

**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:	2024/62/93143/W
Site Address:	5, Coach House, Manchester Road, Marsden, Huddersfield, HD7 6NL
Description:	Change of use of land to extend domestic garden and erection of single storey extension and detached garage
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 17-Jan-25

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Officer Report

Site Description

5 Coach House, Manchester Road, Marsden, Huddersfield, HD7 6NL

5 Coach House comprises a detached bungalow constructed from natural stone under a stone slate roof. The site is situated on the west side of Manchester Road, which it is stepped back from as well as down from. It shares a winding vehicular access off Manchester Road with 1-4 Coach House which front Manchester Road. To the front of the dwelling is a hard-surfaced parking area as well as front garden. To the rear of the dwelling is a garden area (which extends beyond the curtilage approved for this property in under application 2006/90031). To the south side of the dwelling is a single storey outbuilding.

The site is located within a rural location, with open countryside to the rear and sides of the site. To the rear of the site the land falls within to a valley. The site is not within the conservation area. The site is covered by the Green Belt.

Description of Proposal

Planning permission is sought for change of use of land to extend the domestic garden and the erection of a single storey extension and detached garage.

This is a resubmission of expired permission 2021/91241 with some minor changes to the rear extension.

The change of use of the land to extend the domestic garden covers land to the rear of the dwelling which is currently used as garden (without the benefit of permission), and this is enclosed by post and rail fencing.

In addition, a single storey extension is proposed to the rear of the dwelling. This is proposed to have a projection of 2.6m, a width of 10m and a height of 3.2m. The extension is proposed to have a flat roof, which would sit just above the eaves of the rear elevation of the dwelling. The walls of the extension are proposed to be constructed from natural stone to match the existing dwelling.

The revised design from the 2021 application now increases the amount of glazing along the walls to create a slightly more contemporary look and it omits the skylights from the design.

Further to this, planning permission is sought for a single storey detached single garage to the south side of the site, which would replace an existing outbuilding. The garage is proposed to measure approximately 6 metres by

3.6 metres. The garage would be constructed from stone under a dual pitched stone slate roof and would have a ridge height of approximately 3.7 metres.

History of negotiations/amendments received

No negotiations or amendments received.

Relevant Planning History

2000/91203 (The Governors) – Change of use from hotel/guest house to residential educational development centre – Approved on 26th May 2000.

2006/90031 (The Rawson Centre) – Change of use, alterations and extensions to existing outdoor centre to form 4 No. dwellings and conversion of garage to 1 No. dwelling with associated parking – Approved on 28th February 2006.

2008/90952 (The Rawson Centre) – Regrading of land and construction of retaining walls to form outdoor amenity space and parking areas – Approved on 21st April 2008.

2009/92056 (Former Rawson Centre) – Erection of Extension – Approved on 26th August 2009.

The dwelling subject of this application was approved on the footprint of a previous garage block under application 2006/90031. The residential curtilage approved for this dwelling did not run far beyond the rear wall of this dwelling. In 2009, planning permission was granted to extend the dwelling to the side (2009/92056) and this extension has been implemented.

2021/91241 - Change of use of land to extend domestic garden and erection of single storey extension and detached garage – Conditional Full Permission.

The current application is a resubmission of this application.

Representations

Final publicity date Expires:

Neighbour letters expired on 14th January 2025.

No representations have been received.

Consultation Responses

None required

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 27th February 2019).

The site is allocated as Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 57** – The Extension, Alteration or Replacement of Existing Buildings
- **LP 58** – Garden Extensions

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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

Kirklees Highways Design Guide (2019)

House Extensions and Alterations SPD (2021)

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
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land Allocation (Green Belt)

The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph 154 or 155 of the NPPF. Some of the exceptions outlined are listed below:

- 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; (Para 154c).
- The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces (Para 154d).
- the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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; (Para 154b).

Policy LP57 of the Kirklees Local Plan also states that proposals for extensions and alterations to buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also notes that

replacement buildings in the Green Belt will be acceptable if the new building is in the same use as, and not materially larger than the building it is replacing.

Policy LP58 of the Kirklees Local Plan states that: *“proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following*

- a. the degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that*
- a. the means of enclosure is appropriate to its setting and is of a high quality of materials and design.”*

Change of use of land

The application seeks permission to change the use of the land to the rear of the dwelling to domestic curtilage and as outlined above, Policy LP58 of the Kirklees Local Plan notes that this would not normally be permitted. The land to the rear of the dwelling use to comprise of rough grassland in a fairly isolated position, and it is considered that the use of this land as domestic garden has caused harm to the openness of the green belt. There is also conflict with one of the five purposes of including land within green belts given that it has encroached into the open countryside. This element of the application is therefore considered to constitute inappropriate development in the Green Belt, and this domestication of this rural and open site is considered to cause harm to the visual amenities of the locality. As outlined in Paragraph 153 of the NPPF, substantial weight should be given to any harm to the Green Belt.

Paragraph 153 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 153 of the NPPF goes on to note that ‘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.

In this case, there are considered to be very special circumstances which outweigh the harm identified. Whilst a certificate of lawfulness has not been submitted to establish that this land has been used as a garden for over 10 years, when viewing satellite imagery and historic photographs, Officers believe it is extremely likely that this the area of land which it is sought to include as domestic garden appears to have been used as such since 2010 (over 14 years). On this basis, if a certificate of lawfulness application were to be submitted for this garden, it would be likely that the garden would be considered lawful, and this is considered to be a very special circumstance which outweighs the identified harm.

That said, Policy LP58 of the Kirklees Local Plan states that permitted development rights for structures such as garages, sheds, greenhouses or other ancillary or incidental buildings or structures may be removed if it is

considered that they would subsequently result in an unacceptable intrusion of urban character into their Green Belt setting.

Given the isolated and open nature of the site, it is considered necessary to remove permitted development rights for outbuildings within this established curtilage of the site, as well as any new fencing (the current post and rail fencing is considered appropriate given the circumstances of this application).

Proposed rear extension

The proposed rear single storey extension adds 28m² and in combination with an extension to the dwelling approved in 2009 (2009/92056) would result in a ~63m² addition to the ~93m² original dwelling (an increase of 67%). Whilst it is acknowledged that this is a large increase 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.

Given that the land to the rear of the dwelling is now likely to be lawfully domestic garden (as discussed above), it is considered that the single storey extension would not cause harm to the openness of the green belt or conflict with the purposes of including land within the green belt. Given the above, that it would be relatively well screened from Manchester Road and that the walls are proposed to be constructed from materials to match the existing dwelling, it is considered that the extension would not cause detrimental harm to the visual amenities of the locality.

Very special circumstances are required to outweigh the harm to the Green Belt by virtue of the extension constituting inappropriate development. However, it is considered that such circumstances also exist in this case. A single storey extension of this limited projection to the rear of the dwelling could constitute permitted development under Class A, Part 1, Schedule 2 of the General Permitted Development Order (GPDO). Permitted development rights for extensions to the building have not been removed. Under the original approved curtilage at the site, such an extension would have gone beyond the domestic curtilage and would not have constituted permitted development. However, as noted above, the garden to the rear of the site is now likely to be lawful, and therefore a less than 3m extension to the rear of the original dwelling (which this is) could be constructed under permitted development.

Whilst the eaves of the proposed extension slightly exceed the height of those on the original dwelling and because of this the proposed extension does not strictly constitute permitted development, this is considered to be a minor

deviation from what the parameters of the GPDO allow, therefore the extension proposed would not cause greater harm to the green belt than what could be reasonably likely erected under permitted development.

However, it is considered necessary to remove permitted development rights for further extensions given the enlargement of the garden and the open and isolated nature of the site so as to protect the openness and special character of the Green Belt

Proposed detached garage building

This proposed building would replace an existing single storey outbuilding with another single storey outbuilding outside of the residential curtilage of the dwelling, and whilst slightly larger it is not considered to be materially larger in scale than the building it is proposed to replace. The outbuilding does not benefit from permission, but from using satellite imagery, Officers are confident that it has existed on site for over 4 years so is likely to be lawful. However, it appears that this building has been used for agricultural purposes, whilst the garage is for domestic purposes therefore the proposed garage is considered to constitute inappropriate development in the Green Belt.

As the garage would be on a similar footprint to the existing building and would not be materially larger than it, it is considered that it would not cause greater harm to the openness of the green belt or conflict with the purposes of including land within Green Belts. Given the above, it is also considered that the garage would not cause detrimental harm to the visual amenities of the locality.

In terms of very special circumstances, as alluded to above, it is considered that the proposed building would not be materially larger than the building it is to replace and is inappropriate development because it would not be in the same use as this existing building. However, it is considered that the proposed use of the building (a garage) in this location relatively close to the existing dwelling is not likely to have a greater impact upon the openness or special character of the Green Belt than the current use of the building, and given this it is considered that very special circumstances which outweigh the harm to the Green Belt by reason of inappropriateness exist.

2 - Impact on visual amenity:

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 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."

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'
- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy 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...'

and

- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

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.

The garage will be well set back and screened from Manchester Road behind an existing access road and retaining walls. It is also set on a much lower ground level than Manchester Road and will be small in scale replacing an existing outbuilding on a similar footprint. Therefore, the outbuilding will not appear to compete with prominence with the existing dwelling or the surrounding development. The location of the proposed outbuilding is therefore considered acceptable from a visual amenity perspective.

The rear extension will have a limited projection and will be single storey. It will also be set well within the boundaries of the site and will be constructed from matching materials. Therefore, the garage and single storey rear extension is concluded to be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, principles 1, 2 and 7 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section 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 127 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 site is within a relatively isolated location, with neighbouring residential properties only to the front. It is considered that the works subject of this application are sufficiently sited from any neighbouring residential properties to prevent undue harm in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

It is considered that the proposed development would not cause undue harm to the residential amenity. It is therefore considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

The application proposes no alterations to the driveway at the site or the access to the site, nor does it propose to increase the number of bedrooms at the site. It is therefore considered that the proposal is likely to have a neutral impact upon the safe and efficient operation of the highway network. Given the above, the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

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.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the

Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Chapter 15 of the National Planning Policy Framework are 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/93143

Officer 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24, LP30, LP57, LP58 of the Kirklees Local Plan, the Council's Supplementary Planning Document on House Extensions and Alterations, and Chapters 9, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the rear extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policies LP24 and LP57 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the site outlined in red on the hereby approved location plan Dwg No.PL01.

Reason: To prevent the further development of the site which would be cumulatively disproportionate in scale to the original host building, in the interest of preserving the special character of the Green Belt, in accordance with Policies LP30 and LP57 of the Kirklees Local Plan and Chapters 13 and 15 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class A of Part 2 of Schedule 2 to that Order (means of enclosure) shall be carried out without the prior written consent of the Local Planning Authority within the site outlined in red on the hereby approved location plan Dwh No.PL01.

Reason: To safeguard the special character of the Green Belt in accordance with Policies LP30 and LP57 of the Kirklees Local Plan and Chapters 13 and 15 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to 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 they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	088-PL01	-	05/11/2024
Site plans	088-PL02	-	05/11/2024
Existing floor plans	088-PL03	-	05/11/2024
Proposed floor plans	088-PL04	-	05/11/2024
Existing elevations	088-PL05	-	05/11/2024
Proposed elevations	088-PL06	-	05/11/2024
Garage plans	088-PL07	-	05/11/2024
Application form	-	-	07/11/2024
Design and access statement	-	-	05/11/2024

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 negotiations took place, and no amended plans were sought or submitted.

Report Dated:

17th January 2025

