

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/92826/E
Site Address:	Land Adjacent, 676, Halifax Road, Hightown, Liversedge, WF15 8HL
Description:	Demolition of stables and erection of agricultural building
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 12 December 2024

Officer Report

Reference no. 2024/62/92826/E

Site Address: Land Adjacent, 676, Halifax Road, Hightown, Liversedge, WF15 8HL

Proposal: Demolition of stables and erection of agricultural building

Site Description

The application relates to a parcel of land located adjacent to 676 Halifax Road, a detached bungalow situated in Hightown, Liversedge. The site is accessed via a private track which also serves a number of residential units. The site is not located within a conservation area or near any listed buildings. However, this parcel of land is allocated as urban green space (UG315) on the Kirklees Local Plan Proposals Map and sits adjacent to public footpath SPE/93/30.

Description of Proposal

The applicant is seeking planning permission for the erection of an agricultural building. The existing stable building will be demolished as part of the application. The proposed works are summarised below:

- The structure would have an overall length of approx. 30m, a depth of approx. 11m, a maximum height of approx. 7.6m and an eaves height which ranges from approx. 4.15m to 6.3m due to changes in ground level.
- Construction materials – Yorkshire timber boarding for the upper walls with concrete blocks for the lower sections and grey plastic coated metal for the roof.
- The proposed agricultural building would be used to accommodate existing machinery and equipment used for tending the land and to store food, hay and straw.

History of negotiations/amendments received

No amendments were sought or received during the course of the application.

Relevant Planning History

Not Applicable.

Representations

The application was advertised by neighbour letters, which expired on 28th November 2024. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Councillor Andrew Pinnock

- Such a large building will result in a considerable increase in vehicle movements, leading to a loss of amenity for the existing residents.
- I wonder how the occupiers will gain access to it.
- There are no new roads proposed, and the existing roads are private.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

Consultation Responses

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

KC Environmental Health - No objection subject to recommended conditions

The Coal Authority – No objection subject to recommended conditions

KC Highways Development Management – No objection

Planning Policy Background

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

The site is allocated as Urban Green Space on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 54** - Buildings for Agriculture and Forestry
- **LP 61** - Urban Green Space

In this case, the following SPDs are applicable:

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

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 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

Assessment

1. Principle of Development

The application site constitutes a small part of a large strategic Urban Green Space allocation (ref. UG315) protected from development under Local Plan Policy LP61, unless specified exceptions can be met. UG315 merited allocation as urban green space on the basis of its significant value as a strategically important open space within the urban area of Cleckheaton. The site is assessed as high value in the Kirklees Open Space Study 2016 (KOSS) due to its visual amenity benefits. It is an important strategic greenspace that provides visual relief in the urban area.

Local Plan Policy LP61 (Urban Green Space) does not permit development that will result in the loss of green space, unless specific exceptions can be satisfied. The policy states that: *“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:*

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- a. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*

- b. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

The Design and Access Statement confirms that the proposed agricultural building would be required to accommodate existing machinery and equipment used for tending the land and to store food, hay and straw. Whilst it is noted that there is an agricultural need for the building, the submitted plans confirm that the proposed structure would have a significantly larger footprint than the existing stable block and would result in the loss of some greenspace within the wider UGS allocation. As such, the proposal would not meet the exceptions that allow development as set out in LP61(a). Furthermore, Criteria (b) and (c) are not applicable as no replacement green space provision is to be provided as part of this application and the proposal is not for alternative open space provision. Therefore, the proposed development would not meet any of the criteria listed above in Policy LP61, and would represent a departure from the Local Plan.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“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.”*

The agricultural building proposed would have an overall length of approx. 30m, a depth of approx. 11m and a maximum height of approx. 7.6m. The structure would be faced in Yorkshire timber boarding for the upper walls with concrete blocks for the lower sections and would incorporate a dual-pitched roof finished in grey plastic coated metal. Although the building would have a significantly large scale and footprint, it would be sited on lower ground, largely concealed by the existing boundary treatments and would be set back

approx. 59m from Halifax Road such that it would not appear overly prominent or incongruous from public vantage points. Therefore, on balance, it is considered that the proposed development would not have a detrimental visual impact on the character and appearance of the surrounding area, notwithstanding the matter of the principle of the development not being acceptable.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The submitted plans confirm that no residential properties located north, east or west of the application site that would be affected by the proposed works.

Impact on 676 Halifax Road

676 Halifax Road is a detached bungalow located to the south and would be sited on higher ground relative to the application site. It is noted that the proposed agricultural building would occupy a position approximately 19m from the rear elevation of no.676. Whilst the structure would have a large scale, given the separation distance retained and the change in levels, it is considered that there would be no significant detrimental harm to the neighbouring occupants with regard to residential amenity.

To the north west is an unrelated two storey property located at an indirect angle to the proposed development, on a lower ground level and separated by the access track. As a result of these factors, it is considered that there would be no significant detrimental overshadowing or overbearing impact on the amenity of the occupants of this property.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed agricultural building would utilise the existing vehicle access to the site from A649 Halifax Road which is unaffected by the proposals. The proposed development is unlikely to significantly intensify the use of this road. Furthermore, the provision waste collection will remain as existing and is unaffected by the proposals. Therefore, the scheme is considered acceptable to KC Highways Development Management.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

Contaminated Land

A Coal Mining Risk Assessment by Michael D Joyce Associates LLP (dated October 2024, reference no. 4421) has been submitted in support of the application. The report assesses the coal mining risks for the proposed agricultural building. The site is located within a Development High Risk Area, as defined by the Coal Authority, and historical deep coal mining is recorded

at a depth of 158m below the site. This is considered 'too deep to be of concern'. However, the report highlights the likelihood of unrecorded shallow workings, particularly in the Middleton Main and Lime Coal seams, which may lie beneath the site at shallow depths. While no recorded shafts or other mining features are present on or near the site, the report states that the possibility of unrecorded shafts cannot be entirely ruled out. The report concludes with a recommendation for an intrusive investigation to confirm the presence of shallow coal workings. KC Environmental Health acknowledge the report provided in support of the application and accept its findings. Given the conclusions of the report, the current use of the site, and the potential for contamination, Officers would recommend the inclusion of a condition should the application be approved to address any unforeseen contamination and/or shallow coal workings that may be encountered during the development process.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered. More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk to ground stability and public safety. The application is accompanied by a Coal Mining Risk Assessment by Michael D Joyce Associates LLP (dated October 2024, reference no. 4421). The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Therefore, the Coal Authority have confirmed that the recommended conditions should be added to the decision notice if the application is approved.

Ecology

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. It is therefore necessary, should the application be approved for a footnote to be imposed restricting the hours of operation for the site.

Public Right of Way

Public Right of Way SPE/93/30 is located along the western boundary of the application site. Given the distance retained between the proposed development and the footpath, it is considered that the proposal would not have a significant impact on the amenity of the footpath or its users. As such, the proposal was not advertised as affecting a Public Right of Way in this instance as is considered to accord with Policy LP23 of the Kirklees Local Plan.

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

5. Representations

No representations were received following the statutory publicity.

6. Conclusion

This application for the erection of agricultural building at land adjacent to 676 Halifax Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The application site is allocated as Urban Green Space on the Kirklees Local Plan Policies Map. The proposal would result in the loss of high value urban green space, which makes an important contribution in terms of visual amenity and landscape value. The application does not propose alternative open space that is needed to help address identified deficiencies and outweigh the loss of the existing green space. The proposed development is therefore contrary to Policy LP61 of the Kirklees Local Plan.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers**Application Number:** 2024/92826**Officer Recommendation:** Refuse**Reasons for Refusal**

1. The application site is allocated as Urban Green Space on the Kirklees Local Plan Policies Map. The proposal would result in the loss of high value urban green space, which makes an important contribution in terms of visual amenity and landscape value. The application does not propose alternative open space that is needed to help address identified deficiencies and outweigh the loss of the existing green space. The proposed development is therefore contrary to Policy LP61 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	17/10/2024

Existing Site and Location Plans	24/96/A	-	17/10/2024
Proposed	24/96/1	-	17/10/2024
Coal Mining Risk Assessment	4421	-	17/10/2024
Design and Access Statement	-	-	17/10/2024
Climate Change Statement	-	-	17/10/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The proposed development would result in the loss of urban green space. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, no further information was provided to justify the loss of green space. As such, no amendments were sought thereafter.

Dated: 12/12/2024