

**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>2024/62/92991/E</b>
Site Address:	56, Lower Denby Lane, Lower Denby, Huddersfield, HD8 8TY
Description:	Change of use and alterations to barn/store to extend residential use
Recommending Officer:	Edward Cheseldine

**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:** 16-DEC-2024

## **Officer Report**

2024/92991 - 56, Lower Denby Lane, Lower Denby, Huddersfield, HD8 8TY

## **Site Description**

56 Lower Denby Lane is a two-storey, mid-terrace dwelling in Lower Denby. The property has pebble-dash rendered exterior walls with a pitched roof. It forms part of a row of three terraces, between which is a separate storage area. The site rests within a small hamlet within the Green Belt.

## **Proposal Description**

The application is seeking planning permission for a change of use and alterations to barn/store to extend residential use. The storage area is adjacent to property No.56. In addition to the change of use, patio windows will be installed on the ground floor with two sash type openings on the first-floor.

## **Negotiations/Amendments**

None.

## **Public Representations**

Neighbourhood notifications were distributed to advertise the application, which expired on the 02-Dec-2024. As a result of the publicity, there were no representations.

## **Consultation Responses**

KC Denby Dale Parish Council – No objection

## **Relevant Planning History**

None relevant.

## **Policy & Legislation**

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 designated within Green Belt land on the Kirklees Local Plan Proposals Map.

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.

#### Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Parking
- LP 22 – Highway Safety
- LP 24 – Design
- LP 57 – The extension, alteration or replacement of existing buildings (Green Belt)
- LP 60 – The re-use and conversion of buildings (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, and 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 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

## **Assessment**

- 1) Principle of development
  - a) Green Belt
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

### Principle of Development

#### *Green Belt*

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Paragraph 154 of the NPPF states, 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it' including, d) the re-use of buildings provided that the buildings are of permanent and substantial construction;.

Policy LP60 of the Kirklees Local Plan states;

Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;

- a. the building to be re-used or converted is of a permanent and substantial construction;
- b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;
- c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.

In terms of criterion a, the building is part of the building row, between residential terrace properties. OS maps indicate the building has not been modified or extended since 1893. There is a dating stone on the building row indicating the buildings were formed at a much earlier date. The building is therefore a substantial, historic structure.

Criterion b, regards the characteristics of the Green Belt. The storage area currently has openings that appear as a residential home with sash type openings and a door on the front and rear elevation. The features match the adjacent dwellings, appearing residential within a residential row. There are no curtilage additions proposed.

In terms of criterion c, there will be alterations to the rear, including sash type openings and patio doors, the appearance of which are suitable for setting of the hamlet due to being modest in scale.

In terms of Policy LP57, the visual alterations are considered to be minor in relation to the changes to the original building. There are no additional extensions or changes within the curtilage of the building.

The change of use and alterations is therefore compliant with Green Belt policies set out in the NPPF, as well as LP60 & LP57 of the Kirklees Local Plan.

#### Impact on Visual Amenity

LP24 states that 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...”*

The window openings are sympathetic to the character of the original building row. The openings are vertically orientated to relate to the existing window type. Existing cills and lintels are formed of natural stone, given the historic nature of the building and its placement within the Green Belt, it will be conditioned that the new cills and lintels are made of natural stone. There will be patio door installed, which are considered to be more modern glazing openings, however the scale of the additions is modest and is not considered to alter the character of the original building.

The change of use and alterations therefore accord with Policy LP24 of the Kirklees Local Plan.

### Impact on Residential Amenity

Section B of LP24 states that alterations to existing buildings should:

*“...minimise impact on residential amenity of future and neighbouring occupiers.”*

The new, first-floor windows will have a view towards the outdoor amenity space of properties 48, 50, 52 Lower Denby Lane. Whilst the relationship of the views towards these spaces is close, the angle of outlook mitigates the distance. In addition, there are existing windows present on the rear of the terrace row with a similar outlook. Windows on the adjacent terrace block face towards the amenity space of the application site, therefore the relationship in terms of privacy will not result in a change to current privacy relations.

### Impact on Highway Safety

Policy LP 21 & LP 22 regard impact to highway safety and parking.

The change of use will result in an intensification of domestic use changing the property from a 2 bed property to a 3 bed property.

It is noted that whilst there are no current designated parking spaces, part of the rear of the property has been hard surfaced which can accommodate parking spaces. There is the ability to park on nearby roads in appropriate places that do not obstruct the visibility of other road users. Given the existing building group, it is considered the impact to parking would not cause a detrimental impact to highway safety.

### Environmental Matters

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required as it falls under the *Di Minimis* exemption. As the works are for a change of use with no extensions, the development would fall under the *Di Minimis*

exemption, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

## **Conclusion**

This application for a change of use and external alterations at 56 Lower Denby Lane 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. Given its acceptability in terms of the principle of development, visual amenity and residential amenity, and other matters, the proposal is acceptable.

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.

As set out above, 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**

**Approve**

## 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. All new stonework including, heads, sills, and window and door surrounds shall be constructed of natural stone.

**Reason:** In the interests of protecting the Green Belt and visual amenity of the area, in accordance with the requirements of Policy LP24, LP57 & LP60 of the Kirklees Local Plan, Chapters 12 & 13 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	PV02	-	22 April 2024
Location plan	2484-D-20-001	-	18 October 2024
Existing and Proposed Site Plans	2484-D-20-002	-	18 October 2024
Existing floor plans	2484-D-20-003	-	18 October 2024
Proposed floor plans	2484-D-20-004	-	18 October 2024
Existing and Proposed Elevations	2484-D-20-005	-	18 October 2024
Climate change statement	-	-	18 October 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 has, 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.