

**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:	2024/62/93556/W
Site Address:	Bolster Moor Coffee Shop, 1A, Bolstermoor Road, Bolster Moor, Huddersfield, HD7 4JU
Description:	Change of use of land and creation of customer car park
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: 29th April 2025

Officer Report.

Reference: 2024/93556

Location: Bolster Moor Coffee Shop, 1A, Bolstermoor Road, Bolster Moor, Huddersfield, HD7 4JU

Development: Change of use of land and creation of customer car park

Site Description.

The application site relates to an area of land located adjacent to the existing car parking areas belonging to Bolster Moor Farm Shop and Coffee Shop. The wider site comprises of a large farm shop, agricultural buildings, coffee shop and a large car parking area.

The site is accessed to the west from the existing car parking area. Residential dwellings can be found to the north and east of the site. To the south is open countryside. Bolster Moor Playgroup is also located to the north-east.

The application site is located within the Green Belt.

Description of Development.

Planning permission is sought for the change of use of land and the creation of customer car parking.

It is noted that this planning application is retrospective, with works completed on 31/08/2023.

The land subject to this application is located to the east of the Bolster Moor Farm Shop and north-east of the adjacent tearoom.

The car park under this application has 37 car parking spaces.

History of Negotiations / Amendments Received.

In response to the consultation from KC Ecology, the planning agent provided the following confirmation via email:

- We have identified a habitat bank, and it is usual for them to ensure the long-term management and maintenance of the new habitats.

Relevant Planning History.

- 2006/91383 – Outline application for erection of farm shop. *Approved 25th May 2006*

- 2007/92042 – Reserved matters application for erection of farm shop. *Approved 13th July 2007*
- 2010/91279 – Outline application for tea room for existing farm shop. *Approved 23rd June 2010*
- 2010/92958 – Erection of tea room for existing farm shop. *Approved 26th November 2010*
- 2012/92014 – Reserved matters application for erection of single storey extension to existing farm shop. *Approved 5th September 2012*
- 2014/91515 – Erection of single storey extension. *Approved 2nd October 2014*

It is noted this permission is subject to condition restricting the hours of operation to 08:00 to 17:30 Monday to Saturdays and 10:30 to 16:00 Sundays and Bank Holidays

- 2017/93306 – Erection of external store room for tea room. *Approved 20th November 2017*
- 2018/93639 – Erection of extension to tea room. *Approved 16th May 2019*

It is noted this permission is subject to condition restricting the hours of operation to 08:00 to 17:30 Monday to Saturdays and 10:30 to 16:00 Sundays and Bank Holidays

- 2022/93967 – Erection of extension to tea room. *Approved 23rd March 2023.*
- 2023/92537 - Certificate of lawfulness for proposed temporary use of land for parking. *Certificate of Lawful Use Granted 24th October 2023*

It is noted that the extent of the car park the subject of this application is greater than that for which a certificate of lawfulness for temporary use has been granted.

The certificate of lawfulness established that the use of land for car parking for no more than 28 days in any calendar year as shown on the plan submitted as part of that application benefit from a general planning permission granted by Article 3(1) of Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Representations.

The application was advertised via neighbour notification letters.

Final publicity date expired: 14th February 2025.

In response to publicity, 9 objections were received. The concerns raised within the objections are set out below:

Visual Amenity / Green Belt:

- Statement indicates no external materials to be used, this is incorrect as there is already a road been constructed contravening the previous application.
- The application states that the proposed development does not require any materials to be used externally. This is not correct as the “proposed development” has already been completed and man-made materials have already been used to convert this field in a car park. The work already carried out includes extensive resurfacing of a field and destruction of landscaping.
- The application site is located within the designated Green Belt and cannot be viewed as necessary development in the Green Belt. Allowing this area to become a permanent car park would harm the openness of the Green Belt and would contravene one of the purposes of the Green Belt which is to safeguard the countryside from encroachment.
- The farm shop has had a massive impact on the village and not in a positive way. The number of cars in the village has more than doubled and added to staff cars and delivery vans, villagers now have to live with noise and pollution. Green fields have been covered over the nature of the area has changed.
- The farm and land are in a greenbelt area. The business is slowly covering over green fields, and such expansion is inappropriate and harmful to the greenbelt. There are no very special circumstances that would outweigh the harm caused by a car park extension.
- It is unjustifiable development in the Green Belt.
- This is clearly an inappropriate development that impacts the Green Belt and does not constitute ‘Very Special Circumstances’.
- It appears no considerations have been taken relating to robust materiality, drainage, attenuation, EVCP’s, pedestrian movement, inclusive design, cycle provision, landscaping, promoting public transport, public open space and lighting.
- The parking areas are simply a Plastic Cellular Paver embedded into soil. This does not comply with any design guide for a permanent car park solution. The car park visually is extremely poor and only after being used for a short period is showing signs of serious wear with

rutting to parking spaces. This mud trailed through the car park on to the highway.

Highway Safety:

- The additional parking will make little or no difference to the current parking situation.
- Hundreds of vehicles on a daily basis causing havoc and pollution to the local environment.
- Members of staff are not allowed to use the car park and are instructed to park on the road. There will therefore always be a number of vehicles on the road.
- The only solution at this stage would be to place double yellow lines at the junction with Slades Road and residents permit parking in the surrounding areas.
- The cars parked on the roads belong to farm shop/café staff and not to customers.
- The traffic survey supplied in the applied is biased towards the result being sought. The applicant put barriers in place to prevent customers accessing the new area of parking during the period of time when the survey was conducted. Had the survey taken place whilst this area was being used, it would have been obvious to Paragon Highways that this car park extension was having no effect on the number of cars parking on the roads.
- More car parking spaces will attract more customers, more customers will require more staff to service them, more staff means more staff cars parked on the road.
- Consideration needs to be sought in relation to traffic calming measures, visibility assessments, residential permit parking or timed parking and impact to local bus services.

Residential Amenity:

- The supporting information states that cars are only there temporarily and at quieter times of the day and when the business is closed there is no impact created by parked cars. This fails to take into account the staff who arrive in the early hours around 1:45am to work in the bakery, the delivery lorries arrived around 6am or the shops own delivery lorries parked to be loaded. All adding to disturbance and pollution.
- The site is already too large for its location, with the impact on residents unreasonable.

- This development contravenes many of the restrictions in the local plan, including reducing the amenity of local residents and their quiet enjoyment of their properties.
- Consideration needs to be sought in relation to noise pollution and air quality.

Planning History:

- Since the grant of the Certificate of Lawfulness the farm shop have allowed parking on this patch of land for well in excess of the 28 days per calendar year.
- Work was carried out to extend the area of parking beyond the 22 temporary spaces allowed in the Certificate with a new entrance to this area being created by removing part of the landscaping and fence in the lower part of the permanent car park and an artificial hard surface being installed and marked out with permanent car parking spaces – all completed without the relevant planning permission being sought.

Other Matters:

- In general, it has been states that this business is a benefit to the local community, all it does it employ a few local people with very or no benefit to the immediate community.
- The proposed car park extension will cover existing green land. The site is within a small, quiet village that is unable to sustain such a large development.
- The continued expansion has altered the balance between the business and the village. The distinctive character of the village is being lost.
- Bolster Moor is a popular place to enjoy the outdoors. People visit for the green spaces and make use of the local paths and walks. This enjoyment is being threatened by the development of the farm and car park and the pollution and traffic it brings to the area.
- Bolster Moor Farm Shop has developed into such a size that it must surely qualify as a supermarket, attracting customers from a wide geographic area, with consequent effects on the local community which is poorly served by such a facility. The size of the development is at odds with the ethos implicit in the name. It seems at odds with the Local Development Plan and appears to be the primary business rather than supplementing the core farming activity.

- Climate Change Statement – considering a green field has been turned into a car park, it is incomprehensible for this to have been filled in as N/A or None, in particular to Questions 2, 3, 5, 6, 7 and 8.

Consultation Responses.

KC Highways Development Management (formal) – no objections with the inclusion of a condition to secure measures to manage parking upon any grant of approval.

KC Ecology (formal & informal) – Following confirmation from the planning agent that a habitat bank has been identified, no objections with the inclusion of the biodiversity net gain informative upon any grant of approval.

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.

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.

Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective use of Land and Buildings
- LP10 – Supporting the Rural Economy
- LP13 – Town Centres
- LP20 – Sustainable Transport
- LP21 – Highway Safety
- LP22 - Parking
- LP24 - Design
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Other Guidance Documents:

- Kirklees Highways Design Guide SPD (2019)

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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-design 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

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”*.

Rural Economy:

Policy LP10 of the Kirklees Local Plan relates to supporting the rural economy, which follows on from guidance in Chapter 6 of the NPPF, 'Building a strong, competitive economy'. This is given weight in the assessment of this application.

Nonetheless, Policy LP10 of the Kirklees Local Plan also states that, in all cases where development is proposed in the Green Belt, regard must be had to the relevant policies in this plan and relevant national planning policy. This is discussed below.

Green Belt:

Planning permission is sought for the change of use of land and creation of customer car park at Bolster Moor Coffee Shop.

Policy LP57 of the Kirklees Local Plan refers to the extension, alteration or replacement of existing building in the Green Belt. This policy sets out that *"Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:*

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, 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 NPPF outlines that development in the Green Belt is inappropriate, unless it falls under one of the exceptions listed within paragraph 154.

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."*

It is not considered that the development under this planning application falls to be considered within one of exceptions listed under paragraph 154 of the NPPF and therefore, very special circumstances have been considered in this instance.

The submitted Planning Statement by Acumen Designers & Architects sets out the following factors considered to constitute very special circumstances:

- The farm shop and café benefit from planning permission for the reason that on balance the benefits of the sustainable growth and

expansion of the business outweigh the impact on the openness of the Green Belt.

- Whilst the business has lawfully extended and diversified over the last 15 years, resulting in an increase in the number of visitors to the farm shop, the on-site parking has remained the same.
- Accompanying this planning application is a Technical Note prepared by Paragon Highways. The note includes details of a car parking survey carried out on Friday and Saturday 29th and 30th November. The survey showed that on both days there are times around lunchtime that less than 5 of the 89 on site spaces are available, with cars queuing in and around the car park looking for available space. The survey results also show that many of the customers use on-street parking around the area, but the high level of demand means that on-street parking is also scarce.
- As set out in the attached Technical Note, the on-street parking affects the traffic flows in the area. There are the further dangers caused by cars driving slowly looking for parking spaces, with reduced concentration focusing on other hazards. The on-street parking increases risk to safety for pedestrians in the area, with visibility splays affected by parked cars, and queuing traffic accessing the car park.
- Other uses in the area, notably the children's day nursery to the east of the site, also generate demand for parking, and with parents collecting young children throughout the day, the on-street parking situation creates a dangerous environment for both pedestrians and vehicles.
- The Technical Note prepared by Paragon Highways concludes that *“by releasing more parking spaces off street and significantly reducing parking demands on Bolster Moor Road and Slades Road, the proposals would reduce the likelihood of indiscriminate car parking on the local highway network and improving road safety especially for pedestrians crossing the road to access the adjacent nursery. The proposals are therefore considered to be acceptable from a highway safety point of view and would provide a significant road safety benefit for visitors and staff at the site along with all road users travelling along Bolser Moor Road and Slades Road.”*
- Believe that the proposed development and the benefits in Highway Safety terms comprise Very Special Circumstances.
- The main consideration to weigh against the improvements to highway safety is the impact on the openness of the Green Belt. In this situation the proposed development comprises a flat car park. There are materials that can be used that can reduce the perception of built development, however the main impact on the openness is created by the cars parking there.

- The impact on the openness created by the parked cars is only temporary and at quieter times of days and when the business is closed there is not impact created by parked cars.
- The car park itself does not increase the cars in the area. It simply regularises their parking in a safe and formal matter. Without the car park. The same cars will park along the highway, which is still in the Green Belt, in a linear fashion. The visual impact from the cars parking in the road is far greater than the visual impact from the cars parking in a neat and controlled fashion in a car park, whereby the layout of the car park, means many of the cars will be screened by adjacent parked cars.
- Therefore, the proposed car park will reduce the impact on the openness of the Green Belt created by parked cars in the area.
- Notwithstanding the above, the benefits and improvements to highway safety outweigh any perceived harm created by the proposed car park.

Officer's note that the above points outlined within the submitted Planning Statement and, when taking into account Chapter 6 of the NPPF which notes that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, it is considered that, as Bolster Moor Coffee Shop is an existing rural business, the development contributes to the economic benefits of an existing rural enterprise and retention of local employment of a well-known business within the Colne Valley, which is encouraged and accords with Policy LP10 1(b) of the Kirklees Local Plan and guidance within Chapter 6 of the NPPF.

The temporary use of land for car parking for 28 days in any calendar year at Bolster Moor Coffee Shop, has been established and would likely be able to be undertaken in any event upon the application site. This is a factor which can also be afforded weight in relation to whether very special circumstances are considered to exist.

Notwithstanding the pd fall back, the development is for use of the land for car parking on a permanent basis. The development has seen surfacing works undertaken and sees the parking of vehicles upon what was previously an open grassed area. These works have an impact upon openness to a degree, through new surfacing and the fact vehicles are present upon the land. Notwithstanding this point, the level of impact is relatively low taking account of the pd fall back and fact the extent of built form is not significant.

In terms of the purposes of including land within the Green Belt, one such reason is to safeguard encroachment into the open countryside. Officer's note that the car park is located between two existing built urban forms, Bolster Moor Coffee Shop / Farm Shop and Hoppers Nursery, with dwellings located directly opposite (No.'s 114-122 Slades Road). Therefore, it is not considered that the car park significantly impacts, or encroaches, due to its location, which is amidst urban forms.

The fact the development is identified as inappropriate development, and the extent of the impact upon openness of the development must be weighed against whether there are factors present which represent very special circumstances to clearly outweigh the harm (as required by paragraph 153 of the NPPF).

In this case a number of factors are present, the development serves an established business and contributes to its continued operation, it is clear the car park is to be used to serve this business and operate in connection with the existing wider commercial use. This is a factor which weights in favour of the scheme. In addition the highways impact resulting from the development, and in particular the fact cars park upon the highway, and fact cars utilising the car park alleviates use of the highway for parking is also considered to be a factor which weighs in favour of the scheme.

The use of a condition to ensure landscaping, and in particular areas of soft landscaping, can be secured within the site is also considered to be a matter which weights in favour of the development.

When weighing up the visual impact of the car park, its temporary use and the subsequent impact that has and the factors identified which can be afforded weight in favour it is considered that in this case very special circumstances are present such that the harm is clearly outweighed. This is on the basis of the inclusion of conditions requiring the landscaping to be submitted to the LPA to ensure area of soft landscaping are retained within the site and also that the use of the car park is associated with the adjacent business.

It is therefore considered very special circumstances exist in this case, which clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness and any other harm. As such, the development is therefore deemed to be acceptable in terms of Policies LP1, LP10, LP24 and LP57 of the Kirklees Local Plan and policies within Chapters 6 and 13 of the NPPF.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12.

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...'

Planning permission is sought for the change of use of land and the creation of customer car parking, creating 37 car parking spaces on land located to the east of the Bolster Moor Farm Shop and north-east of the adjacent tearoom.

Whilst the creation of a car park to a previously naturally grassed field creates some visual impact, it is not considered that the overall appearance of the area for vehicle parking is detrimental to the visual amenity of the immediate site or wider locality.

Firstly, given that the car park has been created within a field which is situated amongst existing urban forms, it is not considered that it appears out of character within the setting of the site. In particular the site is read as part of the wider development and to serve the existing commercial operation.

Secondly, given that the application is retrospective, a site visit undertaken by the case officer confirmed the materials of the hardened surface of the car park. This included grasscrete, which consists of grids of concrete blocks / open-cell structures with voids that allow grass / vegetation to grow. This system of surfacing combines the durability of concrete with the aesthetic and ecological benefits of green spaces. In this instance, it is considered that such surfacing is visually acceptable, retaining a sense of natural land within the car parking area.

Upon any grant of planning permission, a condition would be imposed to secure the submission of a landscaping plan. Such a condition is considered to mitigate the overall visual impact of the car park, having regard to the extent the existing site has an impact over and above that which can take place in any event.

With the inclusion of the aforementioned condition, visually, the development is not considered to detrimentally impact upon the character and / or the setting of the site, both within its immediate context and when viewed within the wider street scene. As such, the development is considered to appropriately comply with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 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."*

Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and sustainable mitigation measures to protect the quality of life and well-being of people.

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.

Given the nature of the development sought under this application, a car park, it is not considered that it results in significant levels of undue overbearing, overshadowing or overlooking.

With regard to air quality, the development seeks to increase the overall number of car parking spaces at Bolster Moor Coffee Shop by 37, taking the number of car parking spaces at the site from 89 to 126. Given the limited increase in the number of car parking spaces, and that the development seeks to re-locate some of the on-street vehicles along the highway of Bolster Moor Road and Slades Road, it is not considered that the overall levels of pollution would be significantly above existing with regard to air quality.

In relation to noise, it is noted that the development has the potential to impact were the use of the car park to be unrestricted in terms of users of the car park and also hours of use. The hours of operation restrictions to the existing businesses are noted. In this case it is considered reasonable to ensure the use of the car park does not significantly exceed the approved hours for the existing business operations (by half an hour before or after the established opening times) and also that the car park is used in connection to the wider site and not disaggregated from the existing commercial operations.

On the basis of inclusion of conditions ensuring this is the case it is considered the development does not have a significant impact with regard to noise.

For the reasons set out above, the application is considered to appropriately comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

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 Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.

This application seeks retrospective approval for the change of use of land and creation of a customer car park at Bolster Moor Coffee Shop.

This application is supported by a Technical Note, prepared by Paragon Highways. This Technical Note is summarised as follows:

"The site contains a farm shop and café / coffee shop, and the buildings are generally situated centrally within the site. Car parking is provided on the far north side and east side, with the car park extension situated further east.

The site contains around 89 car parking spaces (not including the car park extension).

The site attracts up to 1484 customers per day, with Saturday being the busiest.”

Car Park Survey:

“The car park survey recorded the maximum occupancy of the on-site car park every 30 minutes. The car park survey was carried out on Friday 29th November 2024 between 8am and 5:30pm and revealed that of the 89 car parking spaces available, only 4 parking spaces were available at 12:15pm and 5 available at 1pm equating to a maximum parking stress of 96%.

To test the busiest day (Saturday) a short snapshot survey was carried out on the 30th of November 2024 between 11:00am and 1:00pm and revealed a maximum parking demand of 89 vehicles within the site at 11:00am (providing a parking stress of 100%). During this snapshot the parking stress reduced to 94% providing a maximum number of 5 spaces being available. It was also observed that the car park was operating almost one in / one out at this time, which resulted in queuing along Bolster Moor Road, providing a risk of sudden braking manoeuvres and potential for shunt type collisions in the area.

From the car park survey, it can be confirmed that the current parking stock cannot accommodate the regular parking demands at the site. It is no surprise that on street parking occurs along Bolster Moor Road and Slades Road regularly because of this.”

On-Street Parking Survey:

“To ascertain the amount of on street parking along the adjacent network, a parking beat survey was carried out on the Friday 29th November 2024 (at the same time as the on-site car park survey). The on-street parking survey provided the maximum occupancy every 30 minutes between 8:00am and 5:30pm.

The on-street parking survey appraised the local roads within 200m (2-minute walking distance) of the site. The parking surveys included Bolster Moor Road and Slades Road.”

Bolster Moor Road:

“The parking survey considered that there was a total of 27 parking spaces that could be accommodated on the road. The survey revealed that the busiest time was 9:30am where there were no parking spaces available on street equating to 100% parking stress. Between 8:00am and 1:00pm there were very few spaces available with a parking stress ranging between 85% and 100%.

Similarly, during the snapshot Saturday survey (30th November 2024) between 11:00am and 1:00pm the parking stress on street ranged between 85% and 96% providing space for around 1 to 4 vehicles on street.”

Slades Road:

“The parking survey also extended to Slades Road on the Friday, where there is a possible 25 on street parking spaces. It was revealed that between 8:00am and 1:00pm there were between 4 and 7 car parking spaces available equating to a parking stress of up to 84%. The survey revealed similar results on Saturday during the snapshot survey between 11:00am and 1:00pm with only 5 to 6 car parking spaces being available on street.

When compared to the results of the on-site car park survey there is very little space available for parking within the site and also on the adjacent highway network during the peak business operational times.

The presence of indiscriminate on street parking along Bolster Moor Road can only obstruct the safe and free flow of traffic along the adjacent network, with vehicles stopping suddenly to manoeuvre into an opportune space this could lead to shunt type collisions. Parking within junction areas can also obstruct visibility splays increasing the risk of a collision between motorists emerging from junctions into the path of oncoming cars. It is noted that Bolster Moor Nursery is situated adjacent to the site at the Slades Road Junction. With the presence of on street parking near or at the junction this can only obstruct intervisibility between pedestrians crossing the junction when travelling to and from the nursery and vehicles using the Bolster Moor Road junction. Furthermore, motorists looking for a parking space on street may not provide their full attention to other more vulnerable users of the road associated with the adjacent nursery providing risk of a car colliding with a pedestrian. Therefore, the current on street parking situation can only provide a continued risk in the likelihood of a collision between motorists and pedestrians in this area.

The proposals include the permanent use of the extended temporary car park located to the far east side of the site. The proposed car park can accommodate 37 car parking spaces and contains a hardened surface.

Based on the findings from the on-site car parking survey and the on-street parking surveys, during busy periods at the site the current car park (89 car parking spaces) cannot cope with demand leading to the high number of pedestrians crossing Bolster Moor Road to access the adjacent nursery and access the site potentially resulting in sudden braking and shunt type of significant parking overspill on to Bolster Moor Road and on to Slades Road, which is evident from the on-street parking survey results. This would provide a continued risk of a collision for adjacent road users with vehicles queuing on Bolster Moor

Road to collisions. Additionally, due that current on street parking levels can obstruct intervisibility between these vulnerable road users and approaching vehicles, it is considered that there is a continued risk of a collision involving pedestrians.”

Highways Development Management Comments:

Highways Development Management advise they agree with the findings of the Paragon Highways Technical Note that the development is acceptable from a highway safety point of view and provide a road safety benefit.

They raise the fact the Technical Note does raise concern regarding *“parking within junction areas can obstruct visibility splays increasing the risk of a collision between motorists emerging from junctions into the path of oncoming cars.”*

The provision of an additional 37 spaces is unlikely to resolve all the issues with on-street parking and this is likely to continue albeit to a lesser extent, although there will be parking that is not associated with the Farm Shop still using the highway for on street parking. Following consultation with the Highway Safety Section, Highways Development Management recommend that waiting restrictions are therefore provided to the Bolster Moor Road site exit.

The Highways Team recommend that within 3 months of the approval date, a scheme detailing measures to manage parking on Bolster Moor Road to either side of the site exit and all associated works, together with appropriate Safety Audits is submitted to and approved in writing by The Local Planning Authority. It is considered appropriate that the condition is worded to require submission within 2 months and implementation within one month of written approval being provided, given the retrospective nature of the development.

Taking account of the scale and nature of the development it is considered with regard to access and highway safety, subject to condition there would be no significant impact insofar as the car park contributes to alleviating the impact during times of high demand for parking at the site and the subsequent impact that has to the wider road network.

Therefore, taking account of the submitted detail, response of the highways team and the development the subject of the application, as well as the fact there remains a legitimate fall back to use the site on a temporary basis for vehicular parking, with the inclusion of the aforementioned condition upon any grant of approval, the development is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

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.

Officers have noted the use of grasscrete as surfacing the car park, which is considered to be a sustainable and environmentally friendly paving system.

Considering that the development is for the change of use of land, it is considered that the development does not have an impact on climate change that needs any further mitigation to address the climate change emergency. The development therefore complies with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology / Biodiversity:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

As part of this application, a Biodiversity Net Gain Assessment report by Pennine Ecological and a Biodiversity Metric were submitted.

The Biodiversity Net Gain Assessment report concludes the following:

- The current proposals would result in an overall net loss and habitat trading rules would not be met.
- In order for the proposal to achieve a 10% biodiversity net gain, a total of 0.26 habitat units and 0.05 hedgerow units will need to be provided.
- The scheme design has been reviewed and it's considered that a 10% BNG cannot be achieved with on-site compensation.

- In order for the proposal to achieve the required net gain, an additional 0.26 habitat units will be required as off-site compensation.

The Biodiversity Net Gain Assessment report also includes details of potential off-site locations:

- a) Shaw Habitat Bank (Site ID: A278)
- b) Bradford Metropolitan Area (Site ID: A096)
- c) Rochdale (Site ID: A097)

It is noted the intention for discharge of the gain plan condition is intended to be through off site provision. It is considered there is potential for the BNG gain plan to be undertaken through on site provision and this could be explored at the point the gain plan is finalised.

Under the legislation, a condition is in place by law that requires a BNG gain plan to be submitted to, and agreed in writing by, the LPA. 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 relating to Biodiversity Net Gain, given the statutory requirements in relation to biodiversity. Therefore, subject to the inclusion of an informative note drawing the applicants attention to the requirements of the BNG gain plan condition which is in place by law, the development is considered to be acceptable with regard to Biodiversity Net Gain.

The scale / nature of the development is not considered to have a significant impact in terms of other ecological considerations such as protected species and therefore the development is considered to be acceptable with regard to the aforementioned policy / legislation.

6) Representations

In response to publicity, 9 objections were received. The concerns raised within the objections are set out below, accompanied with an officer response.

Visual Amenity / Green Belt:

- Statement indicates no external materials to be used, this is incorrect as there is already a road been constructed contravening the previous application.
- The application states that the proposed development does not require any materials to be used externally. This is not correct as the “proposed development” has already been completed and man-made materials have already been used to convert this field in a car park. The work

already carried out includes extensive resurfacing of a field and destruction of landscaping.

- The application site is located within the designated Green Belt and cannot be viewed as necessary development in the Green Belt. Allowing this area to become a permanent car park would harm the openness of the Green Belt and would contravene one of the purposes of the Green Belt which is to safeguard the countryside from encroachment.
- The farm shop has had a massive impact on the village and not in a positive way. The number of cars in the village has more than doubled and added to staff cars and delivery vans, villagers now have to live with noise and pollution. Green fields have been covered over the nature of the area has changed.
- The farm and land are in a greenbelt area. The business is slowly covering over green fields, and such expansion is inappropriate and harmful to the greenbelt. There are no very special circumstances that would outweigh the harm caused by a car park extension.
- It is unjustifiable development in the Green Belt.
- This is clearly an inappropriate development that impacts the Green Belt and does not constitute 'Very Special Circumstances'.
- It appears no considerations have been taken relating to robust materiality, drainage, attenuation, EVCP's, pedestrian movement, inclusive design, cycle provision, landscaping, promoting public transport, public open space and lighting.
- The parking areas are simply a Plastic Cellular Paver embedded into soil. This does not comply with any design guide for a permanent car park solution. The car park visually is extremely poor and only after being used for a short period is showing signs of serious wear with rutting to parking spaces. This mud trailed through the car park on to the highway.

Officer Response: Section 1 of this report makes an assessment of the development in light of its Green Belt location and Section 2 of this report assesses the impact on visual amenity. Both sections conclude that the development is acceptable.

Section 1 relating to the Green Belt sets out that very special circumstances are present in this case, which clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness and any other harm, concluding that the development can, on balance, be supported in this case.

Section 2 of this report concludes that visually, the development is not considered to detrimentally impact upon the character and / or the setting of

the site, both within its immediate context and when viewed within the wider street scene.

Highway Safety:

- The additional parking will make little or no difference to the current parking situation.
- Hundreds of vehicles on a daily basis causing havoc and pollution to the local environment.
- Members of staff are not allowed to use the car park and are instructed to park on the road. There will therefore always be a number of vehicles on the road.
- The only solution at this stage would be to place double yellow lines at the junction with Slades Road and residents permit parking in the surrounding areas.
- The cars parked on the roads belong to farm shop/café staff and not to customers.
- The traffic survey supplied in the applied is biased towards the result being sought. The applicant put barriers in place to prevent customers accessing the new area of parking during the period of time when the survey was conducted. Had the survey taken place whilst this area was being used, it would have been obvious to Paragon Highways that this car park extension was having no effect on the number of cars parking on the roads.
- More car parking spaces will attract more customers, more customers will require more staff to service them, more staff means more staff cars parked on the road.
- Consideration needs to be sought in relation to traffic calming measures, visibility assessments, residential permit parking or timed parking and impact to local bus services.

Officer Response: Section 4 of this report sets out a full assessment of the development in light of impacts on highway safety, including details of the consultation response from KC Highways Development Management. This section concludes that, with the inclusion of a condition upon any grant of permission regarding the submission of a scheme detailing measures to manage parking and appropriate Safety Audits, the development is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

Residential Amenity:

- The supporting information states that cars are only there temporarily and at quieter times of the day and when the business is closed there

is no impact created by parked cars. This fails to take into account the staff who arrive in the early hours around 1:45am to work in the bakery, the delivery lorries arrived around 6am or the shops own delivery lorries parked to be loaded. All adding to disturbance and pollution.

- The site is already too large for its location, with the impact on residents unreasonable.
- This development contravenes many of the restrictions in the local plan, including reducing the amenity of local residents and their quiet enjoyment of their properties.
- Consideration needs to be sought in relation to noise pollution and air quality.

Officer Response: Section 3 of this report addressed the impacts of the development on residential amenity. Conditions are recommended to ensure the impact would not be significant and the development is considered to be acceptable in this regard.

Planning History:

- Since the grant of the Certificate of Lawfulness the farm shop have allowed parking on this patch of land for well in excess of the 28 days per calendar year.
- Work was carried out to extend the area of parking beyond the 22 temporary spaces allowed in the Certificate with a new entrance to this area being created by removing part of the landscaping and fence in the lower part of the permanent car park and an artificial hard surface being installed and marked out with permanent car parking spaces – all completed without the relevant planning permission being sought.

Officer Response: This application is considered on the basis of its own merits, with the application form submitted setting out that works completed on 31/08/2023.

Other Matters:

- In general, it has been stated that this business is a benefit to the local community, all it does it employ a few local people with very or no benefit to the immediate community.

Officer Response: The extent to which the development serves an existing business is taken into account within section 1 of this report.

- The proposed car park extension will cover existing green land. The site is within a small, quiet village that is unable to sustain such a large development.

Officer Response: The extent to which the development serves an existing business, and the scale of that business, is taken into account within section 1 of this report.

- The continued expansion has altered the balance between the business and the village. The distinctive character of the village is being lost.

Officer Response: The extent to which the development serves an existing business, and the visual impact of the development as a result, is taken into account within sections 1 and 2 of this report.

- Bolster Moor is a popular place to enjoy the outdoors. People visit for the green spaces and make use of the local paths and walks. This enjoyment is being threatened by the development of the farm and car park and the pollution and traffic it brings to the area.

Officer Response: Whilst officer's have acknowledged that the development will result in the loss of part of an existing field, this is not considered to significantly detriment the enjoyment of the area and refusal on such a basis could not be substantiated.

- Bolster Moor Farm Shop has developed into such a size that it must surely qualify as a supermarket, attracting customers from a wide geographic area, with consequent effects on the local community which is poorly served by such a facility. The size of the development is at odds with the ethos implicit in the name. It seems at odds with the Local Development Plan and appears to be the primary business rather than supplementing the core farming activity.

Officer Response: The extent to which the development serves an existing business, and the impact upon the amenity of nearby occupants is taken into account within sections 1 and 3 of this report.

- Climate Change Statement – considering a green field has been turned into a car park, it is incomprehensible for this to have been filled in as N/A or None, in particular to Questions 2, 3, 5, 6, 7 and 8.

Officer Response: Section 5 of this report includes a sub-section regarding Climate Change. This sub-section concludes that, considering that the development is for the change of use of land the development does not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development therefore complies with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Officers have noted the use of grasscrete as surfacing the car park which is considered to be a sustainable and environmentally friendly paving system.

The representations received in objection are noted, the other issues raised have been accounted for within the determination of this application and it is

considered refusal of the development could be substantiated in this case taking account of all applicable considerations including the content of the third party representations which have been received.

7) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development constitutes sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application: 2024/93556

Officer Recommendation: Approve

Conditions and Reasons:

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 Policies LP1, LP2, LP3, LP7, LP10, LP13, LP20, LP21, LP22, LP24, LP52 & LP57 of the Kirklees Local Plan and Chapters 2, 4, 6, 11, 12, 13, 14 & 15 of the National Planning Policy Framework.
2. Within two months of the date of this decision, a scheme detailing hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail tree / shrub planting, including the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved details within one month of the issuing of the written approval of the scheme by the Local Planning Authority. The approved landscaping scheme shall be retained thereafter. If any tree / shrub / hedging shall die, become diseased or be removed, it shall be replaced with others of a similar size and species, unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
Reason: To ensure that there is a well laid out scheme of landscaping in the interests of the Green Belt and visual amenity, to accord with

Policies LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

3. Within two months of the approval date, a scheme detailing measures to manage parking on Bolster Moor Road to either side of the site exit and all associated works, together with appropriate Safety Audits, shall be submitted to and approved in writing by The Local Planning Authority. The development and the works comprising the approved scheme shall be implemented in accordance with the approved details within one month of the issuing of the written approval of the scheme by the Local Planning Authority

Reason: In the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. The car park hereby approved shall operate in connection with the existing car park and businesses contained within the red line boundary upon submitted plan ref CP01revC and shall not be disaggregated or used separately at any time.

Reason: In the interests of the Green Belt and in the interests of residential amenity to accord with policies LP24 & LP52 of the Kirklees Local Plan and policies contained within chapters 12 and 13 of the National Planning Policy Framework.

5. The car park shall not be open to customers outside the hours of 07:30 to 18:00 Monday to Saturdays and 10:00 to 16:30 Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as policies within Chapter 12 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.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	CP 01 C	-	17.12.2024
Existing Site and Location Plan	-	-	17.12.2024
Proposed Site and Location Plans	CP 01 C	-	17.12.2024
Paragon Highways Technical Note	2385	-	17.12.2024
Climate Change Statement	-	-	17.12.2024

Planning Statement by Acumen Designers & Architects	2933	-	17.12.2024
The Statutory Biodiversity Metric	-	-	21.03.2025
Pennine Ecological Biodiversity Net Gain Assessment	-	-	21.03.2025

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 and otherwise actively engaged with the applicant in dealing with the application.

In response to the consultation from KC Ecology, the planning agent provided the following confirmation via email: We have identified a habitat bank, and it is usual for them to ensure the long-term management and maintenance of the new habitats.

Report Dated: 28.04.2025