

**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:	<b>2025/62/90476/W</b>
Site Address:	33, Wilshaw Road, Meltham, Holmfirth, HD9 4DZ
Description:	Demolition of stables and erection of outbuilding (garage and office) (within a Conservation Area)
Recommending Officer:	John Holmes

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 13-May-2025**

**Application:** 2025/90476

**Site:** 33, Wilshaw Road, Meltham, Holmfirth, HD9 4DZ

**Proposal:** Demolition of stables and erection of outbuilding (garage and office) (within a Conservation Area)

### **Site Description**

The application relates to a two-storey detached stone built dwelling set within a fairly large plot, with amenity space to the front and rear of the dwelling. Surrounding the site to the south is St Mary's Church, to the west is a row of dwellings located off Wilshaw Road and to the north are open fields with dwellings located at Gill Birks accessed off an existing lane. In the south western corner of the site is a cluster of fairly mature trees.

Within the site a stable block previously stood to the west and a sunken garden area directly to the rear of the dwelling. The stable has been demolished. Vehicular access to the site is via Gill Birks to the west of the site.

The site is within the Green Belt, and also falls within the Wilshaw Conservation Area.

### **Description of Proposal**

The proposal seeks permission for the following development:

*Demolition of stables and erection of outbuilding (garage and office)  
(within a Conservation Area)*

The stables has already been demolished, although this could lawfully be undertaken by virtue of an extant permission that has been lawfully commenced as a result of the demolition (application ref: 2021/93636) which also sought permission for a similar development as that proposed as part of this application.

The submitted plans show a 6m x 6m garage / office building with an open canopy section to the side. It would be 4m in height, 2.1m to the eaves and 1.6m in height to the eaves of the lean to canopy.

Materials of construction are intended to be vertical larch Yorkshire board cladding system, fitted over an oak frame & Spanish Blue slates to match main house. The windows would be UPVC which is of a dark grey colour finish.

## **Relevant Planning History**

### Application Site

#### *Planning Application History*

2014/93865: Erection of single storey and two storey extensions and demolition of existing garage and erection of detached garage (within a Conservation Area) – Conditional Full Permission

2017/92124: Demolition of garage and erection of two storey and single storey rear extension with first floor balcony and detached garage (within a Conservation Area) – Conditional Full Permission

2017/93405: Demolition of garage and erection of two storey and single storey rear extension with first floor balcony and attached lower ground garage with terrace over (within a Conservation Area) – Refused (Appeal Dismissed)

2018/94112: Deemed application via Enforcement Appeal for erection of rear extensions and outbuilding – Deemed Refusal (Via enforcement notice appeal) PINS Ref: APP/Z4718/C/18/3218533 & 3218534

2019/93120: Erection of enclosure walls to rear of detached dwelling (within a Conservation Area) – Conditional Full Permission

2019/93330: Formation of a raised platform to rear (within a Conservation Area) – Conditional Full Permission

2020/91147 – Variation of condition 3 (materials) on previous permission 2019/93330 for formation of a raised platform to rear (within a Conservation Area) - Granted

2020/92284 – Erection of single storey out building to provide home office/studio (within a Conservation Area) – Approved

2021/93636 – Demolition of stables and erection of out building with patio (Within a Conservation Area) – Approved.

Permission 2021/93636 was approved on 13<sup>th</sup> April 2022. During the case office site visit of 7<sup>th</sup> April 2025 it was clear the stables had been demolished. No conditions upon permission 2021/93636 required discharging prior to development commencing. Therefore it is concluded that application 2021/93636 has lawfully commenced and this is an extant permission that can be implemented. This is a material consideration relevant to the determination of this application.

2023/90467 – Demolition of electric gate and drystone wall and erection of new drystone wall and electric gate, extension of tarmac driveway (within a Conservation Area) – Approved 5<sup>th</sup> July 2023  
*Planning Enforcement History*

COMP/18/0111 - Alleged unauthorised developments

### Surrounding Area

#### *Gill Birks Farm*

2019/90738: Erection of extension and alterations to attached garage/workshop to extend living accommodation (Listed Building within a Conservation Area) – Conditional Full Permission

2020/91235: Erection of extension and alterations to attached garage/workshop to extend living accommodation (Listed Building within a Conservation Area) (modified proposal) – Conditional Full Permission

2020/91236 - Listed Building Consent for erection of extension and alterations to attached garage/workshop to extend living accommodation (Listed Building within a Conservation Area) - Granted

2021/90322 Listed Building Consent for erection of extension and alterations to attached garage/workshop to extend living accommodation (Listed Building within a Conservation Area) - Granted

#### *Willow Shae, 33A*

2019/92774: Erection of first floor extension to home office with ancillary rooms (within a Conservation Area) – Refused

#### *9, Gill Birks*

2016/93900: Demolition of existing dwelling and erection of replacement detached dwelling (within a Conservation Area) – Conditional Full Permission

2017/91022: Erection of detached dwelling (within a Conservation Area) – Conditional Full Permission

### **Representations**

The application was advertised by site notice and in the local press due to the site falling within the Wilshaw Conservation Area. Final publicity date expired: 27.04.2025

No representations were received.

Meltham Town Council: state they support the proposal.

## **Consultation Responses**

Informal consultation with KC Conservation: Provided advice in relation to materials.

Within discussions with the Conservation Team they noted the scheme is to the side / rear and that the proposal replaces a previous timber building. They considered stone materials would be a preferred material of construction, reference was made by the Conservation Team to the fact there is a Conservation Area appraisal in place for this area.

This advice was provided to the applicant who provided justification on the basis there are other timber structures in the vicinity and that a property to the north was granted permission for a scheme which included a large amount of oak timber and glazing as part of the development (application ref: 2016/93900).

The advice of the Conservation Team and justification / response of the applicant is assessed in more detail in the 'Assessment' section of this report.

## **Planning Policy**

### Kirklees Local Plan (KLP)

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 27<sup>th</sup> February 2019).

The site is Green Belt on the LP Policies Map.

The site is within the Wilshaw Conservation Area.

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highway safety and access
- LP24 – Design
- LP35 – Historic environment
- LP57 – The extension, alteration or replacement of existing buildings
- LP59 – Brownfield site in the Green Belt

### Supplementary Planning Documents (SPDs)

- House Extensions and Alterations SPD
- Wilshaw Conservation Area Appraisal

### 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 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## **Assessment**

The application site is located within the Green Belt and within Wilshaw Conservation Area. The impact of the development on the Green Belt represents a key consideration along with its design and impact on the Conservation Area. Other matters to consider are the impact on residential amenity, highway safety and all other material planning considerations.

### *Background*

It is noted that this application site has been subject a number of planning applications and an enforcement case due to alleged unauthorised structures being erected on site. These matters have now been regularised and it has been determined through the course of the previous applications and appeal decisions that the original permission for extensions and alterations to the property, 2017/92124 was lawfully implemented. Specific detail of this can be found in paragraphs 10-12 of appeal decision APP/Z4718/C/18/3218533 & 3218534, that relates to planning application 2018/94112.

Application 2017/92124 granted approved for extensions to the original dwelling but also the erection of a detached single garage in the location of the proposed outbuilding. Application 2020/92284 then granted permission to erect a single storey out building on the site of the garage to provide home office/studio.

The current application seeks to replace the now demolished stable building, which has been on site since at least 2000 from reviewing aerial photographs with an ancillary outbuilding.

## **Green Belt**

The NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, establishing five purposes of

the Green Belt, the most relevant of which to the is proposal to prevent encroachment into the countryside.

The erection of new buildings, within the Green Belt represents inappropriate development and paragraph 153 states that

*‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

Paragraph 154 sets out that certain forms of development can represent exceptions to inappropriate development which includes:

- (c) 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,” and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development”

The above exceptions are also set out in Policies LP57 and LP59 of the Local Plan. These two policies introduce additional considerations such that the treatment of outside areas should not result in a greater impact on the openness of the Green Belt and the footprint of an existing building is not exceeded.

The stable building whilst of a timber construction had been in place for a considerable time from reviewing aerial photographs and is considered to be within the domestic curtilage of the host dwelling. It is therefore considered to represent previously developed land (the site does not fall into an urban area) and the redevelopment of this part of the site needs to be assessed against paragraph 155(g) of the NPPF and Policy LP59 of the Local Plan, where the main consideration is whether the redevelopment of this part of the site would have a greater impact on openness than existing. As set out within the NPPG, openness has both spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume.

It is considered that the proposed outbuilding building is broadly the same size as the existing stable building, with the existing building being approximately 112 cubic metres in size and the proposed being 121 cubic metres. Whilst slightly larger than the stables building it would be constructed on the same footprint. Therefore, in terms of volume and overall scale it is

considered that its impact on the openness of the Green Belt would be broadly the same as that of the building it replaces.

This conclusion is drawn on the basis the element to the side would be open sided and a lean to canopy design. It is recommended to ensure this remained the case any grant of permission be subject to condition removing permitted development rights to ensure no infilling of this part of the building would take place.

The existing building is demolished, although this has consequently resulted in a previous permission for an outbuilding become extant. Therefore the previous permission (2021/93636) can be implemented in any event. It is noted that were the building the subject of permission 2021/93636 to be constructed, it would be upon the site of the building the subject of this application. The outbuilding the subject of permission 2021/93636 had a volume of 118m<sup>3</sup>.

Therefore it is concluded that weight can still be afforded to the previous building as stood at site as a applicable to the consideration of this application given a building of 118m<sup>3</sup> is able to be constructed in any event. Furthermore it is considered clear that an 'either / or' situation would arise were permission to be granted for the proposal the subject of this application given the buildings are on the same part of the site.

Turning to the visual impact, the specific design of which is assessed in more detail in the next section of this report, the proposal would have a more less permanent appearance than the stone / slate roof building approved by 2021/93636. The proposal would be of a squarer layout although it is considered it would have a broadly similar visual impact.

The proposal is therefore considered to meet the requirements of paragraph 155(g) of the NPPF and Policy LP59.

## **Design and Heritage**

General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The site is located within the Wilshaw Conservation Area and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered. This sets out a statutory duty to give special attention to preserving and enhancing conservation areas. Policy LP35 of the local plan is also relevant which sets out criteria to be considered for applications which impact on heritage sites. Chapter 16 of the NPPF considers heritage matters and advises that new development should make a positive contribution to local character and distinctiveness.

At paragraphs 213 – 215 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

Section 5.6 specifically covers outbuildings advising that outbuildings can have the same impact as any other extension and therefore they need to be carefully designed, setting out that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

The proposed outbuilding has a simple architectural form, being constructed from timber and a slate roof on a pitched gable design. The comments of the Conservation Team are noted, as well as the points made in justification by the applicant.

It is noted that timber structures, most notably a structure to the west of the site, are in place and that the proposal replaces a structure previously constructed from timber. Furthermore the roof would be constructed from tiles to match the existing dwelling, which can be secured by condition, and the proposals walls would be constructed from vertical larch Yorkshire board cladding system, fitted over an oak frame.

In this case, taking account of the size and scale of the proposal, and the overall design, it is concluded it would result in a neutral impact to the Conservation Area when taking account of the building which it replaces and the fact the materials would be of a more sympathetic palette than that of the previous building. Furthermore, the orientation of the building, siting in relation to the rear and design of the front elevation is such that it is concluded that the proposal would not have a detrimental impact to the setting of the Conservation Area in this case. Weight is afforded the fact previous use of timber materials have been incorporated into development(s) in proximity to the site and the proposal would not introduce a new material palette in this

case. As such, it is considered refusal on the grounds it would lead to harm within the Conservation Area could not be substantiated in this instance.

The form of the building is typical for an outbuilding, being single storey with domestic sized openings. The building is well set back from the principal elevation of the dwelling its scale ensure that's not more than 50% of the garden space is developed meeting the critical in section 5.6 of the SPD. In conclusion, the impact to the conservation area would be neutral given that it would replace an existing building and appropriate materials can be conditioned.

Subject to a condition ensuring that appropriate materials are used the proposed outbuilding, is considered to be of an acceptable design and would have an acceptable impact on the Wilshaw Conservation Area and the character and appearance of the Green Belt and wider local area. There is nothing in the Wilshaw Conservation Area Appraisal that would affect this conclusion. The development would accord with Policy LP24 and LP35 of the Local Plan, the Extensions and Alterations SPD and Chapters 12 and 16 of the NPPF.

### **Residential Amenity**

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 3 - that “extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”
- Principle 4 - that “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.”
- Principle 5 - that “extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”
- Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property.”
- Principle 7 - that “extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”

The closest properties to the proposed outbuilding are Willow Shae (33A) to the east, the property boundary of which is appropriately 25 metres away at

its very closest point, 9 Gill Birks approximately 57 metres to the north and Cherry Tree Lodge, the boundary of which would be approximately 6 metres to the west, with the dwelling itself approximately 11 metres to the south-west.

Cherry Tree Lodge is the closest property with Gill Birks separating the two properties. There are no windows in the facing western elevation which would prevent any direct overlooking. The window in the southern elevation would have a limited non direct relationship, ensuring that there is no detrimental overlooking impact. The single storey nature of the building combined with the separation distance would prevent any detrimental overbearing or overshadowing impact. To ensure that no windows other than those proposed are inserted into the outbuilding permitted development rights will be removed.

The separation distance to 9 Gill Birks is significant, as is the distance to Willow Shae (33A) to the east, and these separation distance would prevent any detrimental overlooking from the windows including bifold door windows in the northern elevation and eastern elevations.

To ensure the development does not impact upon neighbouring occupiers as a result of being used independently from the host property (and to ensure the impact to future occupiers of the host property is acceptable) in relation to noise / disturbance associated with the building a condition of any approval shall require the use to be ancillary to the host property.

In light of the above and subject to the stated conditions, the proposal is considered to have an acceptable impact on residential amenity and would therefore accord with Policy LP24 of the Local Plan, the Council's adopted House Extensions and Alterations SPD and Policies in Chapter 12 of the NPPF.

### **Highway Safety**

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

The site benefits from substantial off-street parking and whilst the development would provide an additional outbuilding used by occupiers of the main dwelling and would therefore not increase parking demand at the site. To ensure that the outbuilding is used subserviently in association with the host property it will be conditioned as such.

To the west of the site is public right of way (PROW) Mel/41/50, the proposed outbuilding whilst built adjacent the PROW would not directly impact on the PROW or block it in anyway. It would replace a stable building in the same position. However, as a precaution a note will be attached to the decision notice advising of the location of the PROW.

It is noted an extant consent is in place which could still be implemented, relating to the demolition of electric gate and drystone wall and erection of new drystone wall and electric gate, extension of tarmac driveway. It is considered the implementation of the proposal / this extant consent would be able to be suitably accommodated.

Subject to the stated condition the proposal is considered to have an acceptable impact on highway safety.

### **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 pre-dates 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.

The proposed outbuilding is small in scale and would be used by the occupiers of the host property. The impact of the development on climate change is therefore considered to be limited.

### **Conclusion**

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

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

**Recommendation: Approve**

**Application Number: 2021/93636**

**Decision Authorisation: Delegated Powers**

**Officer Recommendation: Full Conditional Permission**

### 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, as amended by the Planning and Compulsory Purchase Order 2004.

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, to protect the character and appearance of the Wilshaw Conservation Area and wider Green Belt setting and to accord with Policies LP1, LP2, LP21, LP24, LP35 & LP59 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. The external walls of the hereby approved outbuilding shall be constructed from vertical larch Yorkshire board timber, fitted over an oak frame which shall be retained thereafter.

**Reason:** In the interests of visual amenity to protect the character and appearance of the Wilshaw Conservation Area and wider Green Belt setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, guidance in the House Extensions and Alterations SPD and Policies in the National Planning Policy Framework.

4. The roofing materials of the hereby approved outbuilding shall be natural slate which shall in all respects match those used in the construction of the existing dwelling.

**Reason:** In the interests of visual amenity to protect the character and appearance of the Wilshaw Conservation Area and wider Green Belt setting and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, guidance in the House Extensions and Alterations SPD and Policies in the National Planning Policy Framework.

5. The outbuilding approved by this permission shall be used by the occupants of the dwellinghouse known as 33, Wilshaw Road, Meltham, Holmfirth, HD9 4DZ, for uses ancillary to the enjoyment of this dwelling house and shall at no time be sold or rented for any separate use or operation.

**Reason:** In the interests of highway safety and residential amenity in accordance with the aims of LP21 and LP24 of the Kirklees Local Plan and the aims of the of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the protection of residential amenity and to ensure the development does not have a significant impact upon the openness of the Green Belt in accordance with Policy LP24 & LP59 of the Kirklees Local Plan

and the policies contained within Chapters 12 and 13 of the of the National Planning Policy Framework.

**NOTE:** The site is adjacent to public right of way Mel/41/50, this should not be blocked or obstructed at any point before, during or after the construction of the development. For further information please contact

[publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	TQRQM23055141058376	19 <sup>th</sup> March 2025
Proposed side elevations and rear Elevation	RB01/25-01(A)	19 <sup>th</sup> March 2025
Proposed Floor Plan and front elevation	RB01/25-01(A)	19 <sup>th</sup> March 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 have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Recommendations of the Conservation Team were discussed with the applicant with justification in relation to the scheme subsequently provided.

Report Dated: 6<sup>th</sup> May 2025