversity and geodiversity
- LP31 - Strategic Green Infrastructure Network
- LP33 - Trees
- LP35 - Historic environment
- LP47 - Healthy, active and safe lifestyles
- LP48 - Community facilities and services
- LP51 - Protection and improvement of local air quality
- LP52 - Protection and improvement of environmental quality

2.3 Other documents consulted

- Biodiversity net gain planning practice guidance
- Design: process and tools planning practice guidance
- Healthy and safe communities planning practice guidance
- Historic environment planning practice guidance
- Housing for older and disabled people
- Natural environment planning practice guidance
- Noise planning practice guidance
- Self-build and custom housebuilding planning practice guidance
- Kirklees Housebuilders Design Guide Supplementary Planning Document 2021
- Kirklees Highway Design Guide Supplementary Planning Document 2019
- Kirklees Waste Management Design Guide for New Developments 2020
- Marsden Conservation Area Appraisal 2007
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance 2016
- Kirklees Climate Change Guidance for Planning Applications 2021
- Guidance on noise, odour and air quality control for residential development in the town centres
- Homes England's Building for a Healthy Life 2020

3. Planning Policy Review and Material Planning Considerations

3.1 Principle of development

The principle of residential development at this site, and of the specific design proposed, is strongly supported by national and local policy for the following reasons:

1. The nature of the proposal as
 - a) self build development, supporting the economic core objective of the NPPF,
 - b) providing for a local person and someone with a disability, supporting the social core objective of the NPPF, and
 - c) climate conscious, supporting the environmental core objective of the NPPF.
2. The location of the proposal as
 - a) brownfield land within a settlement,
 - b) unallocated land adjacent to the Marsden District Centre and surrounded by residential uses, and
 - c) a sustainable location for transport.
3. The presumption in favour of sustainable development.

These reasons are expanded and explained below.

1. a) Self build development

This proposal is for a “self build” house. This means the house is designed and built by the person/people that will live in it. The NPPF explicitly encourages local authorities to seek opportunities to support this type of development in paragraph 70:

70. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites **local planning authorities should:**

...

- b) **seek opportunities, through policies and decisions, to support small sites to come forward for** community-led development for housing and **self-build and custom-building housing.**

Footnote 29 of the NPPF also notes the following:

²⁹ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and Custom House building. **They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. ...**

Granting this proposal planning permission would contribute to Kirklees Council's number of suitable development permissions to meet the demand in the area, which is significant. (In March 2021, [a Local Government Association report](#) showed that Kirklees Council's Custom and Self Build register had 392 register entrants after 4 years.)

Policy LP11 - Housing Mix and Affordable Housing from Kirklees Local Plan 2019 provides further policy support for self build development:

...

The council will encourage proposals for custom/self build homes where consistent with the other policies in the Local Plan.

...

As evidenced in the Ministry for Housing, Communities and Local Government's 2020 advice note, "[Local Economic Benefits of Custom and Self-Build](#)", custom and self-build development is good for local economies. This type of housebuilding is more likely to result in local spend on materials and labour compared to national housebuilding, preferring to work with small builders. Specifically: "45 pence in every pound invested in CSB homes is spent locally, more than double the estimated 22 pence in every pound invested by mainstream housebuilders." Housing delivery of self-build homes is also less dependant on economic cycles and so more reliably built out, contributing to fast delivery of diverse housing.

In this way, with Marsden being within the Kirklees Rural sub area defined in Policy LP2, the proposal would contribute to Policy LP10 - Supporting the rural economy:

1. The economic performance of the rural economy will be improved by:

...

b. Supporting the needs of small and medium sized enterprises

c. Increasing local employment opportunities

...

It is clear that such a development has a strong backing of specific national and local policy support for a type of development that provides enormous economic benefits, especially to the local economy. As such, the proposal upholds a core objective of the NPPF to build a strong, responsive and competitive economy.

1. b) Socially integrated development

The proposal also greatly contributes to the social core objective of the NPPF, to support strong, vibrant and healthy communities.

The home is for a locally raised member of the community and their partner, who has a progressive disability. The dwelling meets the needs of the disabled person, and has been designed with flexibility in mind so it can adapt to their needs as the disability progresses. For example, the dwelling has a full bathroom downstairs, level thresholds and wide door openings and corridors.

Such a design which allows for a lifetime home contributes to the housing mix required in national and local planning policy:

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the **needs of groups with specific housing requirements are addressed** and that land with permission is developed without unnecessary delay. **The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.**

In addition to contributing to the housing mix in such a way, this self-build proposal also has an opportunity to improve the social, mental and physical wellbeing of the occupants, which is also valued in the NPPF:

96. **Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:**

a) **promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments**, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

...

c) **enable and support healthy lifestyles**, especially where this would address identified local health and well-being needs - **for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.**

This ties into Policy LP47 - Healthy, active and safe lifestyles, in the Local Plan:

The council will...create an environment which supports healthy, active and safe communities and reduces inequality.

Healthy, active and safe lifestyles will be enabled by:

...

e. Increasing opportunities for walking, cycling and encouraging more sustainable travel choices;

f. Supporting energy efficient design and location of development

...

The applicant and their partner have a pre-existing network of friends, family and support in the village which will avoid social isolation - this is particularly important when someone has a disability. Its central location in easy walking distance to shops and amenities will provide further informal social interaction within the village. The sports centre, Marsden's position on the Manchester-Leeds canal, and with easy access to the moorland surrounding the village and the

local park, encourages an active lifestyle. Furthermore, the greengrocers on the high street, as well as the local allotments, provide opportunities for healthy eating.

As such, the proposed dwelling provides the foundation for the occupants to contribute to, and become part of, a strong, vibrant and healthy community.

1. c) Climate conscious development

The final core objective of the NPPF aims to protect and enhance our natural, built and historic environment. The proposal's contribution to protecting and enhancing the *historic* environment is discussed in a later section. Meanwhile, the NPPF requires that new development should consider climate change, greenhouse gas emissions, and Britain's transition to a low carbon future:

159. **New development should be planned for in ways that:**

...

b) can help reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

In addition, Kirklees Council declared a climate emergency in 2019 and state that “we all must take urgent action to improve and protect our environment” on their [website](#). They aim to be “Net Zero and Climate Ready by 2038”, and have a Climate Change Action Plan for Kirklees which recognises the contribution of decisions made by local government in reaching their goals. Renewable technology such as air source heat pumps is supported in Policy LP26 - Renewable and low carbon energy.

The proposed dwelling has the following features contributing to an exceptional example of sustainable building design:

- Lower heat loss form factor
- High levels of insulation
- Triple glazed windows and doors
- Mechanical ventilation with heat recovery
- Air source heat pump instead of gas
- Thoughtful placement of windows that should avoid the risk of overheating in summer months

Many of these features are, or feed into, passivhaus principles. Furthermore, this dwelling has been designed to the AECB Building Standard, which represents a reduction in energy usage needs by 70% of a typical new-build UK house. The Climate Change Statement goes into more detail about the climate conscious nature of this proposal.

In combination with its sustainable location on brownfield land and encouraging sustainable travel discussed below, and its localised enhancement of the historic environment also discussed later, the climate conscious credentials of the design clearly exemplify how the proposal meets the environmental objective of the NPPF.

2. a) Development on brownfield land

The proposal presents an efficient and creative use of previously developed land, which is currently underutilised as a storage unit in a central location of Marsden.

There is significant policy support for redeveloping such brownfield land into housing in both the NPPF and the Local Plan. In the NPPF:

123. Planning policies and **decisions should promote an effective use of land in meeting the need for homes** and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accompanying objectively assessed needs, **in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.**

124. Planning policies and **decisions should:**

...

- c) **give substantial weight to the value of using suitable brownfield land within settlements for homes** and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) **promote and support the development of under-utilised land and buildings...**

70% of Kirklees’s land is designated as Green Belt (not including the Peak District National Park). This proposal is an opportunity to provide a home in on brownfield land well within the settlement boundaries of Marsden, without threatening the Green Belt which encircles the village. The Local Plan supports such use of space in Policy LP7 - Efficient and effective use of land and buildings:

To ensure the best use of land and buildings, **proposals:**

- a) **Should encourage the efficient use of previously developed land in sustainable locations** provided that it is not of high environmental value;
- b) **Should encourage the reuse or adaptation of vacant or underused properties;**

...

It should also be noted that, although a new version of the NPPF is yet to be released by the current Government, a consultation has been launched setting out the changes. It is accompanied by a Ministerial Statement which, as mentioned above, can be a material planning consideration, as proved by case law. The direction of travel for national policy is very clearly going to be based on delivering more housing than current levels, with changes also to how housing supply is calculated. This change is likely to see Kirklees’ housing target increase. Of particular importance is that the ministerial Statement declares that **development proposed on brownfield sites will be regarded as “acceptable in principle”**. This is in addition to the substantial positive weight in their favour which exists currently in policy. Furthermore, the draft consultation text removes paragraph 129, which states that significant uplifts in the average density of residential development in urban areas may be inappropriate if the resulting built form would be wholly out of character with the existing area.

In this way, based on both existing and emerging national policy, and further supported by local policy, the brownfield nature of the development is strongly supported. It is a material consideration with significant weight in the proposal's favour.

2. b) Location within Marsden on unallocated site surrounded by commercial and residential uses

The site is unallocated in the Local Plan, and directly adjacent to the District Centre of Marsden. As such, the proposal constitutes windfall development. Typically, proposing unallocated land for housing is supported by policy. Paragraph 70 of the NPPF encourages local authorities to:

d) support the development of windfall sites through their policies and decisions – giving **great weight** to the benefits of using suitable sites within existing settlements for homes.

Furthermore, the policy justification of LP3 - Location of new development, notes that “housing delivered on windfall sites will ...make an important contribution” to the delivery of Kirklees’ housing supply.

As per Policy LP7 - Efficient and effective use of land and buildings:

...

Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

- a) Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate**

...

The site is identified to be able to support one dwelling to reach this density level.

LP13 - Town centre uses includes district centres and defines Marsden as a District Centre. The site is in close proximity to the district centre boundary, which ends at the Shakespeare. Due to this proximity, LP15 - Residential use in town centres has also been given some consideration, despite not being directly relevant:

Proposals for residential uses... within the defined town centres... will be supported subject to:

- a) The protection of primary shopping areas, primary and secondary shopping, frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
- b) The protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
- c) The protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
- d) The protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will, in particular, consider matters such as privacy, noise, and air quality;
- e) The provision of space for the storage of sustainable modes of transport, such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;

- f) The provision of space for vehicular parking, which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
- g) Provision of affordable housing in accordance with policy set out in the local plan; and
- h) The provision of refuse storage and collection.

Similarly, paragraph 90 of the NPPF says:

90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.

Planning policies should:

...

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Although adjacent to a District Centre and on the ground floor, the set back nature of the dwelling would retain the primacy of the shopping and active frontages of the commercial uses on Peel Street. At the same time, it can provide space for bikes, e-vehicle charging, and refuse storage, and the design includes a number of features that will secure a high level of residential amenity.

Despite its proximity to the District Centre, it should be noted that looking at existing land use below, the proposal site is surrounded on almost all sides by residential uses. There are residential properties to the north east on Brougham Road, east and south on Manchester Road, and to the west on Peel Street (flats above commercial shops).



Local land uses in Marsden surrounding the site

Previous communications with Kirklees Council have suggested that the location being so close to pre-existing commercial developments (specifically the Shakespeare and Sass café) would cause undue restrictions on their operations, and could be contrary to paragraph 193 of the NPPF:

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing business and community facilities (such as places of worship, pubs, music venues and sports clubs). **Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.** Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

However, as seen in the land use map and similar to the proposal site, the Shakespeare and Sass café are also already surrounded by residential development. In fact, when given planning permission for Sass café, the 2021 delegated officer report acknowledged the close proximity of residential properties around the area, including residential gardens that abut the café, and the residential unit above the Shakespeare:

“The area is mixed commercial and residential, and there are residential properties close to the site, including those next door to the site to the south (a number of which are at Ingfield House). The back gardens of a number of properties at Ingfield House, back onto the site, and one of the gardens runs to the rear of the site. It should also be noted that there is also a residential unit above The Shakespeare Public House (33 Peel Street) next door to the site to the north.”

“The neighbouring residential properties, notably the adjacent ones at Ingfield House, are sensitive to noise therefore care must be taken to ensure that any change of use does not have a negative impact on the living environment of these residents.”

Meanwhile, as stated, the Shakespeare has a residential unit directly above it, and another above the flower shop Lily Blossom that shares a party wall with the pub. It is also considered that the proposal would integrate well with no unreasonable restrictions on the community facilities to the north of the site (the Marsden Mechanics Institute and Marsden Infant and Nursery School).

As such, as well as being in line with paragraph 70 and LP7, this proposal is in line with paragraph 193 from the NPPF as it would not place any unreasonable restrictions on the Shakespeare or Sass café. Both commercial developments must already consider the pre-existing residential development surrounding them. There is no reason why the introduction of another residential dwelling in similar proximity to these community facilities would mean they could not be retained, meaning the proposal is also in line with LP48 - Community facilities and services. In addition, residential uses are recognised to enhance the vitality of town centres, and the proposal accords with paragraph 90 and LP15. To mitigate any possible adverse impact of its siting adjacent to a

District Centre, the design of the proposal includes a number of measures to minimise noise and odour from the commercial developments that have the potential to create nuisance. They include significant insulation, triple glazing, and a mechanical ventilation heat pump to reduce the need for opening windows. Furthermore, a Noise Impact Assessment and Odour Impact Assessment have been carried out on the site where neighbouring uses were operating in their usual manner, with no undue impact.

2. c) Sustainable location for transport

Both the NPPF and Local Plan strongly promote sustainable transport, with the sustainable transport hierarchy placing walking at the top of the pyramid, followed by cycling and public transport.

Chapter 9 of the NPPF:

108. **Transport issues should be considered from the earliest stages of** plan-making and development proposals, so that:

...

c) **opportunities to promote walking, cycling and public transport use are identified and pursued...**

116. Within this context, **applications for development** should:

a) **give priority first to pedestrian and cycle movements**, both within the scheme and with neighbouring areas; and **second - so far as possible - to facilitating access to high quality public transport**, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use

Policy LP20 - Sustainable travel of the Local Plan:

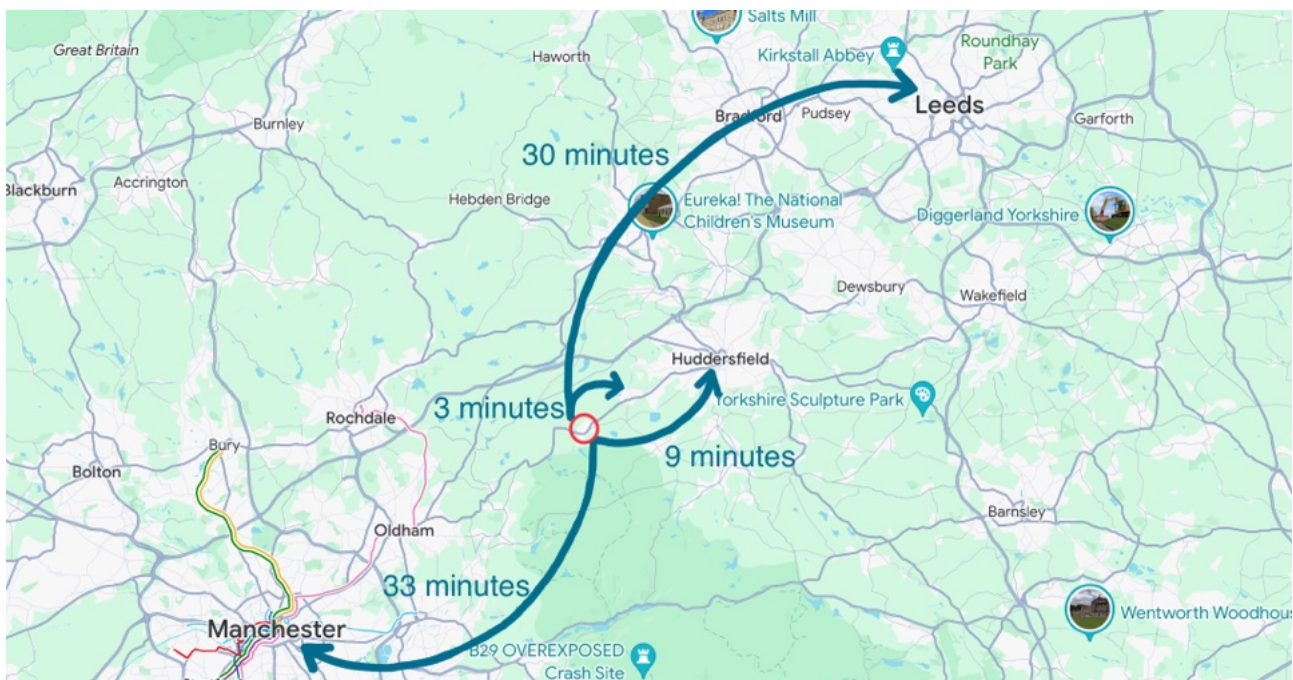
New development will be located...to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling, and walking and in the case of new residential development is located close to local facilities...

Marsden provides a wide range of services and amenities within its commercial core. It has education facilities, multiple community hubs, a library, a supermarket, a sports centre, public houses, a doctors surgery, a post office, a pharmacy, places of worship, a greengrocers, butchers and bakeries, and various eateries, takeaways, cafes and shops. Being located off Peel Street, the proposed dwelling would subsequently be within easy walking distance of this wealth of services and amenities, the vast majority of which would be reachable in well under 5 minutes. Furthermore, the next door village of Slaithwaite is a 20 minute cycle ride away, providing further diversity and choice of services and amenities including a large supermarket and a leisure centre with a swimming pool.

Marsden is served by Marsden railway station (7 minute walk from proposed dwelling) with trains to Slaithwaite (3 minutes), Huddersfield (9 minutes), Leeds (30 minutes), and Manchester Piccadilly (33 minutes) (see below). The site is also under a minute away from a bus stop with a choice of regular bus services:

- 383 Marsden - Huddersfield (via Linthwaite)
- 184 Oldham - Marsden - Huddersfield
- 937 Marsden - Honley (via Meltham)
- 938 Marsden - Blackmoorfoot

This shows that the site is in an excellent location for access to sustainable travel, providing swift links to local hubs, towns, and two major cities, despite being within the Kirklees Sub Rural area.



Distance of Marsden from key hubs by train times (background map from Google 2024)

3. Presumption in favour of sustainable development

Critically, Kirklees Council do not have a 5 year housing supply against their housing requirement, as required by national planning policy.

Their 2023 position is that they have 3.96 years of housing land supply. As per footnote 8 of the NPPF, this triggers the tilted balance outlined in paragraph 11 of the NPPF called the “presumption in favour of sustainable development”:

For decision-taking this means:

...

d) **Where** there are no relevant development plan policies, or **the policies which are most important for determining the application are out-of-date, 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; 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.

In the case of this proposal, “areas or assets of particular importance” in part (i) would refer to the Marsden Conservation Area and nearby Grade II listed Ingfield House and its setting. The application of policies from the NPPF regarding these heritage assets are discussed later in this document, and also fully explored in the accompanying Heritage Impact Assessment, which concludes the proposal causes no harm to neither the Conservation Area, nor Ingfield House and its setting.

As per part (ii), the adverse impacts and benefits of the proposal are also subsequently discussed, and it is concluded that the adverse impacts do not “significantly and demonstrably outweigh the benefits”.

Paragraph 38 of the NPPF further reinforces that:

...Decision-makers at every level should seek to approve applications for sustainable development where possible.

This ties into Kirklees’ Local Plan Policy LP1: Presumption in favour of sustainable development:

...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework...

It is considered that this proposal reflects multiple aspects of being sustainable development:

- Sited on brownfield land
- Location easily facilitates sustainable transport
- Contributes to a vibrant mixed use town centre
- Uses sustainable building methods such as timber frame, air source heat pump and a green roof
- Self build development
- Provides a flexible layout that can adapt to changing needs, including being wheelchair adaptable, to provide a lifetime home for someone with a disability
- Supports the local economy.

3.2 Design, heritage and visual amenity

The NPPF places emphasis on achieving well-designed and beautiful places (Chapter 12):

131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

This chapter goes on to detail qualities of well-designed and beautiful places:

135. Planning policies and decisions should ensure that developments:

- a) Will function well and **add to the overall quality of the area**, not just for the short term but over the lifetime of the development;
- b) Are **visually attractive as a result of good architecture, layout and appropriate and effective landscaping**;
- c) Are **sympathetic to local character and history**, including the surrounding build environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) **Establish or maintain a strong sense of place**, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) **Optimise the potential of the site** to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) **Create places that are safe, inclusive and accessible** and which **promote health and well-being**, with a **high standard of amenity** for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

139. 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.

LP24 - Design supports the NPPF policies by providing further guidance on good design in Kirklees:

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of the pre-application consultation of a proposal. ... Proposals should promote good design by ensuring:

- a. **The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape**;
- b. **They provide a high standard of amenity for future and neighbouring occupiers** including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;
- c. Extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

- d. **High levels of sustainability, to a degree proportionate to the proposal, through:**
 - i. The re-use and adaption of existing buildings, where practicable;
 - ii. **Design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;**
 - iii. **Considering the use of innovative construction materials and techniques,** including reclaimed and recycled materials
 - iv. **Where practicable, minimising resource use in the building by orienting buildings to utilise passive solar design.** This includes encouraging the incorporation of vegetation and tree planting to assist heating and cooling and **considering the use of renewable energy;**
 - v. **Providing charging points to encourage the use of electric and low emission vehicles;**
 - vi. **Incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;**
 - vii. Designing buildings that are resilient and resistant to flood risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;
 - viii. **Designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities, and offer flexibility to meet changing requirements of the resident / user.**
- e. **The risk of crime is minimised by** enhanced security, and the promotion of well-defined routes, **overlooked streets and places**, high levels of activity, and well designed security features;
- f. **The needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places**
- g. Any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks;
- h. **Development contributes towards enhancements of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;**
- i. **The retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits;** and
- j. The provision of public art where appropriate.

The development of the design has been guided by:

- Kirklees Housebuilder Design Guide
- the comments received by Kirklees planners and consultates from the two pre-application consultation responses
- the site context, including the Conservation Area
- the history of the barn.

One particular comment from Kirklees during the first pre-application consultation included that development that presented as residential would not fit into the established built pattern of residential development, especially in the barn's location in a backland setting, positioned away from the road. The existing barn sits subordinate to The Shakespeare pub, and as one half of a pair of barns which were historically in the same ownership and both used for light industrial functions. As mentioned, the barn has been used predominantly for storage, including as a depot for milk floats, while the structure directly fronting Peel Street is now a café and yoga studio, and previous uses include a mechanic's garage/workshop.

In response to the site history and context and to Kirklees' comments, the proposal has been designed to evoke a light industrial feel, rather than residential. Large timber clad openings look like barn doors on the outside, while working functionally for a home on the inside. The use of timber as an accent material speaks to the backland setting, and references the materials visible on the existing barn. At the same time, the use of stone as the dominant cladding material, and slate on the roof, respects the wider setting of the Marsden Conservation Area.

The pattern of different massings suggest a collection of associated light industrial buildings, while the roofscape has been carefully considered to reflect the lines already present in the immediate vicinity. The eaves and roofline of the tallest part of the building match up with the barn's counterpart, representing a modest increase in height of 1m from the existing barn, and retaining the subordinate relationship with The Shakespeare. The asymmetrical pitch provides sufficient internal headroom while taking up a smaller building footprint, and presents as a standard pitch from the front elevation. Meanwhile, the part of the building closest to the residential properties on Manchester Road drops 1.4m in height compared to the existing barn, to reduce the visual impact for those properties and gardens. The ancillary garage has a flat roof, mimicking the other residential outbuildings in proximity.

The view from Peel Street looking down the access road has also been considered; the building footprint has been shifted south, which reduces the volume of development visible from the road, therefore reducing its impact. This offset from the north-western boundary also provides further benefits. It creates a buffer space for privacy from the Shakespeare's outdoor space, a vehicle turning circle, and space for screened storage. This is for three bins and the air source heat pump which are screened from view by a green timber fence the north-eastern boundary, and set back c.28m from Peel Street. The proposed garage is the same approximate height as the existing boundary fence, set to the side of the access road and therefore invisible from Peel Street. It is proposed to have a green roof to improve visual amenity from above for residents in Ingfield House.

Further detailed information about the evolution of the proposal, rationale, design principles, materials, massing, scale and site integration can be found in the Design and Access Statement submitted as part of this application. It also explains how the design accords with relevant supplementary planning documents including Kirklees Housebuilders Design Guide.

The NPPF sets out policies for conserving and enhancing the historic environment. Proposals should consider the significance of any heritage assets affected, including any contribution made by their setting:

200. In determining applications, local planning authorities should require an **applicant to describe the significance of any heritage assets affected, including any contribution made by their settings...**

Also particularly relevant is paragraph 203:

203. In determining applications, **local planning authorities should take account of:**

...

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Meanwhile, Policy LP35 - Historic Environment clearly details Kirklees Council's approach to development proposals affecting a designated heritage assets.

1. **Development proposals affecting a designated heritage asset**, (or an archaeological site of national importance) **should preserve or enhance the significance of the asset**. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met:
 - a) The nature of the heritage asset prevents all reasonable uses of the site;
 - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c) Conservation by grant, funding, or some form of charitable or public ownership is demonstrably, not possible; and
 - d) The harm or loss is outweighed by the benefit of bringing the site back into use.
2. Proposals which would remove, harm or undermine the significance of a non-designated heritage assets, or its contributions to the character of a place will be permitted only where benefits of the development outweigh the harm, having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance, where development affecting such sites is acceptable, in principle, mitigation of damage will be insured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.
3. Proposal should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:
 - a) **Ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;**
 - b) **Ensure that proposals within conservation areas conserve those elements which contribute to their significance;**
 - c) Secure a sustainable future for heritage assets at risk, and those associated with the local textile industry, historic farm buildings, places of worship, and civic and institutional building is constructed on the back of the wealth, created by the textile industry as expressions of civic pride and identity;

- d) **Identify opportunities, including the use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets,** and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm, caused to the heritage assets' significance;
- e) Accommodate innovative design, where this does not prejudice the significance of heritage assets;
- f) Preserve the setting of Castle Hill, where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

The Heritage Impact Assessment makes the following judgements about the current site:

- "The contribution that the Site makes to the significance of any relevant heritage assets is assessed to be neutral to negative".
- "The Site makes no contribution to the significance of the listed building".
- "The Site's contributions to the significance of the conservation area are negative. The enclosed nature of the Site is such that its negative contributions are highly localised".
- "The setback from Peel Street, and development and changes in topography between the Site and Manchester Road, are such that the Site is very well screened. The Site does not fall within, nor form a part of, any significant views or open areas within the conservation area".
- "It is very unlikely that any remains of archaeological interest will be present".

The assessment goes on to make the following judgements about the proposed development:

- "The proposed resurfacing of the Site access with traditional gritstone cobbles - which is readily experience able in moving along Peel Street - constitutes a clear improvement on its existing appearance, and an enhancement in turn to the conservation area."
- "The enhancements to the Site and conservation area are meaningful and should be appropriately considered as public benefits".
- "No harm would ...arise to the character and appearance of the Marsden Conservation Area from the proposed development"
- "The proposed development would ...not detract from the significance of, or dominate, Ingfield House as part of its setting, despite being inter visible with and close to the building's rear elevations; its significance would be preserved".

Within its discussion of the site and proposal, the Heritage Impact Assessment notes a number of supporting statements from Kirklees Council's Marsden Conservation Area Appraisal:

- "There has been some infill [in the Peel Street sub area of the Marsden conservation area] but this has enhanced the existing chaotic building arrangement, which has produced a characteristic roof scape. When viewed from above this is locally distinctive and provides a sense of place".
- "Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [the conservation area]".
- The Appraisal is supportive of development in the conservation area, particularly where it would "enable local residents to afford to remain within the area".
- "It is essential to promote regeneration in an area which has experienced economic decline...There is considerable potential for conservation led regeneration in the Marsden conservation area".

It should be noted that the Marsden Conservation Area Appraisal attracts high weight, being Kirklees Council's formal view of the Conservation Area.

The Heritage Impact Assessment concludes the following:

“Overall, **the proposed development results in no harm** to any identified heritage assets, including the Marsden Conservation Area and adjacent Grade II Listed Ingfield House. Rather, **the scheme will have a positive impact**, resulting in a small, localised enhancement of the conservation area, owing to the removal of what is currently a detracting building and tarmacadam surfacing, and the **introduction of a more appropriately materialled and sympathetically designed building and traditional gritstone cobbles.**”

Ultimately, the proposal provides an improvement to visual amenity and protects and enhances the identified heritage assets, in line with the environmental objective of the NPPF. It is considered that the design meets the high quality required by LP24, and accords with the heritage requirements in the NPPF as well as Local Plan Policy LP35 and objectives detailed in the Marsden Conservation Area Appraisal. Taking into account Kirklee's supplementary planning documents on design, the proposal integrates well into the site, is respectful of existing development, and creates a coherent pattern of development within a backland setting that reflects Marsden's development pattern. It uses local materials and features that don't create a prominent feature in the streetscene. Most importantly, the design reduces the visual footprint of the building seen from Peel Street, and elsewhere there are very limited views of the site, despite a minor increase in height.

3.3 Impact on residential amenity

The NPPF specifically requires:

135. ...
g) ... a **high standard of amenity for existing and future users...**

Furthermore, the Local Plan has references to residential amenity throughout the policies relating to housing.

The impact on residential amenity of the dwelling itself, and neighbouring dwellings, is fully explored in the Design and Access Statement. However, the dwelling has been thoughtfully and creatively designed to avoid overlooking of the dwelling, and of neighbouring dwellings, despite the constrained site, by using roof lights, high level windows, windows into a double height area, and key frontages with no windows. A Mechanical Heat Ventilation Pump maintains a constant supply of fresh air in the dwelling, and triple glazed windows and highly insulated walls minimise noise nuisance. There is a well proportioned and private outdoor area that is south west facing, and internal space that well exceeds internal space standards. The Design and Access Statement also includes a daylight assessment.

With all of these design elements combined, the standard of amenity for future occupiers will be high without compromising the existing amenity of neighbouring dwellings, meaning the development is in accordance with the NPPF, and the relevant references to residential amenity in LP15 and LP24.

3.4 Environmental pollution and nuisance

Noise, air quality, odour and contaminated land have been considered in the development of this proposal as required by LP52 - Protection and improvement of environmental quality.

LP52:

Proposals, which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow, flicker, chemicals, and other forms of pollution, or to increase pollution to soil, or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated, and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level will have an acceptable impact on the environment.

...

The development is not in an Air Quality Management Area or Area of Concern, and the dwelling is set back from Peel Street and Manchester Road. Therefore, it is not expected that the outdoor or indoor areas of the development will suffer from poor air quality. In fact, as the dwelling is proposed to have a Mechanical Ventilation Heat Pump, the property will have exceptional indoor air quality.

Meanwhile, the Contaminated Land Stage 1 report concludes there is low potential for contamination on the site, and an Odour Impact Assessment has found no significant impacts of odour either individually or in combination from surrounding commercial uses.

Furthermore, a Noise Impact Assessment determined that levels of background noise were not unacceptable for a residential dwelling with outdoor space. The dwelling's high performance specification including triple glazing, high levels of insulation, and a Mechanical Ventilation Heat Pump, will ensure indoor amenity. The inclusion of a buffer to the side elevation, and a single storey garage will further minimise any adverse impacts from noise.

In light of these assessments, the proposal accords with LP52.

3.5 Highway safety

The most significant statement made in the NPPF about highway design is found in paragraph 115:

115. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

However, this is supported by a number of other relevant policies about highway design and transport:

114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) **appropriate opportunities to promote sustainable transport modes can be - or have been - taken up**, given the type of development and its location;
- b) **safe and suitable access to the site can be achieved for all users**;
- c) the design of street, partaking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

116. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy LP21 - Highways and access of the Local Plan also contributes the following:

Proposals shall demonstrate that. They can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

New development will 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.

...

Policy LP22 - Parking is also relevant, providing a number of principles, including needing to provide for cyclists.

The proposal accords with these national and local policies in a number of ways. The Kirklees Highway Design Guide Supplementary Planning Document 2019 has also been consulted as the design has evolved.

The existing access shared with the Shakespeare and Sass Coffee House is c.3.6m wide. The applicants have right of way over the access road, and contribute to its maintenance. Currently it is poorly surfaced in tarmac, and parking is in front of the barn at the end of the access road.

The proposal provides a large 6mx4m garage for off-street parking for one car (larger than the minimum dimensions required in the Kirklees Highway Design Guide). The garage will include a charging point for electric vehicles, and space for two bikes. The garage also forms part of a new turning circle for vehicles to safely enter and exit the access road in a forward gear (which is not possible in the current conditions).

The accompanying letter on highway safety details how highway safety is expected to improve with the proposal. The proposed development will likely result in a net reduction in traffic movements along the access road and would therefore provide an overall net benefit in terms of highways safety (i.e. thereby reducing the likelihood for a vehicle / pedestrian collision).

It is estimated that between 2 to 10 two-way trips currently use the access road across a typical day, associated with the various users of the access road including to access the storage barn. The previous uses of the storage barn, as well as the previous use of the beer garden as a car park, would have represented a much higher number of trips using the access road. With the land behind the Shakespeare currently used as a beer garden rather than a car park, it should be noted that many of the present trips result in unauthorised parking on the land in front of the barn in the applicant's control. The proposed development would therefore remove these trips, as well as trips associated with the current barn. In its place, the letter suggests based on interrogation of a Trip Rate Information Computer System output, that "it is reasonable to consider that the proposed single one-bedroom residential dwelling will likely generate no more than 2 two-way vehicle trips across any given day".

The letter concludes that "it certainly cannot be concluded that the proposed development will result in a "severe" impact within the context of the National Planning Policy Framework", and that "there are no reasons to refuse the development on highways matters and we consider the proposal to be acceptable in highway terms".

In reducing the conflict between pedestrians and vehicles in this way, it was considered that an highly engineered solution to pedestrian / vehicle intervisibility at the access mouth would no longer be necessary. However, the resurfacing of the access road with cobbles will provide additional mitigation for this element, without introducing street clutter or visual clutter. The visual and tactile cobbles will signal to drivers that they are entering a shared space, and to drive slowly and carefully. Meanwhile, avoiding tarmac on the access road signals to pedestrians that they have priority, so they are more likely to position themselves more prominently and visibly in the centre of the access road.

This proposal improves an existing access to reduce pedestrian/vehicle conflict, and improve highway safety while providing appropriate turning space, vehicle parking (including e-charging point) and cycle parking to the proposed dwelling. As such, it is in line with national and local policy on highway safety and creating pedestrian-priority development.

3.6 Waste

Again, the Kirklees Highway Design Guide Supplementary Planning Document 2019 has been consulted in the evolution of the design to manage waste.

Taking into account Key Design Driver number 27, adequate bin storage for three bins is provided with easy, level access from the storage location to the collection point. It is c.28m from the collection point, which is within an acceptable margin of the 25m guidance, as judged by Kirklees Waste Strategy department in the first pre-application consultation response: “The distance between the property and Peel Street is approximately 28m ... [which] is sufficiently close to the 25m drag out guidance limit in BS5906:2005 as not to be a significant issue for bin presentation”. It is well integrated in an enclosed and discreet bin store. The location of the bin storage will not impact the amenity of existing or future residents. The bin presentation area in front of the Shakespeare does not obstruct the access road or the pavement, and has the written permission of the landowner for temporary presentation.

The design’s waste management proposals are considered to be sensitive, appropriate, and designed to preserve visual and residential amenity.

3.7 Impact on ecology, trees, and the Green Strategic Infrastructure Network

Chapter 15 of the NPPF sets out how development should contribute to and enhance the local and natural environment. Planning permission should be refused where significantly harm to biodiversity due to a development cannot be avoided, mitigated or compensated for. Meanwhile, the Local Plan sets out its approach in the following policies:

Policy LP30 - Biodiversity and geodiversity:

The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

...

Development proposals will be required to:-

- (i) Result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
- (ii) Minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat where opportunities exist;**
- (iii) Safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network where opportunities exist; and
- (iv) Incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

Policy LP31 - Strategic Green Infrastructure Network:

...

Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:-

- (i) The function and connectivity of green infrastructure networks and assets are retained or replaced
- (ii) New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural green space, woodland and street trees;

...

Policy LP33 - Trees is relevant:

The Council will not grant planning permission for developments which directly or indirectly, threaten trees, or woodlands of significant amenity.

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

The mature trees behind the site are protected by virtue of being within a conservation area. The proposal will not cause any harm to these trees; they will likely need minor crown work to enable the development which will be applied for separately.

The Preliminary Ecological Appraisal accompanying this application did not identify any ways in which the development would cause detrimental harm to biodiversity or geodiversity, as “the proposed works have minimum potential to impact the designated areas”. A number of general avoidance measures and recommendations specific to reptiles were proposed, which will be followed. The barn on site was assessed as having low bat roosting potential; a bat dusk emergence survey was carried out in August 2023. No bats were recorded emerging or re-entering the barn, and there was no evidence that there were roosting bats in the barn.

It should also be noted that statutory 10% Biodiversity Net Gain is exempt as outlined in the Biodiversity Net Gain Planning Practice Guidance as a self build development. However, biodiversity enhancements are still incorporated into the scheme: the garage will have a green sedum roof, and the building will also feature a bat box.

In this way, the proposals accord with the NPPF and Local Plan policies relating to ecology.

4 Conclusions and Planning Balance

This proposal has been thoughtfully developed to maximise the benefits of a difficult site. Through creativity, collaboration, and sensitive consideration of the site, surroundings, and history, the development represents a sympathetically designed dwelling to contribute to Marsden's housing mix. It provides a flexible, wheelchair-adaptable and climate conscious lifetime self-build home on a brownfield site for a couple with local family ties. Furthermore, it provides biodiversity enhancements and improves highway safety. Critically, it does not harm the conservation area, or the setting of the nearby Ingfield House, and it has been determined to result in a localised enhancement of the conservation area.

The high quality design uses local materials and honours the use of the existing structure on the land. As a sensitive redevelopment of an underutilised site, it protects the Conservation Area and nearby listed building by making a positive contribution to the site.

It represents only a 14m² increase in footprint from the existing building on the site, and the proposed heights and layout have been carefully considered. The dwelling represents a height increase of 1m on north side, and a decrease by 1.4m on south side where it is closer to sensitive residential houses; the garage is the same height as the existing boundary treatment; a green roof reduces the visual impact of the garage when viewed from above, and; the air source heat pump and bins are screened from view.

The design of the building will provide a high level of residential amenity for the future occupiers with no odour, noise, or overlooking issues, and it also protects existing neighbouring residential amenity. The site benefits from an existing access off Peel Street, which will be relandscaped from tarmac to cobbles, both enhancing local distinctiveness in the Conservation Area and improving highway safety by slowing vehicles with visual and tactile cues.

A new residential development in this area will not be incompatible with the surrounding commercial uses. These commercial uses must already have regard to the existing residential development in the immediate vicinity, including the dwellings above and sharing a wall with the Shakespeare pub, and the residential gardens abutting Sass cafe. On the contrary, a residential dwelling in this location would contribute to a vibrant town centre and mixed use development encouraged in the NPPF.

Furthermore, it is provided on brownfield land within the settlement limits which will soon be considered acceptable in principle, having regard to the ministerial statement "Building the homes we need" published on 30th July 2024. It would also contribute to Kirklees Council's targets for permissions for self-build homes. Extensive consultation has taken place in the run up to this application, both with the local planning authority which has contributed to the design development, and with the adjacent commercial businesses.

Ultimately, bearing in mind the presumption in favour of sustainable development enacted by paragraph 11 of the NPPF, the proposal:

- **Does not** cause harm to the Conservation Area or the setting of the listed Ingfield House, both protected in the NPPF, as proved by the Heritage Impact Assessment and the high quality design developed in response to pre-application advice and the immediate site context, and
- **Does not** cause any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as a whole.

As such, there are strong policy-driven reasons to grant planning permission for this development, which provides many more benefits than adverse impacts when judged in the planning balance. Equally, there are no reasons why planning permission should be withheld, given the thorough assessment of how the proposal accords with national and local policy.