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:	**2024/62/93171/E**
Site Address:	Woodville Nurseries, Northfield Lane, Highburton, Huddersfield, HD8 0QT
Description:	Erection of detached garage
Recommending Officer:	Edward Cheseldine

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: 13-Jan-2025

Officer Report

2024/93171 - Woodville Nurseries, Northfield Lane, Highburton, Huddersfield, HD8 0QT

Site Description

The site is a detached domestic dwelling in Highburton. The dwelling is being constructed with natural stone walls and natural slate roof tiles. The property shares its access with the adjacent property. To the north of the site are agricultural fields. To the east, west and south, are residential dwellings. The site is part of a small cluster of dwellings that form a small hamlet along Northfield Lane which has a rural group setting. These properties have an open character due to their spacious gardens.

Upon an officer site visit, it was noted that the dwellings granted under permission 2022/92609 have not been completed, there were no windows, doors and the roofs had only partially been completed.

The site is located within designated Green Belt.

Proposal Description

The applicant is seeking planning permission for the erection of a double, detached garage. The garage will be ~6.00m(w) x ~6.00(l), with an eaves height of 2.31m and a ridgeline height of 3.57m. The building will have a pitched roof. The exterior walls will be formed with tumbled and dyed stone, the roof will be clad with natural stone slates to match the existing structure. The garage will be positioned to the south of the dwelling.

Amendments/Negotiations

None.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on the 29 December 2024. As a result of the publicity, there were no representations.

Relevant Planning History

2016/92316 – Outline application for erection of two dwellings – Conditional outline permission

2018/93279 - Reserved matters application pursuant to outline permission 2016/92316 for erection of two dwellings – Approval of reserved matters

2022/92609 - Erection of 2 detached dwellings – Full permission granted

Consultation Responses

None required.

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 located within the Green Belt on the Kirklees Local Plan.

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** – Highway safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP57** – Extensions, alterations & replacement buildings in the Green Belt
- **LP 59** – Brownfield sites in the Green Belt

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated the House Extensions & Alterations Supplementary Planning Document will assist with ensuring enhanced consistency in both approach and outcomes relating to house 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, 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
2) Impact on Visual Amenity
3) Impact of Residential Amenity
4) Impact on Highway Safety
5) Environmental Matters
6) Conclusion

<u>Principle of development</u>

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. Exceptions of which include '*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*' (paragraph 154 c).

Policy LP57 of the Kirklees Local Plan states that '*extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact 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 is essential that development should neither prejudice the open character of the Green Belt nor be disproportionate in relation to the host building. This will avoid detriment to the established character of the area.

The applicant has submitted a 'Permitted Development Opportunities' plan. The dwellings were still under construction and have not been occupied therefore householder Permitted Development Rights do not currently apply to the site. The submitted documentation therefore holds minimal weight within the planning balance and will be assessed based on national and local planning policy.

The development is for a garage which will be 70.56m3. It is located approximately ~16.60m from the principal elevation of the dwelling. The garage will be landscaped into the slope of the hill. The double doors will face out towards the driveway. The footprint of the garage is subservient to the host dwelling given its dimensions, and its single-storey nature. The original dwelling will therefore remain the dominant element. Materials are complimentary to the host building. Considering there is sufficient space between the garage and host dwelling, the open Green Belt character will not be harmed.

The applicant has submitted a 'Permitted Development Opportunities' plan indicated their intention to seek extensions to the main dwelling. The accumulation of buildings would have an impact to openness which would conflict with the open character of the site and therefore the cluster of houses within the Green Belt. Due to the impact to openness which is one of the characteristics of the Green Belt, Permitted Development Rights Class A, B, D & E will be removed from the site in order to avoid any additional development cumulatively impacting detrimentally on the openness and character of the green belt.

The dwelling was granted permission pursuant 2016/92316 (outline), 2018/93279 (reserved matters) & 2022/92609. Applications 2016/92316 & 2018/93279 set out the principle of redevelopment of a brownfield site, demonstrating the two proposed dwellings would have a similar impact in terms of openness to the previous built form of the garden nursery.

Application 2022/92609, sought a revised scheme. The scale of each was increased to take advantage of the potential increases allowed under permitted development rights. To this end, there has already been an allowance of extensions and alterations which has been further implemented under this proposal. Given the agent's chosen approach, instead of a more standardised one, any further development, beyond this application (inc. 2024/93170), would cause harm to the openness of the Green Belt being contrary to national and local policy.

Notwithstanding the above statements, the proposed changes are acceptable in principle, according with paragraph 154 c) of the NPPF and Policy LP57 of the Kirklees Local Plan.

Impact to Visual Amenity

The National Planning Policy Framework (2023) sets out to achieve a high level of design. Paragraph 131 outlines this ethos, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'

Paragraph 133 continues this theme by indicating that 'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.'

Kirklees Planning Authority have published such guidance within their House Extensions & Alterations Supplementary Planning Document (2021), it expands Policy LP24 (design) of the Kirklees Local Plan. Within which, criterion a) & c) are relevant.

a) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

c) extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;

Paragraph 5.30 of the House Extensions and Alterations Supplementary Planning Document states outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

In terms of footprint and scale, to the original building and garden, the garage is an appropriate size and is acceptable in terms of Green Belt policy and LP24. In terms of garden space, the occupants will have access to a suitable amount of private outdoor space. Whilst the garage is placed to the front of the host dwelling, considering the distance and size of the plot, the placement of the garage will not be to the detriment of visual amenity.

The application is therefore acceptable in terms of LP24 a) & c) of the Kirklees Local Plan.

<u>Impact on Residential Amenity</u>

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, 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 House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, '*extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.

The outbuilding is not classed as a habitable room, there are no windows on the building, therefore there will be no impact to residential amenity.

<u>Impact on Highway Safety</u>

LP21 & LP22 regard issues relating to parking and highway safety.

The existing parking area/turning head will remain unchanged, therefore the impact to highway safety is acceptable.

Environmental Issues

Biodiversity

The proposal is for the construction of a new garage which will not affect the eaves of the existing structure. Whilst the property is located in an area known to include bats, as the proposed works do not include alterations to the main roof, it is considered unlikely that bats will be affected.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

The application for a garage has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations Supplementary Planning Document, the National Planning Policy Framework and other material considerations. Given the acceptable principle of development, impact to visual amenity, residential amenity, impact to highway safety and environmental matters, the proposed garage 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 **Approval**

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. The external walls and roofing materials of the outbuilding 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 Policy LP24 & LP35 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 & 13 of the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no extensions, roof extensions, porches or outbuildings (Class A, B, D & E), other than those expressly authorised by this permission shall be constructed on the site.
   Reason: In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

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: -

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	2244-0103-P01	-	06 November 2024
Proposed grouped plans	2244-0702-P03	-	06 November 2024
Permitted development opportunities	2244-0704-P01	-	06 November 2024
Planning statement	-	-	06 November 2024
Climate change statement	-	-	06 November 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.