

# **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:         | <b>2024/62/92947/W</b>                              |
| Site Address:         | Hunters Lodge, Cemetery Road, Holmfirth, HD9 2RH    |
| Description:          | Alterations to attached shelter to form garden room |
| Recommending Officer: | Molly Storer                                        |

### **DECISION – Full Conditional Permission**

**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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 07-Feb-2025**

## **Officer Report**

### **Site Description**

The application site refers to Hunters Lodge, a detached two-storey dwelling constructed in coursed stone and stone slate. Originally a barn, which has undergone adaptation and extension to form a dwelling, it is sited on the southern side of Cemetery Road, on levelled land which is raised above the highway. Its main elevation faces south-east towards an extensive gravel-surfaced area used for parking and servicing and gives access to the highway at the western end of the site.

Close to the northern site boundary is a large building used for agricultural storage. Adjacent to the site are agricultural fields that are within the applicant's ownership, amounting to approximately 3ha.

The site is located within the Green Belt known as Hunters Lodge which is also within Land Characteristic Area 3 – River Holme Settled Valley Floor.

### **Description of Proposal**

The proposal is for alterations to an attached shelter to form garden room. The attached shelter is a single storey side element located to the southeast of the building.

A certificate of lawfulness (2024/90214) was granted for the existing 'lean to' shelter in 2024 to confirm that the building work to construct a shelter on the southeast elevation of the property was substantially completed more than four years before the date of the 2024 application. This was granted and it therefore a legal structure.

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

No negotiations to amendments were deemed necessary.

### **Relevant Planning History**

90/04419 – Conversion and extension of barn to form dwelling. Approved.

94/91352 – Erection of porch. Approved.

97/92668 – Proposed change of use of land to extend domestic curtilage and landscaping works. Approved.

2001/91641 – Erection of two stables. Approved.

2003/92863 – Erection of single-storey extension. Refused, appeal dismissed. Reason for refusal:

*“It is considered that the scale and form of this proposal along with the existing extensions and alterations would result in a disproportionate addition over and above the original building. Furthermore, it is considered that no very special circumstances have been demonstrated to justify granting the proposal. The proposal is therefore considered to be inappropriate development harmful to the openness and visual character of the Green Belt in which it lies being contrary to Policy D11 of the Kirklees Unitary Development Plan and Government advice in PPG2.”*

2004/94760 – Erection of agricultural storage building. Approved and implemented.

2015/90751 – Extension to agricultural storage building. Approved and implemented.

2023/93088 - Erection of two storey side extension. Approved.

2024/90214 - Certificate of lawfulness for existing attached external shelter with lean to roof. Approved.

## **Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, this application has been publicised via neighbour notification letters. Final publicity date expired 2<sup>nd</sup> December 2024 – no representations received.

## **Consultation Responses**

None were deemed necessary in this instance.

## **Policy**

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 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

The site is within Land Characteristic Area 4 – River Holme Settled Valley Floor on the HVNDP.

The site is also within land designated as Green Belt within the Kirklees Local Plan.

## **Kirklees Local Plan (LP):**

**LP1** Achieving Sustainable Development  
**LP2** Place Shaping  
**LP 21:** Highways and access  
**LP 22:** Parking  
**LP 24:** Design  
**LP 30:** Biodiversity and geodiversity  
**LP 31:** Strategic green infrastructure network  
**LP 57:** The extension alteration and replacement of existing buildings (within the Green Belt)

### **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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

### **Supplementary Planning Documents:**

- House Extensions and Alterations SPD (June 2021)

### **Neighbourhood Development Plans:**

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The following policies of this plan are considered most relevant:-

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 12** – Promoting Sustainability
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

The site is within Landscape Character Area 4 River Holme Settled Valley Floor. This character area is described as:

#### Key landscape characteristics of the area

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

#### Key built characteristic of the area are

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

##### *Green Belt*

The general principle of extending and making alterations to a property are assessed against Policies LP1, LP2 & LP24 of the Local Plan and Chapter 12 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Local Plan Policy LP57.
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to very special circumstances to outweigh the harm to the Green Belt.

#### Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 154 and 155 of the NPPF.

The Holme Valley Neighbourhood Development Plan does not contain any policies relating specifically to extensions within the Green Belt, but any policies relevant to other aspects of the proposal, such as design quality, will be taken into account, principally those listed in the Policy section above.

The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 154 a number of exceptions to being considered inappropriate development are listed, one of the exceptions is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original buildings.

Policy LP57 continues that 'in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative effect of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building....'. It also goes on to say that the proposal should not result in a greater impact on openness in terms of the treatment of outdoors areas, including hard standing, curtilages and means of access.

In terms of this particular application, previous extensions have been noted to assess whether the cumulative impact of the extensions would be disproportionate to the original dwelling.

The single-storey utility room extension was added since the time of conversion. Aerial photographs show this was built in 2000 or earlier and was presumably the "porch" granted by permission 94/91352.

With regards to outbuildings; domestic outbuildings are not explicitly mentioned in either national or local policy. It is generally accepted that they should be assessed as akin to extensions (if close to the original house and seen in the same context as it). If a property in the Green Belt has a detached garage or other sizeable domestic outbuilding this may therefore provide grounds for further limiting extensions to the property.

In this case, there are no detached buildings within the curtilage that have been built for incidental domestic purposes. The detached buildings at the northern end of the site, near the entrance, were erected under permissions 2004/94760 (original building) and 2015/90751 (extension). In view of the size of the applicant's holdings and the size of the flock (at the time, approximately 9 acres and 30 sheep according to the supporting statement for 2015/90751) it is likely that the enterprise could be classed as a "hobby farm", in the sense of not being large enough to allow the farmer to make a living if it were his sole source of income. As such, it is possible that it would not meet the requirements of Policy LP54 if it were being applied for today. An agricultural need – space for lambing and storage – was however accepted by the Council at the time. The building appears to have been built in accordance with the approved plans, except that the smaller door has been switched to a central position with two large openings either side. There is no obvious reason to believe that there has been any unauthorised material change of use since it was built. In the absence of evidence to the contrary, the buildings should be treated as agricultural and therefore should not influence the assessment of any proposed extensions to the dwelling

There has since been a two storey side extension added under application number 2023/93088.

The lean-to extension relevant to this application has been subsequently added to the south-eastern elevation, in the form of an open canopy.

Whilst it is acknowledged that the alterations to the shelter would increase the volume of the dwelling it is also noted that there is no formal definition of disproportionate additions and each application must be assessed on its own merits. Previous case law has demonstrated that the assessment of disproportionate additions cannot be made purely in a mathematical way by reference to size when measured in floor space, volume or mass, but that appearance and visual impact are an important part of a proper evaluation. In this instance weight is given to the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area.

The proposed alterations would be located to the side of the property which does not front the highway. As a result of this scheme the footprint of the building would not increase and would not appear to be extended externally. Due to this it is considered the cumulative impact of the proposed development would not result in disproportionate additions to the original dwelling and would not have a negative impact on the openness of the Green

Belt meaning it would comply with policy LP57 of the local plan and would be acceptable when assessed against this Policy and Chapter 13 of the NPPF.

Within the SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These polies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within the following report.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of the alterations to the shelter to form garden room is considered to be acceptable and shall be assessed against the applicable material planning considerations within the following report.

## 2 – Impact on visual amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.

Under Policies 1 and 2 of the Holme Valley NDP, all development proposals should demonstrate how they have been informed by the relevant Landscape Character Area and should respect local built character, strengthening sense of place.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.17 of the SPD goes into specific detail about single storey side extensions.

It states that single storey side extensions should be offset and complement the original building. As such, single storey side extensions should:

- not extend more than two thirds of the width of the original house;
- not exceed a height of 4 metres;
- and be set back at least 500mm from the original building line to allow for a visual break.

With regards to this proposal the footprint of the property would not increase, the height would remain the same and will involve minimal external works. The southwest elevation will be infilled with an oak framed glazed screen. The proposal will also include a roof window on the southeast to assist with natural light.

The planning statement states that all practical works to make the room habitable e.g insulation will be carried out internally and will not impact on the external aesthetic.

The northeast elevation will remain unchanged. Although there is a large amount of glazing to the southwest elevation of the garden room this will not appear out of place due to this elevation already having a considerable amount of glazing and looking over the applicants land with the roof remaining as existing.

It is considered would not adversely affect the wider landscape since it would not interfere with long-distance views or with any of the other features highlighted in the assessment of LCA4.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Local Plan and the 'House Extensions and Alterations SPD' and Policy 2 of the Holme Valley Development Plan.

### 3 – Impact on residential amenity:

Sections B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Although the alterations would increase glazing to the southwest elevation it is considered that this would not have any significant further impact than existing glazing on the elevation.

Since the property is somewhat isolated from its neighbours, it is considered that the extensions would not give rise to any loss of amenity to occupants of

other dwellings by reason of impact on outlook, receipt of natural light, overlooking or other factors.

In conclusion, it is considered that the development would provide an acceptable standard of living for future occupiers whilst avoiding loss of amenity to occupiers of established development and would accord with the aims of LP24(b).

#### 4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking.

The proposed development would not intensify the use of the building nor affect parking arrangements. Sufficient parking remains on site.

It is therefore considered that in terms of access and highway safety / parking the proposed development would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

#### 5 – Other matters:

##### *Ecology:*

The site is not within an area designated for biodiversity purposes, including the bat alert layer, and the building, on the basis of an external viewing, appears unlikely to have any habitat potential in its present state. It is considered that in view of the rural location of the site it provides some opportunity for ecological enhancement, which it is recommended should take the form of an artificial bird nesting feature on the north-western or north-eastern elevation, so as not to be in direct sunlight. Subject to this being conditioned, it would accord with the aims of LP30 and HVNDP Policy 13.

##### *Climate Change:*

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 extension would be of a scale that would need to meet the requirements of building regulations in terms of insulation. This is considered to be acceptable in terms of mitigation against climate change.

The site of the proposal is not a highly sustainable location, but since the proposal is for alterations to the dwelling, and therefore does not imply a significant intensification of the site, it is considered acceptable having regard to Kirklees or Holme Valley Parish Council's carbon reduction aims as set out

in LP24(d) and Policy 12 of the HVNDP, and the developer will not be required to demonstrate further measures.

6 – Representations:

No representations have been received.

7 – Conclusion:

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. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation – CONDITIONAL FULL PERMISSION**

## Decision Authorisation - Delegated Powers

**Application Number:** 2024/92947

**Officer Recommendation:** Conditional full permission

### Conditions and reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP57 and LP24 of the Kirklees Local Plan and Key Design Principles 1-2 of the House Extensions and Alterations Supplementary Planning Document (SPD).

3. The external walling and roofing materials shall in all respects match that used in the construction of the existing building.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 and LP57(d) of the Kirklees Local Plan, Policies 1&2 of the Holme Valley Neighbourhood Development Plan, and Key Design Principles 1&2 of the House Extensions and Alterations SPD.

Plans and specifications schedule:-

| Plan Type                  | Reference | Version | Date Received |
|----------------------------|-----------|---------|---------------|
| Location plan              | 2246      | -       | 16/10/2024    |
| Proposed site/block layout | 2246      | -       | 16/10/2024    |
| Existing plans             | 2246 03   | -       | 16/10/2024    |
| Proposed plans             | 2246 06   | -       | 16/10/2024    |
| Planning statement         | -         | -       | 16/10/2024    |
| Climate change statement   | -         | -       | 16/10/2024    |
| Application form           | -         | -       | 16/10/2024    |

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 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 No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

|                               |
|-------------------------------|
| 7 <sup>th</sup> February 2025 |
|-------------------------------|