

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:	2025/62/90242/E
Site Address:	Hill Top Farm, Whitehall Road East, Birkenshaw, BD11 2LH
Description:	Erection of single storey extension
Recommending Officer:	Edward Cheseldine

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 01-May-2025

Officer Report

2025/90242 - Hill Top Farm, Whitehall Road East, Birkenshaw, BD11 2LH

Site Description

Hill Top Farm is part of a grouping of residential and commercial buildings. It is set on a hilltop in Birkenshaw. Access is formed from a narrow, single-track lane that meets Whitehall Road East. The application building is located to the north-east aspect of the building group. It is 260m from Whitehall Road East and 208m from the A650 which are the two nearest adopted roads. Due to topography, neither of the roads host views of the property. There are several large-scale buildings within the group setting.

Aerial imagery indicates the host building has been in situ for a number of years.

Application Proposal

The applicant is seeking retrospective planning permission for a single-storey extension and alterations to an existing dwellinghouse.

The extension will be 6.70m(w) x 10.50m(l) with an eaves height of 2.25m and a ridgeline height of 4.10m. The exterior walls be rendered in an off-white colour, roof tiles will be concrete, matching the appearance of the existing building.

Amendments/Negotiations

None necessary.

Relevant Planning History

2013/90278 - Certificate of lawfulness for existing use of premises for storage class B8 and caravan storage in buildings 1,2 & 4 and land hatched on site plan dated 01/02/2013 – Granted

Consultation Responses

KC Enforcement – Advice sought on existing dwelling

Public Representations

The proposal was advertised by way of site notice, which expired on 16-Apr-2025. As a result of the publicity, no representations were received.

Policy & Legislation

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

The site is located within the Green Belt on the Kirklees Local Plan.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP57** – Extensions, alterations & replacement buildings in the Green Belt

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of Development
 - a. Green Belt
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF states *the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*

Chapter 13 of the NPPF requires local Planning Authorities to regard the development in the Green Belt as inappropriate development unless one of the exemptions applies. Exceptions of which include *‘the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’* (paragraph 154 c).

Policy LP57 of the Kirklees Local Plan states that *‘extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.’*

It is essential that development should neither prejudice the open character of the Green Belt nor be disproportionate in relation to the host building. This will avoid detriment to the established character of the area.

In the case of extensions in the Green Belt, neither the NPPF or the Local Plan dictates a volumetric increase that is acceptable, but that the original elements of the building remain dominant in terms of size and overall appearance.

The dwelling has been in situ since for over 10 years according to satellite imagery. It is not clear from imagery when the building was converted to a residential dwelling, however, there appears to be alterations to the building since July 2015. Given the probability the dwelling has been established for a number of years, the change of use to residential dwelling is established.

The application is for a single-storey extension. The applicant has not supplied volume calculations; however Officers have calculated a volume of 310m³. The extension will form an 'L' shape footprint. The ridgeline of the extension site below the ridgeline of the original dwelling. In terms of length, it is 2.50m shorter than the original building. It projects from one half of the total length of the north-east elevation. In a visual and spatial sense, the original building is still the dominant section of the building.

The main building sits adjacent to a large commercial building. It appears to dwarf the building, due to its scale and proximity. In terms of the characteristics of the Green Belt, the extension is set within the existing building group. A minimal curtain of flag stone has been laid which is appropriate in size leaving sufficient grass borders around the property.

As the dwelling has not previously been granted planning permission and is located within the Green Belt, permitted development rights under Classes A, AA, B, and E of Part 1, Schedule 2 of the General Permitted Development Order (GPDO) 2015 (as amended) are removed. The structure, which is modest in scale and situated adjacent to open fields, is sensitive to further incremental development. Unrestricted extensions or the erection of outbuildings could lead to a significant encroachment into the surrounding countryside, undermining the openness and visual amenity of the Green Belt, whilst being contrary to Policy LP57 of the Kirklees Local Plan.

Impact on Visual Amenity

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

Policy LP24 (design) of the Kirklees Local Plan relates to design. Within which, criterion a) & c) are relevant in terms of visual amenity.

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

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

The dwelling is situated within a cluster of buildings used for commercial purposes, some of which are large in scale. The dwelling and extension are single-storey. It is formed with off-white render external wall materials and concrete roof tiles. Whilst the site is adjacent to open fields, given it sits within a building group that contains much larger buildings, that appear commercial, the impact to the surrounding landscape is negated.

The extension is subservient to the original dwelling due to its ridgeline being set down, length and width. The original part of the building will therefore be the dominant section complying with LP24c of the Kirklees Local Plan. In addition, the extension complies with the Green Belt assessment set out above.

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

Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations Supplementary Policy Document goes into further detail with respect to outlining principles.

- Key Design Principle 3, *'extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.
- Key Design Principle 4, *'extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.'*

In terms of this, the closest dwelling is situated over 21.00m away from the nearest part of the extension. The extension is single-storey and views from the windows towards Hill Top Farm are block by the existing structure. To the north and west are commercial buildings. There is a closed boarded fence separating the sites. Due to this there will be no impact from a residential amenity perspective, therefore complying with LP24c.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The extension will increase the number of bedrooms for the property from 3 to 5. Currently, the occupants park within an area in front of Hill Top Farm which has been hard surfaced. The area is away from public roads within the building complex. There is ample parking for multiple vehicles. Given this, there is no concern in terms of Policy LP21 & LP22.

Environmental Matters

Ecology

The application of for retrospective permission and the extension has been fully constructed. Notwithstanding this, the site is not situated in a bat alert layer on the Council's GIS mapping system, however, if during construction signs of bats are found, works must cease and the advise of a suitable professional must be sought. An informative footnote will be attached to the decision notice.

Carbon Budget

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

Conclusion

The application for a single-storey extension has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Kirklees Local Plan, the Kirklees House Extensions & Alterations Supplementary Planning Document, the National Planning Policy Framework and other material considerations. Given the acceptable principle of development in terms of the Green Belt, impact to visual amenity, residential amenity, impact to highway safety and environmental matters, the proposed extension is acceptable.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approval

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the outbuilding hereby approved shall in all respects match those used in the construction of the existing building, in terms of appearance and placement.

Reason: In the interests of visual amenity and to accord with Policy LP24 & LP57 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 & 13 of the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no extensions, roof extensions, or outbuildings (Class A, AA, B, and E), other than those expressly authorised by this permission shall be constructed on the site.

Reason: In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework

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

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally

recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan, existing and proposed site plans	P500	A	29 January 2025
Existing site plan	P500	-	29 January 2025
Existing grouped plans	P200	-	29 January 2025
Proposed grouped plans	P100	A	29 January 2025
Planning statement	-	-	29 January 2025
Climate change statement	-	-	29 January 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 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.