

Planning Statement_

Former Outbuildings at Spring Villa Farm
Long Lane
Honley
HD9 6EB

**Retrospective Conversion and Extension of Former Outbuildings (Barn and Stables) to create
Two self-contained dwellings_**

February 2025_

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1.0 Introduction_

Background

1.1 Eight One Two Ltd have been instructed by Mrs Pauline Hough, to prepare and submit a detailed retrospective planning application for the following development, namely:

"Retrospective Conversion and Extension of Former Barn and Stables to create two single dwellings with access and associated works."

1.2 This statement will address the relevant national and local planning policies that deal with the principle of the proposed development, and the pertinent planning matters associated with the scheme. This will be addressed as set out below:

Section 2 - Application Site Context
Section 3 - Planning History
Section 4 - Relevant Planning Policy – National Planning Policy Framework
Section 5 - Relevant Planning Policy – Kirklees Development Plan
Section 6 - Other Material Considerations
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Principle of Development

1.3 The National Planning Policy Framework is supportive as a matter of principle of the efficient and effective use of land and buildings, and the delivery of new homes to meet identified needs, especially when such delivery is associated with the conversion of existing buildings.

1.4 It is our view that the development subject of this application is compliant with the core principles of local and national planning policy. Further, that there are other material considerations which also weigh in favour of the grant of consent, and we would therefore kindly request that this application be approved without delay.

Submitted Documentation

1.5 This application is supported by the following documents and drawings:

- As approved and as existing elevations;
- As approved and as existing floor plans;
- Location Plan; and
- Planning Statement.

2.0 Application Site Context_

- 2.1 The application site is located within the Green Belt on the outskirts of the settlement of Honley.
- 2.2 The site originally comprised of two large semi detached properties set on a large plot with a number of outbuildings, including the former barn and stable block subject of this retrospective application. The site now includes the original dwellings and two further self contained residential units (subject of this retrospective application) with shared access, car parking and garden space. The conversion of the original barn and stables were historically consented for the use as two self contained homes in a previous prior approval, as addressed in more detail below.
- 2.3 The site is located within a rural location, but close to the settlement boundary of Honley. There are a number of other residential properties located in the close proximity of the site, as such this is not an isolated location. The proposed use is therefore deemed to be compatible with the character of the wider local area.
- 2.4 Whilst located within the Green Belt and outside of the defined settlement boundary for Honley, the site is relatively well located for access to the village centre for key local services and facilities including shops, eating establishments, convenience store, schools, medical facilities, recreation spaces, employment opportunities etc.
- 2.5 The property is well related to the main highway network, with sufficient space on site to secure the required level of off street car parking to service the current development and wider site. The site provides a private access for the use of all of the existing dwellings, and all of the properties on site retain sufficient space on site for outdoor amenity purposes. The site is deemed to be close enough to the settlement of Honley to secure access by alternative modes of travel, including bus services available on Long Lane. The impact on the highway network from the scheme as submitted is deemed to be de minimus. Given that prior approval has also been historically achieved for the creation of two new dwellings on site, within the as now converted buildings, also indicates that the Council are in agreement that the scheme is acceptable in highway terms.
- 2.6 From a review of the Historic England mapping service, the site subject of this application is not understood to be listed. The site is also not understood to be located within a defined Conservation Area. There are also no other designated heritage assets within close proximity of the site, and therefore the impact of the development on the heritage environment is not deemed to be a consideration in the determination of this application.
- 2.7 From a review of the Environment Agency Flood Map, it is noted that the application site is not located within an area at risk from flooding.
- 2.8 From a review of the Council database, we are not aware of any Tree Preservation Orders on site or that will be affected by the development subject of this application.

Proposed Development

- 2.9 The development subject of this retrospective application comprises the conversion of the original stable block and barn, as well as other minor extensions and alterations of the original buildings to create two self contained single dwellings, with secure access, car parking and extensive areas of amenity space and landscaping to service the need of the development.
- 2.10 The existing structures were shown and accepted to be capable and suitable for conversion when the original prior approval as granted in 2015, and whilst minor additions and alterations are now proposed, including a minor increase in the height the ridge of one of the buildings, minor roof slope alterations, amendments to the internal layout of the two units, and minor fenestration changes including insertion of larger window openings, none of the proposed physical alterations are deemed to be disproportionate to the original building, and will have no greater impact on the openness of the Green Belt or neighbour or visual amenity than the original or previously approved arrangement.
- 2.11 For completeness, details of the variations from the as previously approved scheme and the now as constructed development, is included below, although the amendments have been clearly detailed and delineated on the as submitted drawings:

Plot 01 (former stables)

- Increase in porch level and minor variation in associated approved roof slope and design;
- Minor increase in overall ridge level by 500mm from the as originally approved plans;
- Refurbishment of existing garage; and
- Omission of original three windows to the south west elevation, and replacement with sliding doors across new enlarged opening.

Plot 02 (former barn)

- Double doors on the south east elevation omitted and replaced with larger bifold doors;
 - Window omitted in the north east elevation and insertion of new door; and
 - 02 sets of double doors added to the south west elevation
- 2.12 The application site already benefits from a vehicular access point, and the development has been designed and laid out to ensure that the amenities of both existing and proposed occupiers are protected.
- 2.13 Given the nature of the proposed use and the justification set out within this report, the scheme as submitted is deemed to be acceptable as a matter of principle.

3.0 Planning History_

3.1 Having reviewed the planning history for the site, attention is drawn to the provisions of the following application:

Application Ref: 2015/92817

Description of Development: Prior approval for proposed change of use of agricultural building to 2 dwelling and associated operational development

Decision: Prior Approval Granted

Date of Decision: 28th October 2015

- 3.2 The Council are therefore noted to have previously accepted the principle of the residential use of the two original structures.
- 3.3 The prior approval application is noted to have been approved subject to a number of planning conditions, but none of which required sign off prior to commencement of development. There was therefore no limitations as to when work could commence, nor any confirmation on the decision notice that all works had to be completed and the use implemented within three years of the date of the permission (namely 27th October 2018). The Applicant was not therefore aware of this obligation.
- 3.4 It can be confirmed that works on the originally approved conversion of the barn commenced in April 2018, the prior approval was therefore lawfully implemented. Sadly works had to cease in February 2020 through until May 2022 as a result of the pandemic, and the impact the lockdown restrictions had on the wider construction industry. Further issues in the construction also related to the original private building control firm going into administration after lockdown, and the subsequent delays in reaching agreement with Kirklees to take over as the approved inspectors (works cannot be undertaken without an approved inspector appointed). Additional delays then took place from December 2021 to May 2022 as a result of the applicant's poor health and immobility issues, meaning works simply could not continue on site.
- 3.5 In relation to works on the conversion of the original stable building it can be confirmed that works on this element commenced in December 2021 (following the applicant's understanding that they had lawfully implemented the original approval with works on the barn in April 2018). Once again works on this conversion were paused from February 2022 until January 2023 as a result of the applicant's poor health and immobility, there were in addition unsustainable commercial factors which simply prohibited the progression of the build.
- 3.6 It can be confirmed that works on the conversion works as currently in situ were completed in March 2023 in relation to dwelling two, now known as 'Spring Villa Barn', with the property occupied and registered for council tax. The property also benefitted from Full Plans Building Regulation approval which was signed off in June 2023.
- 3.7 Works were completed in October 2024 in relation to dwelling one (the former stable block) with the property currently vacant pending the outcome of this retrospective application.

- 3.8 Following the above schedule of works, the Council Enforcement Team are understood to have written to the property owners in January 2025 to advise that whilst prior approval had initially been granted for conversion of the original outbuildings, that as those works were not completed within three years of the date of the decision, and in addition as a result of some variations to the as built development from the originally approved scheme, that the works as completed were in effect unlawful and a detailed planning application would therefore need to be submitted. Further dialogue with the Council enforcement team in January 2025 led to an agreement that a retrospective application would be submitted by 28th February 2025. This requirement has now been met through this application.
- 3.9 It is however once again important to stress that the Applicant has in this instance made a genuine error. They had no understanding that the works to convert the two original structures had to have been completed within a three year window, as opposed to being commenced within a three year period as per previous planning approvals they had secured. In addition, for the reasons laid out above, an unfortunate set of circumstances, many of which have been outside of their control including the pandemic and poor health, has led to a delay in completion of the conversion works.
- 3.10 Whilst it is also accepted that there are some minor variations in relation to the as built development from the scheme as approved, none are deemed to be material, nor to result in harm to either the openness of the Green Belt, nor on neighbour or visual amenity. We are therefore seeking to work positively and collaboratively with the local authority to regularise the current position, and to secure retrospective planning permission for the works as completed.

4.0 Relevant Planning Policy and Legislation – National Planning Policy Framework_

4.1 The development subject of this detailed application needs to be assessed against the provisions of the Development Plan which comprises the Revised National Planning Policy Framework and the adopted Kirklees Development Plan. This section of the report will focus on the national planning policy position, with local policies addressed at Section 5.

Revised National Planning Policy (NPPF) December 2024

4.2 The Revised National Planning Policy Framework was last updated in December 2024, and sets out the Government's planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the evaluation of this proposed development read as follows:

Section 2 - Achieving Sustainable Development

"Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

"Paragraph 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."

"Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; "*

“Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Section 4 - Decision Making

“Paragraph 39: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 48: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5 - Delivering a Sufficient Supply of Homes

“Paragraph 61: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.”

“Paragraph 73: Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;

- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes;
- e) work with developers to encourage sub-division of large sites where this could help to speed up the delivery of homes.

“Paragraph 78: Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

Section 8 – Promoting Healthy and Safe Communities

“Paragraph 96: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-

designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

- c) enable and support healthy lives, through both promoting good health and preventing ill health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

"Paragraph 98: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

Section 9 - Promoting Sustainable Transport

"Paragraph 109: Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

- a) making transport considerations an important part of early engagement with local communities;
- b) insuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, contribute to making high quality places;
- c) understanding and addressing the potential impacts of development on transport networks;
- d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, – for example in relation to the scale, location or density of development that can be accommodated;
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and
- f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains."

"Paragraph 115: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach."

“Paragraph 116: 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”

“Paragraph 117: Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

Section 11 - Making Effective Use of Land

“Paragraph 124: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

“Paragraph 125: Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs - where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous development should not be imposed on an application for multiple extensions unless there is an exceptional justification”

“Paragraph 129: Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.”

Section 12 - Achieving Well-Designed Places

“Paragraph 131: Advises that 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Section 13 – Protecting Green Belt Land

“Paragraph 153: 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: Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed (including a material change of use to residential or mixed use including residential, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not cause substantial harm to the openness of the Green Belt.
- h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i) mineral extraction;
 - ii) engineering operations;
 - iii) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order."

"Paragraph 155: The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is demonstrable unmet need for type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."

4.3 **Summary:** The scheme as proposed seeks to secure retrospective planning consent for the conversion and extension of the original barn and stables at Spring Villa, and the delivery of a suitable and sustainable residential scheme. The site will deliver much needed new homes, with good internal and external amenity standards for proposed residents, and of a housing mix which helps to meet varied needs. The scheme delivers on site car parking to service the needs of the development, with site access remaining as per the existing, in order to ensure that there is no severe impact on the highway network or highway safety.

4.4 The proposals represent the conversion, and extension of previous structures located on site, and the proposals are therefore deemed to be wholly acceptable and compliant with the provisions of the National Planning Policy Framework as a matter of principle.

- 4.5 Whilst the scheme proposes new development, the element of new building is in reality limited in scale and nature, proportionate to the existing built development context and has been designed to respect and reflect the character of the existing site, and to ensure that the amenity of neighbouring residents are unaffected. The scheme seeks to secure an effective and efficient use of the original buildings, and is of a design, quality, scale, form and use of materials deemed suitable and appropriate in this setting. The as built development has not resulted in any disproportionate additions within the Green Belt, nor resulted in harm to the character, appearance or openness of the Green Belt, and certainly not to a degree that justifies refusal of this application.
- 4.6 In addition, it is understood from the Kirklees Interim Housing Position Statement to Boost Supply dated October 2023 that the Council can only demonstrate 3.96 supply of deliverable housing sites. The latest Housing Delivery Test dated December 2024 also confirms that the Council has continued to fall below the required levels of housing delivery over the preceding three year period, and there is therefore a clear presumption in favour of sustainable development. Given that the Council are not therefore understood to be able to demonstrate a five year supply of land indicates that the Council should be seeking to support and promote schemes such as that proposed which will assist in delivering new homes, in suitable locations as a matter of principle, especially on sites which have previously benefit from consent.
- 4.7 It is clear for the reasons set out above that the development subject of this detailed retrospective application is in accordance with the paragraphs and requirements of the National Planning Policy Framework as a matter of principle. Therefore, in line with the provisions of the Framework, we would kindly request that the Council seek to support the development as currently proposed, and to work with us towards a timely and positive determination of this application.

5.0 Relevant Planning Policy – Kirklees Development Plan _

5.1 The Development Plan currently comprises of the Kirklees Local Plan (adopted February 2019), and the provisions of a number of Supplementary Planning Documents.

5.2 It is understood from a review of the local authority Proposals Map that the site subject of this application is located within the Green Belt, within a Biodiversity Opportunity Zone (Mid-Altitudinal Grasslands) and Mineral Safeguarding area (Sandstone). The site is also understood to be located within the Holme Valley Neighbourhood Plan Area (and an associated Landscape Character Area).

5.3 Included below is a list of the adopted key determinative development plan policies of relevance to the assessment of this application:

Kirklees Local Plan (2019)

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping;
- Policy LP3 – Location of New Development;
- Policy LP7 – Efficient and Effective Use of Land and Buildings;
- Policy LP11 – Housing Mix and Affordable Housing;
- Policy LP20 – Sustainable Travel;
- Policy LP21- Highways and Access;
- Policy LP22 – Parking;
- Policy LP24 – Design;
- Policy LP26 – Renewable and Low Carbon Energy;
- Policy LP28 – Drainage;
- Policy LP30 – Biodiversity and Geodiversity;
- Policy LP32 – Landscape;
- Policy LP52 – Protection and Improvement of Environmental Quality;
- Policy LP57 - The Extension, Alteration or Replacement of Existing Buildings in the Green Belt; and
- Policy LP60 – The Re-use and Conversion of Buildings in the Green Belt.

5.4 Given the nature of development being proposed within this scheme, particular attention is drawn to the provisions of policies LP7 which is noted to read as follows:

- "Policy LP7 - To ensure the best use of land and buildings, proposals:**
- a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;
 - b. should encourage the reuse or adaptation of vacant or underused properties;
 - c. should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;

d. will allow for access to adjoining undeveloped land so it may subsequently be developed.

Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate;

b. higher densities will be sought in principal town centres and in areas close to public transport interchanges

c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;

d. more detailed density requirements may be set out in area actions plans, neighbourhood plans, supplementary planning documents and development briefs, where appropriate."

- 5.5 **Comment:** The development subject of this application seeks to secure retrospective consent for the effective and efficient use of existing buildings within an area deemed compatible with residential uses. The scheme will deliver much needed new homes (two units) given the current under provision within Kirklees, and within a suitable location. The site has previously benefitted from consent via the prior approval process for the conversion of the structures, and as such it is our view that the use of the buildings as now in situ is acceptable as a matter of principle.
- 5.6 The scheme now subject of this application, given the proposed scale and layout is not felt to result in harm to the amenities of neighbouring properties, and no greater impact on the wider local environment than the existing and originally approved arrangement. The site benefits from sufficient land to deliver outdoor amenity space to meet the amenity needs of the proposed residents, without resulting in harm or a lack of amenity space associated with the existing dwelling.
- 5.7 The site is therefore deemed to be suitable and appropriate for the scale and form of development proposed. The proposal is therefore deemed to be consistent with the provisions and principles of Policy LP7.
- 5.8 In addition to the policies detailed above, given the sites location within the Green Belt, attention is also drawn to the provisions of Policies LP57 and LP60 which read as follows:

"Policy LP57 - Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. in the case of extensions the original 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;

b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
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."

"Policy LP60 - 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."

- 5.9 **Comment:** The requirements of Policy LP57 are noted, and the scheme as proposed is deemed to be compliant with the key principles, in that the now as built extensions to the previous stable block are clearly subservient to the original stable building, which continues to appear as the dominant feature on site. The minor window and fenestration changes to the original barn are clearly not material and result in no greater visual harm, nor harm to the openness of the Green Belt, nor neighbour amenity than the originally approved development.
- 5.10 The proposal will have no greater impact or result in greater harm on the openness of the Green Belt than the originally approved arrangement, and will not result in any significant greater levels of hardstanding and built development on site than the original structure, nor the subsequently approved prior approval. In relation to the matter of design and proposed use of materials, as shown on the application drawings the structures will remain much as per the original arrangement.
- 5.11 In response to the provisions of the policy LP60, it is clear that the existing/original structures were of a permanent and substantial construction, as evidenced by the original prior approval application. The scale and design of the as built extensions to the original stables are also deemed to be acceptable as a matter of principle, and will have no greater impact on the local area, visual amenity, or the openness of the Green Belt than the original or approved arrangements. Whilst there are changes in relation to the residential curtilage, these changes are not disproportionate to the scale of the as built dwellings nor the wider site or local context.

Other Relevant Policy Documents

- 5.12 In addition to the adopted planning policies referred to above, there are noted to be a number of adopted Supplementary Planning Documents in Kirklees. These documents include the Affordable Housing and Housing Mix SPD (March 2023), Quality Space SPD (June 2021), House Extensions and Alterations SPD (June 2021), Open Space SPD (June 2021) and the Highway Design Guide SPD (November 2019).
- 5.13 The scheme is not felt to contradict or undermine the provisions of other supplementary planning documents.

Holme Valley Neighbourhood Plan

- 5.14 The Holme Valley Neighbourhood Plan is noted to have been made in December 2021. The document sets out the national and local planning policy context for development within the area, and includes a number of area specific planning policies, including those detailed below:
- 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; and
 - Policy 6 – Building Homes for the Future
- 5.15 Of the policies detailed above specific attention is drawn to the provisions of policy 6 of the Neighbourhood Plan which is noted to read as follows:

"Policy 6: Building Homes for the Future

General Principles the Peak District National Park. In addition to the housing sites allocated in the Kirklees Local Plan new housing development will be supported subject to the following considerations being met.

- 1. The proposed housing is located within existing settlements not overwashed by Green Belt or is for housing acceptable in terms of national Green Belt policy.*
- 2. Adequate parking for residents and visitors should be provided in accordance with Local Plan Policy LP22 Parking and the Council's most up to date parking guidelines in the Highway Design Guide SPD. Additional parking provision to accommodate delivery vans is encouraged to minimise additional on street parking on nearby roads – see Appendix 5.*
- 3. Developments should have good access to public transport routes and encourage walking and cycling by enhancing, expanding and linking to existing routes.*
- 4. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character. Proposals for residential development involving the redevelopment of previously developed (brownfield) sites or the conversion of mill buildings and other suitable buildings to create low-cost housing and apartments is particularly encouraged. Proposals for the conversion of former mill buildings to residential accommodation should take opportunities to include provision for suitable commercial or employment uses as part of mixed-use schemes including live/work type accommodation.*

House types and sizes

All housing development schemes should demonstrate how they address the identified local housing need in terms of density, size, tenure and type of development. Schemes should provide suitable housing in response to the most up to date Strategic Housing Market Assessment. New housing developments of more than 10 houses or on sites of 0.4 hectares or greater will be supported, subject to aligning with other policies within the HVNDP and Kirklees Local Plan and national planning policies, where they:

- 1. Include a mixture of one, two and three-bedroom properties for sale and rent; and*
- 2. Include housing designed to meet the needs of older people and properties for first time buyers; and*
- 3. Provide a suitable proportion of affordable housing in line with the recommendations in the Kirklees Local Plan and the NPPF. Priority will be given to the delivery of affordable housing and maximising the potential for meeting identified local needs and local affordable needs from appropriate individual development opportunities.*

New housing provided through a Community Right to Build Order (following the procedure set out in the Neighbourhood Planning Regulations) or other community led housing project, including self-build schemes, will be particularly encouraged."

5.16 **Comment:** As evidenced at Section 4 above, the development subject of this application does now in effect relate to the retrospective conversion and extension of existing buildings within the Green Belt to residential use (two units). The buildings were previously found to be structurally capable and suitable for conversion in the 2015 Prior Approval. The development whilst now

including minor additions to the original building, do not propose any disproportionate additions to structures in the Green Belt, and does not result in a development which harms the character, appearance or openness of the Green Belt. Suitable site access and parking has been achieved and the site is well located to the settlement of Honley, and is therefore deemed to be both suitably and sustainably located to meet the needs of the development. The scheme has therefore been shown to be compliant with the national policy and is therefore clearly also thereby consistent with the provisions of the made Neighbourhood Plan.

Kirklees Local Plan Review

5.17 Following the lapse of five years since the adoption of the current Local Plan and given changes nationally and locally including in relation to planning policy, the outcome of the pandemic and the lack of housing land supply, Kirklees Council are noted to have taken the decision in October 2023 to undertake a full review of the Local Plan. It is noted that the Council are currently undertaking an early engagement survey, which is due to close for comments on the 28th February 2025. The Plan review does therefore remain at an early stage in the plan making process, and is not therefore deemed to be currently determinative to the provisions of this application.

Development Plan Summary

- 5.18 For the reasons set out above, it is our view that the development subject of this application represents an acceptable and appropriate form of development given it relates to the conversion of existing structurally sound buildings in the Green Belt. The scheme will secure the effective and efficient use of an existing building with extensions of a scale, form and design which will remain disproportionate to the original building. The nature and scale of use will also be commensurate with the wider local area and with the use and character of adjacent properties. The development does not result harm to the openness of the Green Belt, the visual amenity of the local area, highways, nor negatively impact upon neighbouring residential amenity.
- 5.19 The development is therefore deemed to be compliant with the provisions of the Development Plan, and there is therefore a legitimate expectation that the Council will be supportive of the scheme as a matter of principle.

6.0 Other Material Considerations _

6.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

- **Sustainable Development:** The scheme as submitted represents a sustainable form of development given it comprises of the effective and efficient use of existing buildings to deliver two additional dwellings. The proposed design of the scheme has been developed to respect the character, form and use of materials of the original buildings and to ensure the protection of the privacy and amenity of the proposed residents, neighbouring residents and the visual amenities of the street scene. The site is well located for access to key services, facilities and public transport connections, and through the reuse of existing structures has helped to deliver two new energy efficient dwellings without significant demands being placed on natural resources.
- **Character of the Area:** The application site is located within an area characterised by residential uses. The development is therefore deemed to be consistent with the use and character of the locale and will not harm the amenities or character of the local area.
- **Site History:** It is accepted that it was the Applicant's responsibility to understand the provisions of the original Prior Approval. However, they genuinely believed that they only had to implement the original approval within a three year period, and not to have completed it, as per usual planning conditions. This was therefore a genuine error, not assisted by the fact that this requirement was not clearly laid out on the as published decision notice. The ability to complete the build was also challenging as a result of a number of issues outside of the applicant's control including the Covid Pandemic, the impacts of lockdown on construction projects, the effects of the building control firm going into administration, and the Applicants own personal health challenges. There has clearly been no attempt to purposefully flout planning rules and regulations by failing to complete the works within the prescribed three year period, but simply to deliver two dwellings within two original converted structures, and to implement the original approval; albeit with some minor variations, but none of which are deemed to result in harm. The fact that the Council have previously accepted this site to be suitable for the delivery of two new homes, is in our view a material consideration of some weight in the decision making process.

- **Housing Provision:** The National Planning Policy Framework sets out a need for local authorities to deliver the homes that people need in the right locations. The Framework further requires the application of the tilted balance and a presumption in favour of sustainable new homes, particularly when local authorities have a plan in excess of five years in age. In this case, the Kirklees Local Plan was five years old as of the 27th February 2024. Furthermore, the Council are understood to not be able to demonstrate a viable supply of five years worth of housing land as evidenced once again within the Government's published Housing Delivery Test in December 2024. This proposal seeks to secure consent for the delivery of two dwellings on a site historically approved for the same use, and whilst only delivering two dwellings, is a material consideration weighing in favour of the development, given it will assist the council to meet its identified housing needs within a policy compliant development.

6.2 As such, whilst we remain of the view that the development proposed is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the development which also tip the balance in favour. There is therefore a legitimate expectation that consent will be granted for this application.

7.0 Conclusions_

- 7.1 It has been demonstrated throughout this submission that the development subject of this application accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Furthermore, there are other material considerations which further weigh in favour of the grant of consent, and these have been dealt with in detail above.
- 7.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal in principle, and to work with us on a positive determination.
- 7.3 Should you require any further information in advance of validation of the application, or during the assessment process, please do not hesitate to contact us.