

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT**

Reference No:	<b>2024/65/92903/W</b>
Site Address:	Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW
Description:	Listed Building Consent for erection of boundary fence and driveway gates
Recommending Officer:	Nicole Helliwell

**DECISION – GRANT LISTED BUILDING CONSENT**

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

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 27-Feb-2025**

## **Officer Report**

**Reference No.** 2024/65/92903/E

**Site Address:** Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW

**Proposal:** Listed Building Consent for erection of boundary fence and driveway gates

## **Site Description**

The application relates to Spring Hall Mount, a two-storey detached property situated in Marsden, Huddersfield. The dwelling was constructed late 18th Century and is Grade II listed. The property is faced in hammer dressed stone and incorporates a dual-pitched roof finished in stone slate. The dwelling is also situated within the Green Belt and within a bat alert area. The site is not within a conservation area, nor are there any Public Rights of Way (PROW) within close proximity to the site.

## **List Description**

Late C18 with later extensions. House. Hammer dressed stone. Quoins. Pitched stone slate roof. Two storeys. North West elevation: Ground floor: one 3-light stone mullioned window (1 mullion removed); one 4-light stone mullioned window. First floor: one 10-light stone mullioned window (two centre lights blocked and 4 mullions removed). North East elevation: later lean-to extensions to rear and north-east gable. To south-west is later dwelling of no architectural value.

## **Description of Proposal**

The proposal is for the erection of a boundary fence and driveway gates. The proposed post and rail fence would measure approximately 1.3m to 1.8m in height. The fence would be set back approx. 1m from the highway and would be treated but left unpainted. The gate proposed would be a traditional 'Stocksmoor' Design by Job Earnshaw and would have an overall height of approximately 1.1m.

## **History of negotiations / amendments received**

Amendments were sought during the course of the application. KC Conservation and Design were consulted on the proposal and did confirm that the retrospective fence does impact the immediate setting of Spring Hall Mount. A request was made to partly reduce the height of the fence along the south-eastern boundary of the site. Revised drawings were received which were considered acceptable in this regard.

## **Relevant Planning History**

- **2024/92902:** Erection of boundary fence and driveway gates and installation of replacement guttering (Listed Building). [Planning application details | Kirklees Council](#) – Pending Consideration
- **2022/93114:** Listed Building Consent for Installation of solar panels on annex. [Planning application details | Kirklees Council](#) – Consent Granted
- **2022/93113:** Installation of solar panels on annex. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2021/90629:** Erection of detached summer house (Listed Building). [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2015/90495:** Erection of detached building to create dwelling forming annex accommodation associated with Spring Hall Mount, Binn Lane, Marsden, Huddersfield, HD7 6NW (within the curtilage of a Listed Building). [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2013/92880:** Discharge of conditions 4 (material samples) and 10 (garage door details) on previous application no. 2010/90653 for erection of split level building to provide ancillary living accommodation and garage (within the curtilage of a listed building). [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Approved
- **2011/90039:** Listed Building Consent for internal alterations, retrospective mullion reinstatement, replacement windows and alteration of existing window opening to form a door opening. [Planning application details | Kirklees Council](#) – Consent Granted
- **2010/90654:** Listed Building Consent for erection of split level building and garage. [Planning application details | Kirklees Council](#) – Withdrawn
- **2010/90653:** Erection of split level building to provide ancillary living accommodation and garage (within the curtilage of a listed building). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2006/95117:** Erection of split level building to provide ancillary living accommodation and garage (within curtilage of a listed building). [Planning application details | Kirklees Council](#) – Conditional Full Permission

### **Access Considerations**

None.

### **Climate Change Emergency**

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

planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. The proposals will have no climate change implications.

### **Consultation Responses**

KC Conservation & Design – Whilst the fence does impact the immediate setting of Spring Hall Mount, Officers have confirmed that the fence can remain providing that it is partly reduced in height.

### **Representations**

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 21/11/2024

Publicity expiry date: 29/11/2024

### **Policies**

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

### **Kirklees Local Plan**

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The following policies are considered relevant to this application:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 24** - Design
- **LP 35** - Historic Environment

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 16** - Conserving and Enhancing the Historic Environment

### **Assessment**

Paragraph 212 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 215 of the NPPF goes on to state that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed post and rail fence would measure approximately 1.3m to 1.8m in height. The fence would be set back approx. 1m from the highway and would be treated but left unpainted. The gate proposed would be a traditional ‘Stocksmoor’ Design by Job Earnshaw and would have an overall height of approximately 1.1m. The proposed development would be visually acceptable with regard to their materials, siting and design. Therefore, it is considered that the proposed development would not cause any detrimental harm to the significance of the Listed Building and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Therefore, it is considered that the proposed development would not cause any detrimental harm to the significance of the Listed Building and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and The requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

### Conclusion

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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. Given that the proposal

would have a low level impact upon the significance and character of the listed building, it is therefore recommended for approval.

**Recommendation: GRANT CONSENT**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/92903

**Officer Recommendation:** Approve

**Conditions and Reasons**

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

2. Within 3 months of the decision, the post and rail fence hereby approved shall be lowered in accordance with the 'Revised Plan for Fence' (dated 10<sup>th</sup> December 2024) and thereafter retained.

**Reason:** In the interest of visual amenity and to comply with Policy LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the National Planning Policy Framework.

**Plans and specifications schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	TQRQM21018124532250	-	10/10/2024
Block Plan	-	-	10/10/2024
Spring Hall Mount – Rear Fence/Gate	-	-	10/10/2024
Revised Plan for Fence	-	-	19/12/2024
Design Statement 2	-	-	19/12/2024

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendments were received during the course of the application, following comments from KC Conservation and Design. Revised drawings were provided which were considered acceptable.

**Dated: 21/02/2025**