



Our ref:

12 November 2024

Lucy Taylor
Kirklees Council
Flint Street
Far Town
Huddersfield
HD1 6LG

By email only

Dear Lucy

Planning App Ref: 2024/62/92626/W

Objection to the planning application for the removal of equine buildings/structures and erection of detached dwelling at Malkin Farm, Brow Lane, Holmfirth, HD9 2RJ.

We have been instructed _____ to submit an objection on his behalf to the development proposed in application 2024/62/92626 and described as:

Removal of equine buildings/ structures and erection of detached dwelling.

Our client owns land which is adjacent to the proposed application site and having considered the application and supporting documents wishes to object to the development proposed. The objection is made on the following grounds:

- Impact on the Green Belt.
- Conflict with Local Plan policies

In accordance with Section 38 (6) of The Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The sections of the Kirklees Local Plan Policy and National Policy which relate to the application comprise of the following:

Kirklees Local Plan Strategy and Policies (2019)

- Policy LP57: The extension, alteration or replacement of existing buildings
- Policy LP59: Brownfield sites in the Green Belt

NPPF (December 2023)

Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the NPPF states that the Green Belt serves five purposes:

- “a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- “a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or**

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Objection

The application is supported by a planning statement which establishes the application site comprises developed land. The position having been established through a Certificate of lawfulness (2024/CLD/91115) for the existing equine buildings and associated equine use of land.

The Planning Statement considers four principle issues as listed below and concludes the development complies with Chapter 13 of the National Planning Policy Framework (NPPF) relating to Green Belt, and Policy LP59 of the Local Plan (Brownfield Sites in the Green Belt).

- 1) Whether the proposed development would be inappropriate development in the Green Belt;
- 2) The effect and impact of the development on the openness of the Green Belt;
- 3) The effect of the development on the character and appearance of the site and surrounding area, and
- 4) The effect of the development on the living conditions of adjacent and future occupiers of the dwelling.

This objection considers each of these issues in turn.

1) Whether the proposed development would be inappropriate development in the Green Belt

Chapter 13 of NPPF provides specific advice in relation to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristic of Green Belts being their openness and permanence. Paragraph 154 of NPPF indicates that the construction of new buildings is inappropriate development within the Green Belt but it sets out a number of exceptions. This includes at 154(g):

Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

(The second criteria is not relevant to this proposal).

The applicant states the site is previously developed land having established the equine use of the existing buildings on site as brownfield. As such NPPF states that the construction of new buildings is not inappropriate development where the development would not have a greater impact on the openness of the Green Belt than the existing development.

Openness and the purposes of the Green Belt

A fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and has both a spatial and visual aspect to it.

The site currently comprises a collection of eight buildings comprising a barn, three stables, three stores and a caravan laid out around an informal yard. It is recognised two of the stores (the sheds) and the caravan have not been included in volume calculations as these are temporary buildings.

The existing layout of buildings and site are shown in the drawings and photographs below which show the site comprises a simple agricultural form. The photograph below shows the land slopes from west to east with the highest part of the site being the western part where the barn is currently located. The barn, stables and a store lie along the western edge of the building following the line of an existing stone wall. The remaining buildings are clustered to the east on a lower part of the site.



Fig 1 View of existing site from Far Lane (facing West)

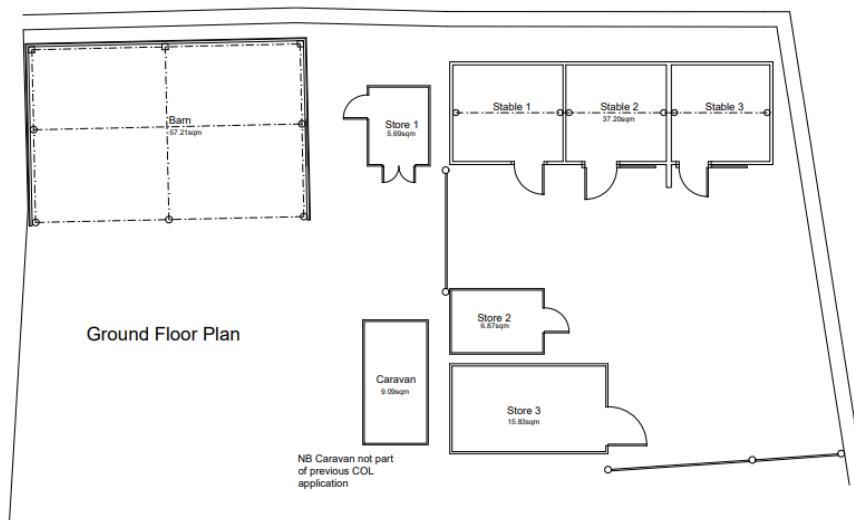


Fig 2: Existing Site Plan submitted with the application.

The planning statement submitted with the application states the existing total structure volume of the site is 321.85m³ which has been calculated based on the barn, stable and Store 3. The maximum height of the barn circa 3m from ground level, the majority of the built form, the stables and store 3 extend to circa 2m above ground level.

The proposed development comprises a design which incorporates a 3-bedroom residential dwelling resulting in a slightly reduced total volume of 301.20m³ compared to the existing volume on the site. The proposed development creates a single rectangular building with a floor area of 135m² with a shallow pitch roof. The height of the pitch is 3.2m above ground level, the eaves are at 2.5m above ground level. The building is proposed to be located on part of the footprint of the barn and partly the caravan/ stores. It is not clear from the plans whether a development plateau will be created to address the difference in ground levels shown on the existing sections.

There would be a substantial increase in the overall layout, massing/bulk of built form on the site compared to the existing built form comprising smaller individual structures of simple form and less physical bulk.

The proposed development would result in a more physically imposing structure as a result of its increased form, mass and height. Consequently, the proposal would result in a greater impact on openness than the existing development and would therefore be inappropriate development in the Green Belt as defined by NPPF.

We do not consider the development falls within the exceptions listed in Paragraph 154 of NPPF. As such, the development proposed is inappropriate and is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

The applicant has not provided any very special circumstances which outweigh the harm to the Green Belt. As such we do not consider the application complies with NPPF and should be refused.

To summarise the first issue therefore, we consider the proposed development is inappropriate development in the Green Belt which is by definition harmful and should not be approved except in very special circumstances which have not been provided.

2) *The effect and impact of the development on the openness of the Green Belt*

As we have discussed above, the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and has a spatial and visual aspect. Whilst development is currently present on the site, this comprises eight small structures of agricultural appearance with varying heights which sit within the landscape.

The proposed development would replace the existing collection of buildings with a single substantial built form of greater height than the existing buildings. The footprint of the proposed dwelling does not follow the existing built form, with the proposed building sitting more prominently within the site, details of the designated external domestic space have not been provided.

The development would result in the provision of parking area including EV charge point, a domestic sewage treatment plant, bin store and hard and soft landscaping to create a domestic garden and curtilage. As a result the proposed development would lead to a loss of visual openness through the addition of built form and the development would represent a physical encroachment into areas where there is not currently any built development.

This would result in harm to the openness of the Green Belt.

The Green Belt also serves five purposes defined in paragraph 143 of NPPF as detailed above. We address each of these briefly below:

- The proposed development would result in sprawl of the built up area of Hepworth into the Green Belt
- The development would not result in neighbouring towns merging together
- The development would result in encroachment of development in the countryside
- The development would not affect the setting or special character of historic towns
- The development would not assist in urban regeneration.

As such the proposed development would conflict with three of the five purposes of the Green Belt contrary to NPPF.

To conclude we consider the proposed development would result in harm to Green Belt openness. The proposal would also conflict with the purposes of the Green Belt which would also result in harm to the Green Belt. As such the proposal is contrary to NPPF.

3) *The effect of the development on the character and appearance of the site and surrounding area.*

The site, as existing, comprises eight buildings, three of which are preconstructed temporary structures (store 1, store 2 and the caravan). The barn is the largest of the structures comprising a wooden frame with steel sheet cladding to three sides, there is no foundation. The stables are of timber construction, with limited foundation base and are in a poor condition of repair. The yard area comprises a temporary surface of crushed road scalplings on the ground.

The existing structures sit within the landscape and are generally viewed as temporary rustic agricultural buildings with occasional use. There are no lights on the site or on Far Lane in this location with the current use restricted to daylight hours only.

The development would result in a prominent domestic dwelling on the site, creating a single bulk and mass. The proposed dwelling is higher than the existing barn and other buildings on the site which are lower and sit within the landscape and are screened from the west by the existing wall from some views. The proposed dwelling would extend above the existing wall and its position within the site, bulk and mass would impact on the character and appearance of the area, particularly in respect of long views of the valley from Penistone Road and Sheffield Road towards Hepworth village.

The existing buildings are used for equine use limited to occasional daytime use due to a lack of lighting and services. The development of a dwelling in this location would result in a number of impacts and harm to the character and appearance of the area these include:

- Lighting impacts associated with light spill from the dwelling through the large glazed elevations;
- Lighting associated with external areas;
- Noise and lighting impacts associated with the 24 use of a dwelling;
- Introduction of a domestic curtilage;
- Impact on the open character and appearance of the area particularly in views of Hepworth village from Penistone Road and Sheffield Road.

As such we conclude the proposed dwelling would result in harm to the character and appearance of the site and surrounding area contrary to NPPF and policy LP57 of the Local Plan

4) *The effect of the development on the living conditions of adjacent and future occupiers of the dwelling.*

The applicants planning statement has considered the effects on amenity for existing and future occupiers. We do not consider this assessment is relevant as the principle of the proposal is not acceptable and is contrary to NPPF and Local Plan policies and should therefore be refused.

The applicants Planning Statement provides an assessment against Local Plan policies and concludes the proposal is compliant. We do not agree with the assessment for the following reasons.

Policy LP57 states that the replacement of buildings in the Green Belt is normally acceptable subject to a number of criteria including:

- 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;*
- 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.*

The proposed development conflicts with this policy, as is not within the same use class as the existing use which is Sui Generis, with the development proposing a residential dwelling (Class C3).

The existing buildings (barn, stable and store 3) have a gross footprint of 110m² and a volume of 322m³. The proposed development increases the footprint of the building to 135m², the volume is quoted as 20m³ less than the existing buildings.

There is no definition in the policy of 'materially larger', however we consider a 25% increase in the footprint would be considered materially larger and in this instance the form results in a new building that is disproportionately larger in form than the existing collection of buildings in equine use. As such we do not consider the proposal complies with part b of the policy.

Criteria c of the policy relates to the impact on openness, we have addressed this above but note the existing cluster of building integrate into the natural slope and character of the landscape and are not 'prominent'. The proposed dwelling would replace the existing buildings with a higher, single prominent structure resulting in an increased mass and form which impacts openness and would harm the Green Belt.

In terms of external changes referred to in part c of the policy, external areas would be formalised, whilst there are no details provided in the application we would anticipate a formal driveway, hardstanding, a domestic garden and associated external domestic features. In addition, we have identified the impact of lightspill from the proposed dwelling, external lighting is also likely to be sought and would result in an additional impact.

As such we consider the building and changes to the external areas associated with a domestic curtilage would result in a greater impact on openness and therefore conflicts with part c of the policy.

Part d of the policy refers to design and materials. We note the design of the building seeks to echo and agricultural building, although do not consider the design is of high quality or appropriate in this location. Notwithstanding this, the principle of the development has not been established and therefore we do not wish to comment on this aspect further at this stage.

Policy LP59 of the Kirklees Local Plan relates to the development of brownfield sites in the Green Belt. The policy states the footprint of existing development should not be exceeded. As referred to above, the proposed building footprint extends to 135m² compared to the existing building footprint (excluding the temporary structures) of 110m². As such the application does not comply with Policy LP59 of the Local Plan.

Other Matters

Access – Details within the application are limited but we question the suitability of the existing access for movements associated with increased domestic use. In addition there are no details of how refuse servicing would take place or where bins would be collected from.

Notice Certificates – My client owns land to which the applicant has a right of access from Far Lane. We understand that notice was not served on our client and site notices have been removed on a number of occasions. I understand that you are aware of this situation and have extended the consultation period accordingly but we wish to make a formal note of this error in the legal requirements.

Summary

Taking account of all the above, the proposed dwelling is contrary to NPPF and Local Policies, LP57 and LP59. Consequently, we find that the proposal is inappropriate development in the Green Belt and should be refused on this basis.

Yours sincerely

Director