

**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:	2024/62/93581/E
Site Address:	Delph House Farm, Penistone Road, High Flatts, Huddersfield, HD8 8XY
Description:	Change of use of silage clamp pit and agricultural building to caravan storage
Recommending Officer:	Nina Sayers

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: 14-FEB-2025

Officer Report

Site Description

The application site relates to a large agricultural barn and a silage pit, and their associated access, both of which are set within Delph House Farm. The 'farm' no longer operates as an agricultural business and has instead diversified into an ice cream parlour (Yummy Yorkshire), restaurant and coffee shop (Hide and Hoof).

The site is set within open fields and is located within the Green Belt and allocated in the Kirklees Local Plan.

Description of Proposal

The application is seeking planning permission for the change of use of a silage clamp pit and agricultural building to caravan storage.

The proposed development would propose parking for 38 2-berth towed caravans, utilising the existing agricultural buildings and would not involve any new structures. The barns would be accessed via the existing access to the east off Penistone Road.

History of negotiations

No amendments were sought or provided.

Relevant Planning History

2023/91230 – Conversion of agricultural building to stables/hay and bedding store. Conditional full permission.

2022/93220 - Change of use and alterations to former dairy and milking parlour to micro-brewery. Conditional full permission.

2019/93471 – Prior notification for change of use of agricultural building to retail units. Details Approved.

2019/92248 – Change of use and alterations to convert silage barn to retail units. Withdrawn following successful Prior Notification application.

2016/92230 – Formation of new site access and car parking layout and erection of gates, fences and walls. Approved.

2015/92755 – Erection of extension to existing ice cream parlour and café to form additional seating areas and WC facilities. Approved.

2012/93386 – Change of use of agricultural building to indoor play area and cafeteria. Approved. 2012/93824 – Replacement of existing storage containers with store and office building. Approved.

2011/93219 – Formation of additional car parking. Approved.

2011/91355 – Single storey extension to ice cream parlour/café. Approved.

Representations

The site was advertised via neighbour notification letter and on the web. Publicity expired on 11th February 2025. No representation was received.

Consultation Responses

KC Highways Development Management – no objections subject to condition

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the Green Belt as allocated in the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land
- **LP 60** – The reuse and conversion of buildings

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide

- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations

1. Principle of Development

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

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

The application site is within the Green Belt as located on the Kirklees Local Plan. Paragraph 142 of the NPPF states: *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

As outlined in paragraph 154 of the NPPF, development in the Green Belt is inappropriate unless it falls under an exception. Relevant to this application is sub-paragraph h. iv) which outlines that the re-use of buildings would not be considered inappropriate development in the green belt, provided that the buildings are of permanent and substantial construction, and they preserve

the green belts openness and do not conflict with the purposes of including land within it.

This is reiterated by Policy LP60 within the Kirklees Local Plan which states: *“Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;*

- a. the building to be re-used or converted is of a permanent and substantial construction;*
- b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
- c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.”*

The proposed development would utilise existing structures, which are no longer required for agricultural purposes. Officers are in agreement that no external works would be required to the agricultural buildings, labelled Barn 1 and Barn 2 on the submitted Existing Block Plan. The silage pit has no roof however, it is also apparent that no external works would be required in order to use the space to store caravans. Therefore, for the purposes of this application, the existing structures therefore are considered to be of a substantial construction.

There would be no external works proposed as part of the development and the caravans would be shielded from view by the existing structures. Officers sought clarity regarding the height of the silage pit and the agent confirmed it is 2.9m high. The agent also confirmed that caravans are usually 2.5m in height although it was acknowledged that they can be a maximum of 3.4m. Taking this into consideration, the silage pit wall is sufficient height to prevent the caravans from being viewed from public vantage points. Any caravans which are taller in height would only protrude above the wall by 0.5m which is not considered to cause any significant harm to the openness of the green belt. The scheme would utilise an existing access and would not introduce any incongruous urban or domestic characteristics. Therefore, the proposal would preserve the openness of the green belt and would not conflict with any of the purposes of including land within it.

The proposed scheme would therefore fall under exception h) of paragraph 154 of the NPPF so would not be considered inappropriate development within the green belt. The proposal would comply with LP60 of the Kirklees Local Plan and as such is considered appropriate within the green belt.

In respect of the above, the principle of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

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...”

The proposed development would not include any external alterations to the existing agricultural buildings or silage pit. As outlined above, the caravans would primarily not be visible over the walls of the existing silage pit. The proposal would therefore not cause any harm to visual amenity over and above the existing arrangements on site.

It is therefore considered that the proposal would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 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.

There are three residential dwellings within the farm buildings and then there is an ~200m separation between the proposal and any other residential dwellings. The proposed use is not considered to result in a significant amount of additional noise, over and above the existing arrangements on site. The vehicle movements would be limited to 7-8:15am and 6-9pm and given

the nature of the proposal, it is unlikely that large numbers of vehicles would visit the site at the same time.

Therefore, no significant harm is considered to be caused to the amenity of nearby occupiers as a result of the proposal. The scheme therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Paragraph 116 of 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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The Highways Design Guide SPD is also relevant. KC Highways Development Management (HDM) were consulted on the proposal and their comments are summarised below.

The proposed development would utilise the existing access off Penistone Road. The submitted Proposed Block Plan indicates that there is sufficient space for access into, and manoeuvring space within, the site for caravans. The proposal would result in additional trips to the site, but this is expected to be very low and would not have a severe impact on the operation or efficiency of the highway network. The submitted Planning Statement indicates that the caravan storage would be by pre-booking only and that movements of caravans would only be allowed outside the operating times for the existing business on the site. In the event that planning permission is approved, it is recommended that a condition is attached to secure this operating mechanism. KC HDM therefore have no objections to the proposal, subject to condition.

It is therefore considered that, subject to condition, the development would not result in significant harm to highway safety, thus complying with LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Other Matters

Biodiversity

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application falls under the de minimis exemption as the proposal is for a change of use and no existing on site habitats would be impacted by the proposal. Officers have been on site and are satisfied the proposal falls under this exemption. Therefore, BNG is not required under this application.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD.

Land Contamination

The application site falls within the defined Development High Risk Area for coal mining however as no groundworks are proposed, no Coal Mining Risk Assessment (CMRA) was considered necessary, and the Coal Authority were not consulted.

6. Representations

No representation was received.

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 would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2024/93581

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP21, LP24, LP30, LP31, LP51, LP52, LP53 and LP60 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13 and 15 of the National Planning Policy Framework.

3. Caravan movement shall only take place during the hours of:

- 0700am to 0815am
- 1800pm to 2100pm

Caravans shall not be delivered to, or dispatched from, the premises outside these hours.

Reason: To ensure that the proposed use(s) does not cause harm to highway safety within the site, nor to the safety and efficiency of the local highway network, to accord with the aims of Policies LP21 of the Kirklees Local Plan and Chapters 9 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	23/1091/01		20/12/2024
Existing Block Plan	24/1091/02		20/12/2024
Proposed Block Plan	24/1091/03		20/12/2024
Planning Statement	24/1091		20/12/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought or

provided however clarification was requested as the height of the silage pit and proposed caravans using the storage facility.

Report Dated: 12/02/2025