

**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:	2024/62/93188/W
Site Address:	Christ Church, Sude Hill, New Mill, Holmfirth, HD9 7ER
Description:	Installation of solar panels (Listed Building)
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 12th March 2025

Officer Report.

Reference: 2024/93188

Location: Christ Church, Sude Hill, New Mill, Holmfirth, HD9 7ER

Proposal: Installation of solar panels (Listed Building)

Site Description.

Christ Church is a Grade II Listed building located in New Mill, Holmfirth. The Church is sited within a large plot, between the highways of Sude Hill and Fulstone Hall Road. The building is set back from the highway by areas of church grounds, with the main entrance of the building facing southward towards Sude Hill. The Church is located within a predominantly residential area.

List Description:

SE 10 NE SUDE HILL 5/308 (New Mill) 16.1.67 Christ Church II Gothic revival 'Commissioners' Church. 1830 by Peter Atkinson. Ashlar. Pitched slate roof with parapet with roof top coping. Six bay nave with 2-light slender windows with traceried heads and hood moulds. All but bay to east have stained glass. Square buttresses to nave. Small single bay chancel with 3-light stained glass east window. Three tier west tower with angle buttresses, 2-light louvred bellchamber, and parapet with 4 tall pinnacles with conical top. Interior: elliptical chancel arch. Gallery to each side on colonnettes, and with oak panelled balustrade. Organ chamber to left. Tall 'wine-glass' pulpit in carved oak on stone base. Carved stone font.

Description of Proposal.

Planning permission is sought for the installation of 62 solar panels on the southern roof plane of the church. The panels will be fixed to the roof of the church in four rows.

History of Negotiations / Amendments Received.

Following the consultation response from KC Conservation & Design, the case officer entered into negotiations with the applicant to discuss the potential for alternative options, the community benefits of the Church building, the environmental benefits of the proposal and design / long-term considerations. The applicant provided the following (summarised) details via both telephone communication and email.

- 1) Potential for alternative options

- Heat pumps are not suitable, Church has rare and old stain glass windows which are not air tight and heat pumps need insulated buildings to work efficiently.
- Ground source heating is not appropriate, sacred grounds and graves around the Church building.
- Provided comparison between proposal for 62 solar panels and a lesser panel array of 29 and 51. Concluded that 62 panels provide significantly greater energy efficiency than lesser array and have much greater cost savings per annum.
- Proposal for 62 solar panels would mean the Church is able to achieve net-zero carbon emissions by the end of 2025.

1) The use of the Church building for local community benefit

- As well as being place of worship, active in serving needs of the local community and is the only large building in New Mill area which can accommodate up to 400 people.
- Provided examples of events and meetings that the building hosts locally including:
 - regular public events featuring Hade Edge and Hepworth Brass Bands
 - annual village Christmas Market and Autumn Fair
 - refreshments each month for customers at local auction
 - hosts monthly afternoon tea for elderly and bereaved residents
 - parent and toddler creche
 - supports Christian Aid week
 - Remembrance service hosting 300 local residents, scout groups, air cadets and local brass bands
 - Large outdoor space, including classroom, fire-pit, orchard and vegetable and flower garden which attract visitors and gardeners, all supported by church PCC
 - Holmfirth Arts week.
- Future of building depends on ability to cover running and maintenance costs as well as energy consumption. With ageing (40+ year old) boiler, which is in need of replacement, at decision-point where need to either invest in new boiler or find viable low-cost alternative that will heat building for foreseeable future.
- Surplus energy during summer months can be sold to local community buildings at favourable rates, such as Holmfirth Tech, thus helping other charities.
- Intention is to add two charging points once installation is complete. The larger array will help its viability and pay-back period and will also

provide a public benefit as there are no other EV charging points local to New Mill.

2) The environmental benefits

- Full proposal meets objectives of LP35 and will help meet council's ambition to reduce carbon emissions and mitigate climate change whilst avoiding any significant damage or 'harm' to the Church itself.

3) Design / long term considerations

- Roof structure has been assessed and is deemed to be structurally sound and suitable for 62-panel array. Has also been assessed by solar panel companies and has been approved as fit for purpose.
- To mitigate visual impact, panels will be constructed using black glass and black frames to minimise visual impact and will be mounted on removeable feet that are secured to the rafters rather than drilled through the tiles.
- The array is not visible from Sude Hill roadside as you approach the church and is only marginally visible once you're past the church and ascending the road away from the church building.
- The roof array itself is not permanent structure and if at some point in future there are better alternatives available to roof-mounted solar, the whole array can be safely and easily removed and dismantled leaving no visible or structural damage to the roof.

Public Representation.

The application was advertised by a site notice, press advertisement and neighbour notification letters.

Final publicity date expired 20th December 2024.

No representations received.

Relevant Planning History.

- 2018/93554 – Erection of two storey extension (Listed Building).
Granted Conditional Full Permission.

Consultation Responses.

KC Conservation & Design – On balance, consider the proposed would cause less than substantial harm which as set out under the NPPF would be required to be balanced against the public benefits, and where applicable against secure the long-term viable use of the building.

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) and Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is within an area of allocated urban green space as identified within the Kirklees Local Plan and relates to a Grade II listed building.

The application site is located within an area with a known presence of bats.

The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Parking
- LP22 – Highway Safety
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP48 – Community Facilities and Services
- LP61 Urban Green Space

Holme Valley Neighbourhood Development Plan:

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

The site falls within Local Characteristic Area 7 – River Holme Wooded Valley.

Key landscape characteristics of LCA7 are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristics of LCA7 are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and enhancing the landscape character of Holme Valley
- Policy 2 – Protecting and enhancing the built character of the Holme Valley and promoting high quality design
- Policy 9 – Protecting and enhancing local community facilities
- Policy 12 – Promoting sustainability
- Policy 13 – Protecting wildlife and securing Biodiversity Net Gain

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, together with Circulars, Parliamentary 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 8 – Promoting Healthy and Safe Communities
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment.

1) Principle of Development

Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes onto further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

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.”*

Urban Green Space:

Policy LP61 of the Kirklees Local Plan sets out that development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted under certain circumstances.

In this case the proposal is for operational development upon the existing building and as such there would be no loss of urban greenspace. The proposal is therefore concluded to be acceptable and accord with policy LP61 in this regard.

Community Facility:

Chapter 8 of the NPPF, Promoting Healthy and Safe Communities, sets out that *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- a) *Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;”*

Policy LP48 of the Kirklees Local Plan sets out that *“Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community.”*

Policy 9 of the Holme Valley Neighbourhood Development Plan refers to Protecting and Enhancing Local Community Facilities.

The application site is a Church, which is classified as a community facility. LP48 outlines that proposals will be supported for development that protects, retains or enhances provision of existing community spaces. The benefits of the installation of solar panels to an existing community facility, are weighed against the other national and local policies that reflect the presumption in favour of sustainable development contained in the NPPF.

The benefits of which will be assessed against national and local policies, including impact on the historic environment, visual and residential amenity, impact to highways and environmental matters.

Historic Environment:

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

Solar panels will appear as modern enhancements to the Grade II Listed building of Christ Church and its setting. Whilst it is noted that the solar panels are proposed to the roof plane of the church's frontage, the height of the building is such that the panels would not be easily visible from wider public vantage points, given the parapet style eaves. In addition, the solar panels are to be constructed using black glass and black frames to encourage harmonisation with the appearance of the roof tiles and to minimise their visual impact. The design of the solar panels would be ensured via a condition in the event of any grant of approval.

It is noted that the solar panels are to be mounted on removeable feet that would be secured to the rafters rather than drilled through the tiles. This construction style will also be secured via condition upon any grant of approval.

The roof array itself is not a permanent structure and if at some point in future there are better alternatives available to roof-mounted solar, the whole array can be safely and easily removed and dismantled leaving no visible or structural damage to the roof.

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 states 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.”

When considering harm to the setting of a Listed Building, it should be demonstrated that there are public benefits from the proposal that would outweigh harm to the significance of the heritage asset.

The community benefits of the Church are set out within the ‘History of Negotiations / Amendments Received’ section of this report. It is considered that, reducing the energy costs of the building and keeping it functioning as a hub for the community is a public benefit which weighs in favour of the proposed scheme for 62 solar panels. As well as being place of worship, Christ Church is active in serving the needs of the local community and is the only large building in New Mill area which can accommodate up to 400 people.

When considering the potential alternative options that have been explored within negotiations section of this report, the installation of 62 solar panels has been demonstrated to be the most viable method of providing green energy for Christ Church. Whilst there are less harmful methods, such as air source and ground source heating, these are not appropriate for the site of Christ Church, and the applicant has demonstrated that less than 62 solar panels would result in a less viable scheme. Alternative also have potential to have a harmful impact through introducing plant externally sited at the ground floor level.

It is noted that, a replacement from fossil fuel-based energy sources at Christ Church to ‘green’ alternatives has wider public benefits for the population of Kirklees, reducing emissions to help achieve the Council’s ambition of being ‘Net Zero by 2038’. This proposal for 62 solar panels would mean the Christ Church is able to achieve net-zero carbon emissions by the end of 2025.

The design and fixings of the solar panel to the Church roof will prevent be such that they would have a minimal impact to the built fabric of the building.

The proposal will have an impact to the setting to some degree and will lead to less than substantial harm. The response of the Council’s Conservation Team is noted, whereby they set out alternative should be explored and that they consider the scheme to lead to harm to a less than substantial degree.

In this case it is considered there are factors which cumulatively amount to public benefits to outweigh the identified harm to the setting / listed building. The proposal would also assist in securing the continued function and operation of the building as a community building which has wider beneficial impacts for the community. The rising costs of the existing heating system is such that there is potential that without the identified alternative system being put in place the building could be at risk on the basis its current use could

cease. The proposed development will contribute to securing continued use of the building and when weighing up all other beneficial elements of the scheme which have been identified, it is concluded that the installation of 62 solar panels will provide the most suitable source of green energy within the context of the site. Considering the public benefits of Christ Church as a community building and the wider public benefits with regards to matters of climate change, it is concluded that the public benefits of the proposal outweigh the harm caused to the setting of the Listed Building from the installation of 62 solar panels.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 and relating to the historic environment in chapter 16.

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.

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...'

Policy LP 35 of the Kirklees Local Plan states, *'proposals affecting a designated heritage asset should preserve or enhance the significance of the asset'*.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Local Character Area 7 – River Holme Wooded Valley.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Solar panels will appear as modern enhancements to the Grade II Listed building of Christ Church and its setting. Whilst it is noted that the solar panels are proposed to the roof plane of the church's frontage, it is not considered that they would be highly visible from wider public vantage points, given the parapet style eaves. In addition, the solar panels are to be constructed using black glass and black frames to encourage harmonisation with the appearance of the roof tiles and to minimise their visual impact.

The design of the solar panels would be secured via condition upon any grant of approval.

It is also noted that the solar panels are to be mounted on removeable feet that are to be secured to the rafters rather than drilled through the tiles. This construction style will also be secured via condition upon any grant of approval.

The roof array itself is not permanent structure and if at some point in future there are better alternatives available to roof-mounted solar, the whole array can be safely and easily removed and dismantled leaving no visible or structural damage to the roof.

For the reasons above, with the inclusion of the aforementioned condition, it is concluded that the proposal complies with Policy LP24 and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the NPPF.

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 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.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties’*

Due to the nature of the development, solar panels, there will be no significant impact to the residential amenity of neighbouring occupants with regard to overbearing, overshadowing and / or overlooking.

Glare arising from the panels is not considered to be significant in this case given the height the panels would be sited, and distance in relation to neighbouring residential properties. The proposal is therefore concluded as being acceptable in this regard.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide also seeks to ensure acceptable levels of off-street parking are retained is also considered to be of relevance.

Given the nature of the development, solar panels, it is not considered that the proposed developments will result in a material increase in the use of Christ Church. Therefore, the proposal is considered to be acceptable with regard to matters of highway safety and parking.

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.

The application is for 62 solar panels on the roof of Christ Church and a Climate Change Statement has been submitted.

Given the above, the application is considered to be acceptable with regards to Climate Change, with no further measures required to be submitted with regards to carbon emissions.

Biodiversity / Ecology:

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 located within an area with a known presence of bats.

the solar panels are to be mounted on removeable feet that are to be secured to the rafters rather than drilled through the tiles. This construction style will also be secured via condition upon any grant of approval.

The roof array itself is not permanent structure and if at some point in future there are better alternatives available to roof-mounted solar, the whole array can be safely and easily removed and dismantled leaving no visible or structural damage to the roof.

Given the above construction style of the proposed solar panels, it is considered that there will be minimal interference with the existing roof plane and, as such, a bat survey has not been requested in this instance. However, upon any grant of approval, an informative will be included regarding bats.

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 submitted application form sets out that Biodiversity Net Gain is not required to be demonstrated for this application. Officers concur that this is the case, with the application falling under the Di Minimis exemption, as listed within the Government Biodiversity Net Gain Advisory Note.

6) 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: Approve
Decision Authorisation – Delegated Powers
Application Number: 2024/93188
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 LP1, LP2, LP21, LP22, LP24, LP30, LP35 & LP48 of the Kirklees Local Plan, Policies 1, 2, 3, 9, 12 & 13 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 8, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. The solar panels shall be constructed using black glass and black frames and shall be mounted on removeable feet that are secured to the rafters and retained whilst in operation.

Reason: In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The PV solar panels, fixings and battery shall remain until its use becomes redundant, at which point the equipment shall be removed, with the roof tiles restored to match the materials of the southern roof plane.

Reason: In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of 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
Overview Image, 3D Design	-	-	07.11.2024
Location Plan	(00)01	-	07.11.2024
Proposed Layout	A101	-	07.11.2024
Block Plan	TQRQM24292184016440	-	07.11.2024
Images of the Church from Various Angles	-	-	07.11.2024
Statement of Significance	-	-	07.11.2024
Official List Entry	-	-	07.11.2024
Climate Change Statement	-	-	13.11.2024

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

preapplication advice service available, complied with the Kirklees Development Management Charter 2025 and otherwise actively engaged with the applicant in dealing with the application. Following the consultation response from KC Conservation & Design, the case officer entered into negotiations with the applicant to discuss the potential for alternative options, the community benefits of the Church building, the environmental benefits of the proposal and design / long-term considerations. The applicant provided details of the requested details via both telephone communication and email.

Report Dated: 10.03.2025