

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:	2025/62/90384/W
Site Address:	Holy Trinity Church, Dean Bridge Lane, Hepworth, Holmfirth, HD9 1TR
Description:	Installation of access ramp at the principal entrance (Listed Building within a Conservation Area)
Recommending Officer:	Joshua Merriman

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: 9th April 2025

Officer Report – 2025/90384

Site Description

The application site refers to Holy Trinity Church, Dean Bridge Lane, Hepworth, Holmfirth, HD9 1TR, which is a Grade 2 Listed church building located in an area of designated Urban Green Space within the Hepworth Conservation Area. The church is faced in natural stone, with a pitched roof, traditional tall windows, and a spire to the South East of the building.

The church is located an adequate distance from the closest neighbouring properties, and is naturally screened, neighbouring properties are also faced in mainly natural stone, with pitched roofs, and characteristics that are sympathetic to the church. The application building is surrounded by green space containing gravestones, benches, and paths to the church.

Description of Proposal

The Scheme

The applicant is seeking permission for the installation of access ramp at the principal entrance (Listed Building within a Conservation Area).

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Conservation/Heritage Assessment
- Design and Access Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following applications:

2012/91100 – Works to TPO(s) 07/99 within a Conservation Area – Granted.

2017/91151 – Work to TPO(s) 07/99 within a Conservation Area – Granted.

2017/94344 – Works to TPO(s) 07/99 within a Conservation Area – Part Granted/Part Refused.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised as affecting the setting of a listed building, affecting the setting of a conservation area, on the Council's website, by site notice, and by press advertisement. The expiry date of the publicity period was the 27/03/2025.

Holme Valley Parish Council have been consulted regarding the application and expressed their support of the development.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Conservation & Design (Informal, verbal advice provide) – Subject to condition, there are no objections from KC Conservation & Design,. They recommend conditions regarding the condition and colour of the pointing used, as well as the type of stone used.

KC Trees (Formal) – The following comments were received from KC Trees:

'Although the site is heavily constrained by trees, I believe these plans to be adequately outside of adjacent tree Root protection areas and if they do entre root protection areas the effects will be negligible. To request any further tree information would be unreasonable.

I would advise that if any minor roots are encountered whilst laying the foundations of the steps/ramp then they should be pruned with a sharp pair of secateurs.

I would also suggest no plant machinery should be used to excavate the foundations of the ramps as this may compact or even damage any roots within the vicinity.

No objection and no further comments.'

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is allocated in the Hepworth Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a designated Urban Green Space area, and falls within a bat alert layer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP24 Design
LP30 Biodiversity and Geodiversity
LP33 Trees
LP35 Historic Environment
LP51 Protection and Improvement of Local Air Quality
LP61 Urban green space

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
Policy 12 – Promoting Sustainability.
Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is located within Landscape Character Area 7 of the Holme Valley Neighbourhood Development Plan. The key characteristics of which are listed below:

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

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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment
- Chapter16 Conserving and enhancing the historic environment

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment

1 – Principle of Development

Sustainable 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 site is located within the Hepworth Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP 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”.

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

In this case the proposal would be upon existing hardstanding, and would be open and allow access by the public upon the structure. As such it is considered the proposal would not lead to loss of urban green space in this case.

On the basis the development has an acceptable impact upon visual amenity, ther historic environment, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

2 – Impact on character and appearance of the area (including impact upon historic environment):

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

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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*.

This is further supported by paragraphs 213 – 215 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Due to the limited scale of the proposed ramp, the proposal would be subservient to the host building and, subject to condition, is not considered to have any significant impacts on the host property or surrounding dwellings. Following an informal consultation with KC Conservation & Design it was concluded that conditions should be added to any grant of permission, specifically the following:

- The pointing should be flushed or slightly recessed, with the colour of the pointing matching that of the stone as closely as possible.
- The colour of the stone should match that of the church as closely as possible in terms of colour, texture, finish, and coursing.

The proposal would see reclaimed stone to form the external walls of the ram and the steps, black wrought Iron railings are proposed either side. The ram would be surfaced from tarmac. This is detailed in the submitted plan (ref: 165-23-PL01RevD).

On the basis of the inclusion of the conditions as set out by the Conservation Team, and the inclusion of a condition requiring the development to be undertaken in accordance with the submitted plans the proposal is not considered to lead to harm to the heritage asset in this case, particularly as it will be upon an existing tarmac path already and taking account of the size, scale and open design of the structure.

The proposed development is therefore considered to comply with Policies LP1, LP2, LP24 & LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections 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.

Given the limited scale of the proposed ramp, and the open space between the church building and neighbouring properties, it is considered that the proposal will not no significant impacts on the residential amenity of neighbouring properties and can therefore be deemed acceptable in this regard.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and policies within Chapter 12, of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The introduction of a ramp at the church may increase footfall at the site, however, this potential increase is not considered to cause any significant impacts on highway safety or significant issues with the current parking provision at the property. As a result, it is considered that the proposal will have an acceptable impact upon highway safety and parking provision.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

Taking account of the response of the Council's Trees Officer it is considered the impact of the development would be acceptable in terms of nearby protected trees and the fact the proposal is of a scale that would not lead to works which would directly impact upon them.

7. Representations

The support of the scheme by the Parish Council is noted.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/90384

Officer Recommendation: Conditional Full Permission

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 (as amended).

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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan, and Policies within Chapters 2, 9, 12, 15 and 16 of the National Planning Policy Framework

3. The external pointing used in the construction of the ramp hereby approved shall be flushed or slightly recessed, and of a colour finish that matches that of the existing building stone and retained thereafter.

Reason: In the interests of visual amenity, maintaining the character of a Grade II Listed Building and Hepworth Conservation Area, to accord with Policies LP24, and LP35 of the Kirklees Local Plan and policies within Chapter 12 and 16 of the National Planning Policy Framework.

4. The stone used in the construction of the ramp hereby approved hereby approved shall match that of the existing building and be retained thereafter.

Reason: In the interests of visual amenity, maintaining the character of a Grade II Listed Building and Hepworth Conservation Area, to accord with Policies LP24, and LP35 of the Kirklees Local Plan and policies within Chapter 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	165-23-PL02	-	13/02/2025
Block Plan	-	-	13/02/2025
Existing Site/Block Layout	-	-	13/02/2025
Plans and Elevations	165-23-PL01_D – Existing and Proposed	-	13/02/2025
Application Forms	-	-	13/02/2025
Conservation/Heritage Assessment	-	-	13/02/2025
Design and Access Statement	-	-	13/02/2025

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 28/03/2025