

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:	2024/62/93212/W
Site Address:	New Closes Farm, Wickins Lane, Holmfirth, HD9 3RB
Description:	Alterations to convert existing store/workshop to one dwelling with associated parking, outdoor amenity space and landscaping
Recommending Officer:	John Holmes

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: 18-FEB-2025

Officer Report.

Reference: 2024/93212

Location: New Closes Farm, Wickins Lane, Holmfirth, HD9 3RB

Proposal: Alterations to convert existing store/workshop to one dwelling with associated parking, outdoor amenity space and landscaping

Site Description.

The application site comprises of one detached stone building (currently used for storage and workshop purposes) and the adjacent land and access road. The building is located at New Close Farm, which comprises of New Close Farmhouse, New Close Farm Cottage and New Close Barn, all Grade II Listed Buildings. Access to the site is via a shared access road from Wickens Lane and Back Lane located south of the application site.

The site is situated in a rural location within the Green Belt, surrounded by open fields and countryside. Several public footpaths are located in close proximity to the site, including HOL/71/20, HOL/54/30 and HOL/54/20.

Description of Proposal.

Planning permission is sought for alterations to convert existing store/workshop to one dwelling with associated parking, outdoor amenity space and landscaping.

The conversion is proposed to include the following external works:

- Existing opening on north elevation to be reinstated with an obscure glazed window.
- Existing opening on west elevation to be reinstated with an obscure glazed window.
- Existing door on the east elevation to be replaced with a fully glazed door.
- Two other openings on east elevation to be enlarged by removing the central pillar and a new sliding door to be installed.
- One conservation style rooflight to east facing roof slope.

The existing external steps on the north elevation would be retained and the doors on the south and north elevations would be retained.

Internally, the proposed accommodation would comprise a living room, an open plan kitchen and dining room, a W.C and a hallway on the ground floor with two bedrooms and a bathroom on the first floor.

Two designated parking spaces are proposed to be located at the front/south of the building (on existing hardstanding areas) and an area of domestic curtilage is proposed to the east of the building, which would be bordered by post and rail fencing. An EV charging point is proposed on a freestanding post within the hardstanding area immediately south of the building.

Space for an additional three bins for the proposed property is shown on plan, proposed to be located adjacent to the existing bin store area that serves the neighbouring properties.

History of Negotiations / Amendments Received.

The planning agent submitted amended plans to change the scheme as follows:

- A separate package treatment plant is to be installed as per the plans (Kingspan Klargestar BA – capable of serving up to 6 people – so more than ample for this small building). This will involve extending the red line, but this would not impact on material planning concerns in our opinion.
- Re: bin storage – agent's view is that there is sufficient space within the existing bin store for existing and proposed bins, nevertheless, space for an additional three bins for the proposed property is shown on the new plan (general, recycling, garden).

Officers did not consider it necessary to re-advertise the application as a result of the submitted amendments. This is because, the description of proposal remained as originally proposed and the principle of development remained the same.

Whilst the red line boundary was altered as part of the amended plans, it was not considered that this resulted in a requirement for re-advertisement. This is because, the overall spatial extent of the red line remained very similar to original, with the red line moved further away from neighbouring properties as a result of the amendments.

Relevant Planning History.

Planning Applications:

- 2016/94069 – Alterations to convert detached store to dwelling.
Withdrawn.

Enforcement History:

- COMP/17/0042 – Alleged unlawful works to a listed building.

Aerial satellite images taken in 2006, 2009 and 2012 showed that the original curtilage listed outbuilding at the site was demolished and rebuilt at some point in 2009. A comparison between crude scaled measurements taken from 2006 and 2012 also showed that the footprint of this existing store/workshop is greater than the original outbuilding and that close comparison between both images suggests that the overall position was also slightly moved south and east, away from the other units.

In addition, comparison photographs of the outbuilding's current appearance and its appearance prior to the site's development clearly shows the appearance of the new structure to be different from the original. This is with regards to fenestration detailing, the addition of a raised patio and the addition of an external stone stair case.

The enforcement case referenced COMP/17/0042 was closed in January 2020. Whilst action was taken for the demolition of a curtilage listed outbuilding, no action was taken against the re-built building as it was not considered expedient to do so.

The submitted Planning and Heritage Impact Statement sets out the following:

'The building subject to this application did not originally have planning permission to be constructed (as a replacement to an existing piggeries barn). However, the building was substantially completed more than four years ago (in 2009) (see Google Earth image below confirming minimum four years) and is therefore immune from any enforcement action in accordance with Section 171B Town and Country Planning Act 1990, and the transitional arrangements under the Levelling-Up Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (Regulation 5).'

Officers conclude that the store/workshop existing at New Closes Farm is now a lawful outbuilding.

Representations.

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via a site notice, neighbour notification letters and within the newspaper.

Final publicity date expired: 29th December 2024.

In response to publicity, three representations were received, which set out the following comments:

Housing Supply / Demand:

- The Government has declared a national housing crisis, with demand for housing far outstripping supply. Kirklees Council has acknowledged it has failed to deliver to its own housing targets for the region. This site

can be converted into a high quality, well-designed and sustainable dwelling with minimal intervention. An easy win.

Septic Tank:

- No access to the septic tank. It is in title deeds that it is only available for three properties, and it is at full capacity. The three properties all manage and empty the septic tank, it is owned by the three properties.

Waste Treatment Plant Unit:

- The development has no legal right to discharge its waste into the proposed waste treatment plant unit, sited on the land of New Closes Barn.
- All three properties state on their Title Deeds that the waste plant unit is serviced and maintained by one-third of the cost between the three existing properties. At no point has any payment been made by any other parties to the service, maintenance and repair. The waste treatment plant is located on land owned by New Closes Barn subject to users' rights.
- No evidence as to the capacity of the Clereflo Sewage Treatment Plant, due to the commissioning records not being completed by the developer, which would have confirmed the size. Even if it is capable of 20 people, if the existing properties were fully occupied that would give a potential total of 19 people, with an additional 4 people from the proposed new site.

Water Supply:

- Don't know how will get water supply as all other properties have ground source heating which is in the field adjacent to the property so there is no access.
- There is three water metres on Wickens Lane one for each property.

Highway Safety / Waste Storage & Collection:

- There's a turning point outside the planning application for refuse vehicles to turn around. This won't be possible because of the proposed parking spaces.
- There is a refuse bin bay, it is at the moment full to capacity for the three properties.
- The lane down is called Back Lane, it leads down to New Closes properties. The lane is unadopted and in a poor state so more traffic will make it worse than it is.

Consultation Responses.

KC Highways Development Management – The proposals are considered acceptable to Highways Development Management.

KC Environmental Health – The application concerns the use of an existing structure being used as a residential dwelling. The proposed property is to be served by its own package treatment plant that has the capacity for 6 persons, KC Environmental Health understand that this will require Building Regulations approval. Offer advice regarding electric vehicle charging points.

Holme Valley Parish Council – Support.

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 application site is located within the Green Belt.

Several public footpaths are located in close proximity to the site, including HOL/71/20, HOL/54/30 and HOL/54/20.

New Close Farmhouse, New Close Farm Cottage and New Close Barn are Grade II Listed Buildings.

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

The application site lies 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 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway safety
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic environment
- LP51 – Protection and improvement of local air quality
- LP57 – The extension, alteration or replacement of existing buildings

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.

- Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

It is important to note that the application site is within Landscape Character Area 5 – Netherthong Rural Fringe.

Key landscape characteristics of LCA5 are:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

Key built characteristics of LCA5 are:

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

Supplementary Planning Documents (SPD):

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct, 2020, v.5)

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 4 – Decision-making
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Legislation:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Assessment.

1) Principle of Development

Sustainable Development & Housing Delivery:

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary

Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The application seeks permission for one dwelling. One dwelling is considered to be appropriate in this instance, given the location, setting and size of the site. More than one dwelling on the site would likely result in undue impacts to the Green Belt, highway safety and to residential amenity for both future and neighbouring occupiers.

The site is considered to be located within a sustainable location, whilst within a rural setting, the site is in close proximity to other residential dwellings, as well as being located approximately 1.5km from the centre of Holmfirth.

Therefore, in relation to the density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

A more detailed assessment of the proposal's impact on the Green Belt, design and its impact on the surrounding environment is undertaken below.

Green Belt:

Paragraph 153 of the NPPF sets out that: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘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.”*

Paragraph 154 of the NPPF sets out that development in the GB is inappropriate, unless one of the exemptions applies. Exemption (c) is *“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.”*

Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:

“a. in the case of extensions the original 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;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”

The proposal seeks permission to convert an existing store/workshop to one dwelling with associated parking, outdoor amenity space and landscaping.

Given that no extensions are proposed to the building and that it's overall size / scale will remain as existing, the proposal is considered to appropriately accord with the aforementioned Green Belt policies. In addition, two designated parking spaces are proposed on an area of existing hardstanding and three bins for the new dwelling are proposed to be located adjacent to the existing bin store area that serves the neighbouring properties.

An area of domestic curtilage is proposed to the east of the building, which is described to be boarded by post and rail fencing, to replicate adjacent post and rail fencing. Whilst it is acknowledged that this would result in an area of Green Belt land becoming domestic curtilage to serve the new dwelling, this is not considered to have a material impact to the landscape or openness of the area, given that it would be read within the existing context of residential development at the site. To protect the landscape character of the area, upon

any grant of approval, a condition is recommended to be imposed to secure design details of the fencing, including its height and construction materials.

It is considered reasonable in this instance to impose a condition to remove Permitted Development Rights at the site for any new extensions or additions to the roof, this is in the interests of protecting the openness of the Green Belt and visual amenity.

Subject to the conditions outlined above, the proposal is concluded to be acceptable in principle.

1) Impact on Visual Amenity and the Historic Environment

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

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

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affect the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive appropriate approach to the local context.”*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that *“the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to*

penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings."

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 8 sets out that proposals should *"demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings."*

Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

Sections 66 and 72 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority 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.

Due to the site's close proximity to Listed Buildings, Paragraph 205 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset's conservation any aspect of the proposal.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

This application seeks permission for the conversion of existing store/workshop to one dwelling with associated parking, outdoor amenity space and landscaping

The conversion is proposed to include the following external works:

- Existing opening on north elevation to be reinstated with an obscure glazed window.
- Existing opening on west elevation to be reinstated with an obscure glazed window.
- Existing door on the east elevation to be replaced with a fully glazed door.
- Two other openings on east elevation to be enlarged by removing the central pillar and a new sliding door to be installed.
- One conservation style rooflight to east facing roof slope.

The existing external steps on the north elevation would be retained and the doors on the south and north elevations would be retained.

Two designated parking spaces are proposed to be located at the front/south of the building (on existing hardstanding areas) and an area of domestic curtilage is proposed to the east of the building, which would be bordered by post and rail fencing. An EV charging point is proposed on a freestanding post within the hardstanding area immediately south of the building.

Space for an additional three bins for the proposed property is shown on plan, proposed to be located adjacent to the existing bin store area that serves the neighbouring properties.

As part of this application, a Planning and Heritage Impact Statement was submitted, which sets out the following with regard to heritage matters:

- Main views of the listed building can currently be appreciated and experienced on the approach to the building from Back Lane. Close up views of the front and rear of the building can also be appreciated within the property boundary, but long-range views of the building are limited from public vantage points.
- Given the proposals relate to the conversion of an existing building, the development would not materially alter the current views of the listed building. The proposed alterations to the building are considered minimal and are largely limited to existing window and door openings. The stone steps would also be retained. These would be sympathetic in nature and in keeping with the host building and adjacent listed building.
- Whilst an element of domestic curtilage is also included within the proposals, this is located on the far (eastern) side of the building to be converted, away from the listed building, and is confined to a relatively

small area. Given the location and size, together with the fact this garden area would be situated at a lower level than the listed building, there is considered to be no material harm to the setting of the listed building.

- In this case, given the nature of the proposals, it is considered that the proposed development would not cause any material harm to the significance of the heritage asset.

Reinstating the existing openings on the north elevation and west elevation of the building is considered to be acceptable from a visual amenity perspective. These architectural details have previously been established to the built structure and the plans demonstrate that the stone heads and cills are to be retained.

One of the existing doors on the eastern elevation is to be replaced with a fully glazed door. Again, the plans demonstrate that the stone heads and cills will be retained to this opening, in keeping with the character of the building. In addition, whilst the installation of sliding doors to the eastern elevation would result in the loss of a central pillar, the stone head and cill to this opening would also be retained. Therefore, the installation of glazed doors is considered to be an acceptable contemporary addition to the building, with the design of the openings in keeping with the architectural character of the building.

The conservation style rooflight to the east facing roof slope is recommended to be secured via condition upon any grant of approval.

The two designated parking spaces are proposed on an area of existing hardstanding and three bins for the new dwelling are proposed to be located adjacent to the existing bin store area that serves the neighbouring properties. Therefore, the location of vehicle parking and bin storage is concluded to be acceptable visually.

An area of domestic curtilage is proposed to the east of the building, which is described to be boarded by post and rail fencing. Details of this boundary treatment are limited and therefore, upon any grant of approval, it is recommended a condition be imposed to secure design details of the fencing, including its height and construction materials. It is noted that officer's raise concerns of the use of post and rail fencing within the residential amenity section of this report, given the close proximity of the proposed domestic curtilage with a garden area that serves one of the existing properties within New Closes Farm.

As such, with the inclusion of the aforementioned conditions, it is considered that the proposal would appropriately accord with Policies LP11, LP24 and LP35 of the Kirklees Local Plan, Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF.

2) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for 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.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Impact on Neighbouring Properties:

The built form of the existing store/workshop is to remain as existing, with the only external alterations to the building itself relating to fenestration detailing. As such, it is not considered that the proposal would result in any increased detriment of overbearing or overshadowing towards neighbouring properties.

The only elevation of the building which faces towards another property is the western elevation. Given the close proximity of this elevation to New Closes Farm Cottage, upon any grant of approval, a condition is recommended to be imposed to ensure that glazing to this elevation be obscure glazed.

An area of domestic curtilage is proposed to the east of the building. The proposed area of domestic curtilage to serve the new dwelling will be situated adjacent to an area of hardstanding at New Closes Farm and to an area of garden space which serves one of the existing properties. To protect the amenity of users of the existing garden space, upon any grant of permission, it is recommended a condition be imposed to secure details of boundary treatment prior to the new dwelling being brought into use. Whilst officer's

note that the submission suggests post and rail fencing, boundary treatments will need to consider potential impacts of overlooking between the two garden areas.

Taking into consideration noise and pollution, given that the application seeks permission to convert an existing store/workshop into a two-bedroom dwelling, within an area where residential development has previously been established, it is not considered that the proposal would give rise to any noise or odour pollution over and above the existing circumstance of the immediate area.

To protect the amenity of surrounding residents, upon any grant of approval, an informative which restricts noisy construction activities during construction works is recommended to be included within the decision notice.

Impact on Future Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed dwelling has an internal floor area of approximately 98m² and is to have two bedrooms. This internal area is compliant with the minimum gross internal floor area for two-bedroom dwellings as set out within the Nationally Described Space Standards.

In addition, all of the habitable rooms within the dwelling are adequately served by glazing. The condition to obscure the glazing to the western elevation of the dwelling will not detriment the living conditions within the bedrooms, as the bedrooms are also served by other windows on other elevations of the building.

The extent of outdoor amenity space proposed for the new dwelling is considered to be of a sufficient size / scale to serve the potential number of future occupiers, with the dwelling proposing two bedrooms internally.

In conclusion, with the inclusion of the aforementioned conditions and informative notes, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan, Principles

6, 16 and 17 of the Housebuilders Design Guide SPD and policies within Chapter 12 and 15 of the National Planning Policy Framework.

3) Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development. The Highways Officer made the following comments:

The application site is situated to the north of Back Lane; Back Lane is an un-adopted track and public right of way leading from Wickins Lane to public footpath HOL/71/20 and HOL/54/70.

Access to the track leading to the proposed site is from an existing access directly off Wickins Lane.

Wickins Lane connects Wolfstones Road to Dean Road and is subject to a 60-mph speed limit with observed estimated vehicle speeds of 30-40 mph and street lighting along its length.

The width of the existing access track is substandard with a width of 2.9 with small grass verge at either side, however passing places have been provided at regular intervals and shown in the plans.

Bearing in mind that this proposal is for the demolition of an existing store workshop and the erection of a two bedroomed dwelling the proposal is unlikely to significantly intensify the use of the existing access and, as a result, this is acceptable in highway terms, (confirmation provided by planning officer to highways that the proposal was for a conversion, not replacement. Response was unchanged).

Parking is proposed for 2 vehicles which meets the guidance for a two bedroomed dwelling.

The provision of waste collection will remain as existing and is unaffected by the proposals.

The proposals are considered acceptable to Highways Development Management, with the inclusion of a condition upon any grant of approval regarding the surfacing of any new areas of hardstanding.

With the inclusion of the aforementioned condition, it is considered that the proposals are acceptable in regard to highway safety.

4) 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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy."*

As part of this application, a Climate Change was submitted, which sets out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, given the requirement in relation to building regulations.

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.

Principle 9 of the Housebuilders Design Guide SPD states that *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.”*

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

As part of this application, a Preliminary Bat Roost Assessment (Technical Note) was submitted. This provided the following conclusion: *“Overall, the development proposal is considered to be of negligible risk of impacts to bats and it is recommended that bats do not present a constraint to the development proposals.”*

Upon any grant of approval, a condition shall be imposed to secure a bat box to the dwellinghouse. This is to ensure that the development provides a biodiversity enhancement.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), a Biodiversity Net Gain (BNG) Strategy (Technical Note) was submitted.

The summary of this submitted BNG document concludes that the development proposals will result in a net gain of biodiversity value for habitats comprising 0.02 habitat units (11.69%).

Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.

Therefore, subject to the inclusion of a condition to secure a bat box and the aforementioned informative note, the proposal is considered to be acceptable in regard to biodiversity / ecology.

Public Footpaths:

Several public footpaths are located in close proximity to the site, including HOL/71/20, HOL/54/30 and HOL/54/20.

The proposed development will not impact upon the continued use or functionality of surrounding public footpaths HOL/71/20, HOL/54/30 and HOL/54/20.

As such, the proposal is considered to appropriately comply with Policy LP23 of the Kirklees Local Plan.

Air Quality:

Policy LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the NPPF seek to ensure that new development does not result, directly or indirectly, in an increase in air pollution.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Wholesome Water Supply:

The proposed property is to be served by its own package treatment plant that has the capacity for 6 persons. Upon formal consultation, KC Environmental Health set out that it is their understanding that the package treatment plant will require Building Regulations approval.

5) Representations

In response to publicity, three representations were received. The comments raised within the representations are set out below, accompanied with an officer response.

Housing Supply / Demand:

- The Government has declared a national housing crisis, with demand for housing far outstripping supply. Kirklees Council has acknowledged it has failed to deliver to its own housing targets for the region. This site can be converted into a high quality, well-designed and sustainable dwelling with minimal intervention. An easy win.

Officer Response: Matters of housing supply / demand have been assessed in full within assessment section 1 of this officer's report, 'Principle of Development'. This section concludes that, in relation to the density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

Septic Tank:

- No access to the septic tank. It is in title deeds that it is only available for three properties, and it is at full capacity. The three properties all manage and empty the septic tank, it is owned by the three properties.

Officer Response: The concerns raised with regard to matters of a septic tank have been noted. Matters relating to such concerns have been addressed within assessment section 5 of this officer's report. It was concluded that, given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, foul and surface water drainage can be suitably accommodated as part of the development.

Waste Treatment Plant Unit:

- The development has no legal right to discharge its waste into the proposed waste treatment plant unit, sited on the land of New Closes Barn.
- All three properties state on their Title Deeds that the waste plant unit is serviced and maintained by one-third of the cost between the three existing properties. At no point has any payment been made by any other parties to the service, maintenance and repair. The waste treatment plant is located on land owned by New Closes Barn subject to users' rights.
- No evidence as to the capacity of the Clereflo Sewage Treatment Plant, due to the commissioning records not being completed by the developer, which would have confirmed the size. Even if it is capable of 20 people, if the existing properties were fully occupied that would give a potential total of 19 people, with an additional 4 people from the proposed new site.

Officer Response: The proposed property is to be served by its own package treatment plant that has the capacity for 6 persons. Upon formal consultation, KC Environmental Health set out that it is their understanding that the package treatment plant will require Building Regulations approval. Given the requirements of separate legislation, and the scale of the proposal / intended drainage arrangements shown in the submitted detail, it is considered it would be unreasonable of the LPA to require a scheme of foul / surface water arrangements to accompany any planning application and the proposal is acceptable in this regard.

Water Supply:

- Don't know how will get water supply as all other properties have ground source heating which is in the field adjacent to the property so there is no access.
- There is three water metres on Wickens Lane one for each property.

Officer Response: This concern is noted, however it is considered that this matter would be controlled by separate building regulations legislation and is a civil matter between the respective land owners in terms of arrangements in place to ensure a water supply can be provided. Refusal on this basis could not, therefore, be substantiated and it is considered it would be unreasonable of the LPA to withhold permission on such ground(s).

Highway Safety / Waste Storage & Collection:

- There's a turning point outside the planning application for refuse vehicles to turn around. This won't be possible because of the proposed parking spaces.
- There is a refuse bin bay, it is at the moment full to capacity for the three properties.
- The lane down is called Back Lane, it leads down to New Closes properties. The lane is unadopted and in a poor state so more traffic will make it worse than it is.

Officer Response: As part of the assessment and determination of this application, a formal consultation was undertaken with KC Highways Development Management. The consultation response from KC Highways and a full assessment of the proposal's impacts on highway safety is set out within assessment section 4 of this officer's report. This section concluded that the proposals are acceptable in regard to highway safety.

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 is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2024/93212

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 51 of the Planning and Compulsory Purchase Act 2004.

1. 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, LP23, LP24, LP30, LP35, LP51 & LP57, Key Design Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18 & 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 12, 13, 14, 15 & 16 of the National Planning Policy Framework.

2. Notwithstanding the provision 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, C, D or E of Part 1 and / or class A of Part 2 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: To ensure that no incongruous or discordant additions can be made to what is a traditional agricultural building of simple construction, in the interests of visual amenity. This would be in accordance with Policies LP24 and LP60 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 2 of the Housebuilders Design Guide Supplementary Planning Document.

3. The development hereby approved shall not be brought into use until a scheme detailing all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the height, location and construction of all boundary treatment. The boundary treatments approved by this condition shall be completed prior to the development being brought into use, and retained thereafter

Reason: In the interests of visual amenity and to retain the openness and landscape character of the Green Belt, to accord with Policies

LP24 and LP57 of the Kirklees Local Plan and policies within Chapters 12, 13 & 16 of the National Planning Policy Framework.

4. The rooflight to the east facing roof slope shall be a conservation style rooflight which shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. The dwellinghouse hereby approved shall not be occupied until the windows in the western elevation have been obscure glazed. The obscure glazing shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide Supplementary Planning Document and Policies within Chapter 12 of the National Planning Policy Framework.

6. The dwellinghouse hereby approved shall not be brought into use until all new areas of hard surfacing to be used for vehicles and pedestrians have been laid out with a hardened, sealed and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; 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). Should permeable or porous surfacing be intended to be used, the dwellinghouse shall not be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. Prior to the first occupation of the dwellinghouse hereby approved, one bat box shall be incorporated into the dwelling; the box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground. Once installed, the bat box shall thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National

Planning Policy Framework and Principle 12 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

NOTE: Construction Site Working Times

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Public footpaths HOL/71/20, HOL/54/30 and HOL/54/20 are adjacent to the site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Civic Centre 1, Huddersfield HD1 2NF and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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	24/1064/01d	-	28.01.2025
Existing Block Plan	24/1064/02e	-	28.01.2025
Proposed Block Plan	24/1064/05e	-	28.01.2025
General Arrangement as Existing	24/1064/03a	-	11.11.2024

General Arrangement as Proposed	24/1064/04d	-	11.11.2024
Letter from Humble Heritage dated 18 March 2020	-	-	14.11.2024
Planning and Heritage Impact Statement	-	-	11.11.2024
Technical Note: Preliminary Bat Roost Assessment by Knight Sky Ecology	-	-	14.11.2024
Technical Note: Biodiversity Net Gain (BNG) Strategy by Knight Sky Ecology	-	-	14.11.2024
Climate Change Statement	-	-	14.11.2024

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 Planning 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. The planning agent submitted amended plans to address drainage and waste storage.

Report Dated: 11.02.2025

