

**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:	2025/62/90547/W
Site Address:	Spring Villa Barn, Long Lane, Honley, Holmfirth, HD9 6EB
Description:	Erection of extensions and alterations to former barn/stables to create two dwellings with access and associated works (retrospective)
Recommending Officer:	John Holmes

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 22-May-2025

Officer Report – 2025/90547

Site Description

The application site relates to two buildings which are close to completion in relation to their construction and would serve as dwellings. They are located within an area of open land which is undeveloped countryside. An existing garage building forms part of the application site.

To the west of the site, at a distance of 20m from the buildings, are existing dwellings (Spring Villa Farm & Spring Villa Cottage).

Access to the site is taken along a long, existing, access to the west and north of the site which links to Long Lane.

Upon the submitted plans a tennis court is indicated, it was noted during the site visit that this has been soft landscaped as grass.

Description of development

The application is seeking planning permission for 'Erection of extensions and alterations to former barn/stables to create two dwellings with access and associated works (retrospective)'

For clarity, the description of development has been updated from that upon the submitted application form which stated 'Retrospective Conversion and Extension of Former Barn and Stables to create two single dwellings with access and associated works.'

Amenity spaces associated with the buildings are located to the north, east and south with access taken from the west / north west. Parking provision is within the building annotated 'existing garage' and to the driveway shown on drawing 23_807 114.

The development relates to two dwellings, which are referred to as the northern and southern dwelling for the purposes of clarity within this report.

Northern dwelling

This is a building which is 150m² in terms of footprint. The floor space internally is across two floors and serves a two bedroom property.

Southern Dwelling

This is a building which is 255m² in terms of footprint. The floor space internally is at ground floor level only, serves a 4 bedroom property and is 232m² in terms of floorspace.

In addition to the submitted plans a Design and Access Statement (dated February 2025) has been submitted which sets out the following, summarised, points:

- The site includes 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.
- The development 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.
- 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
- The former Stables has seen an increase in porch level and minor variation in associated approved roof slope and design; 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.
- The former barn has seen 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 2.no sets of double doors added to the south west elevation.
- Prior approval for proposed change of use of agricultural building to 2 dwelling and associated operational development (ref: 2015/92817) granted permission for the principle of residential use.

- Works on the originally approved conversion of the barn commenced in April 2018. 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.
- It can be confirmed that works on the conversion of the original stable building 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.
- Works on the conversion works as currently in situ were completed in March 2023. 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.
- The proposals represent the conversion, and extension of previous structures located on site.
- 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.

During the course of the assessment of the application, the following additional/amended plan/information was submitted for consideration:

- Drawing 25_805 117 – As built first floor plan
- Email dated 14th May 2025 relating to works undertaken to facilitate the development.

Within the 14th May 2025 email the following is stated:

'I can however confirm that the original buildings have been retained and converted, and general works undertaken on site in accordance with the previous Class Q planning approval, including in relation to use of approved slate roofs, coursed stone which has been repointed and render. The only external changes from the scheme previously approved under the Class Q is the insertion of the additional window/door openings as shown on the as submitted plans, and the minor changes to the roof on one of the dwellings. In short, the original buildings do remain in situ and the scheme as delivered does constitute a conversion rather than demolition/ rebuild, these are not new buildings.

We can also confirm that as expected some new materials have been utilised to achieve current statutory Building Regulations requirements whereby the buildings have been made fit for purpose i.e. being watertight, airtight and insulated all to modern day standards. Asbestos cladding panels which originally clad Plot 2 had to be replaced due to statutory stipulations and reclad with masonry render, but this work and appearance was also as per the Class Q planning approval. Plot 1 brick walls were over clad with masonry and rendered above to match the adjacent building allowing insulation to be fitted in the cavity. The original tin roof sheets were replaced with new natural blue slate roof to match the existing blue slate roof. All conversion works were carried out within the footprints of the original buildings.'

History of Negotiations / Amendments Received

Confirmation relating to the stairs within the floor plan for the northern building was sent to the applicants' agent on 2nd May 2025. Subsequently, an amended plan was submitted.

Relevant Planning History

The most relevant planning history relates to the following planning application:

2015/92817 – Prior approval for proposed change of use of agricultural building to 2 dwelling and associated operational development – Details Approved 28th October 2015

It is noted that there is an application dating to 2003 which was refused. The details being as follows:

2003/94133 – Re use of Existing Barn and Stables and new extensions to form dwelling – Refused 27th November 2003 for the following reasons:

(1) It is considered that the proposals would harm the openness, visual amenity and character of this area of Green Belt, by virtue of the significant degrees of alterations and additions to the building, together with the formation of an area of domestic curtilage, which would detract from its original scale, character and appearance; furthermore it is considered that no

very special circumstances have been demonstrated to justify granting the proposal. As such the proposals are considered contrary to the objectives of Policy D12 and Policy D11 of the Kirklees Unitary Development Plan, and the advice contained within the Government's Planning Policy Guidance Note on Green Belts (PPG 2).

(2) The proposed development would result in the intensification and perpetuation of use of an existing access which has substandard visibility for drivers emerging onto Long Lane therefore is considered unsuitable to serve any further development. The additional traffic movement would result in the deterioration of safety of existing and future pedestrian and vehicular users of the highway and the proposals are therefore contrary to the objectives of Policy T10 of the Kirklees Unitary Development Plan.

Within the officer report for this application, it sets out that the proposal was 2 storey and significantly altered the appearance of the existing structure, doubling the size of the building, whilst acknowledging the proposal was upon the same footprint. Reference is also made to extensions at this site previously permitted.

The planning history of the site is taken into account in the 'Assessment' section of this report.

Representations

Publication of the application has been undertaken by site notice in accordance with the Council's Development Management Charter. The application was publicised with the notice erected on 17th March and the publicity period expiring on 7th April.

One third party representation has been received, in this case confirmation was received from Holme Valley Parish Council that they have no comments to make regarding the application.

Whilst the description has been updated, for clarity, it is considered the updated description did not require further publicity as it has not materially amended the development being publicised and the public is considered to have been adequately alerted about the application and the development.

Consultations

None

Allocation and Policy

The site is within the Green Belt as allocated within the Kirklees Local Plan (adopted 2019). The site is also located within the Holme Valley Neighbourhood Development Plan area with associated landscape character area 5 (Netherthong Rural Fringe).

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
LP3 – Location of new development
LP11 – Housing Mix and Affordable Housing
LP21 – Highway and Access
LP22 – Parking
LP24 – Design
LP30 – Biodiversity and Geodiversity
LP57 – The extension, alteration or replacement of existing buildings
LP60 – The re-use and conversion of buildings

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 6 – Building homes for the future
Policy 11 – Improving Transport, Accessibility and Local Infrastructure.
Policy 12 – Promoting Sustainability.
Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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

Chapter2 Achieving sustainable development
Chapter6 Building a strong, competitive economy
Chapter12 Achieving well-designed places
Chapter13 Protecting Green Belt land
Chapter15 Conserving and enhancing the natural environment

Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents

Kirklees Highway Design Guide (adopted November 2019)

Housebuilders Design Guide SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

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

Assessment

1 – Principle of Development

Whether the development is acceptable within the Green Belt is a major factor in the assessment of the principle of development for this application.

Furthermore, applicable to the principle of the development are policies LP1, LP2, LP3, LP7, LP11 and LP24 of the Kirklees

Local Plan, Policies 1, 2 and 6 of the Holme Valley Neighbourhood

Development Plan and the Policies contained within Chapters 2 and 11 of the NPPF.

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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 of the NPPF 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. Policy LP2 of the Kirklees Local Plan 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 Kirklees Local Plan is relevant and states that “good design should be at the core of all proposals in the district”.

Policy LP3 of the Kirklees Local Plan requires development to deliver homes in a sustainable way. Policy LP7 of the Kirklees Local Plan encourages the efficient use of previously developed land in sustainable locations provided

that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

Policy LP7 (c) sets out that 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. This is echoed within the Housebuilders SPD which states lower densities need to meet the criteria set out within policy LP7.

In this case, taking account of other applicable factors including the allocation of the site within the Green Belt and the access arrangements, it is considered the density of the development is acceptable.

Policies within section 11 of the NPPF detail that planning policies and decisions should promote an effective use of land in meeting the need for homes and also the need to reflect changes in the demand for land. Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The lack of 5 year housing supply is a factor which weighs in favour of the development in this case. It is noted this is a factor not present at the time of the 2003 refusal and is a material change in circumstances since the 2003 application.

Policy LP60 of the Kirklees Local Plan relates to the re-use and conversion of buildings within the Green Belt. Policy LP60 states (amongst other things) that

conversions of buildings within the Green Belt will normally be acceptable where the building to be re-used or converted is of a permanent and substantial construction, the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape and is of a high quality and appropriate design.

The development features an extension / enlargement and other alterations to parts of the existing buildings. Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

Paragraph 153 of the NPPF is relevant, stating the following:

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 is of further relevance, setting out the following:

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); and

g) limited infilling or the partial or complete redevelopment of previously developed land (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;*
- i. engineering operations;*
- ii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- iii. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- iv. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- v. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

The submitted detail sets out the fact the conversion of the buildings was considered to be undertaken under the previous prior approval application. This was not, however, undertaken such that the prior approval was lawfully implemented and therefore this retrospective application has been submitted.

Limited weight can be afforded to the prior approval although it is one factor which can be afforded some weight in favour of the proposal. The requirements of the prior approval application included that the building could realistically be capable of conversion and this was accepted as being the case in the processing of the prior approval application.

It was clear during the case officer site visit that the tennis court previously present at site has been soft landscaped, this has had a beneficial impact in relation to the openness of the Green Belt and has formed part of the development under consideration.

The development the subject of this application is larger than that for which prior approval was granted and has seen substantial works required to be undertaken to the buildings. Notwithstanding this point, it is considered the scope for conversion of the buildings is relevant to the consideration of this application, coupled together with the requirements of policy LP57 which relates to extensions and alterations to existing buildings.

The extent of the original buildings is clear within the submitted plans, and the enlargement of them is considered to be to the extent that they do not constitute disproportionate additions. The buildings were considered to be lawful at the time of the prior notification application, and as such it is

recommended that retrospective consent in relation to their extension and alteration be granted on the basis they do not constitute disproportionate additions in this case.

Notwithstanding this conclusion, which relates solely to whether the extensions / alterations are disproportionate, there is a requirement that the re-use of buildings preserve the openness of the Green Belt. In this case the conversion works have seen previous agricultural use changed to residential, with associated works to the buildings such that they read now have an appearance as being in residential use. It is noted that this would be viewed in the context of part of a cluster of buildings with existing dwellings located to the north west of the site.

The existing accesses and areas for vehicles would be largely utilised and exist / are in place already. As such the impact of the development largely arises as a result of the nature of the use and the increased activity of the buildings, including the fact they would now be more visible at night due to their more permanent occupation.

Review of the previous site photos taken in 2015 demonstrate that the buildings were of a permanent / substantial construction insofar as they were a mix of brick / blockwork walls with timber within the building supporting the roof structures.

In this case weight is afforded to the 2003 refusal, which was for a largely differing scheme with a much larger dwelling proposed to the building which is the northern building the subject of this application. Whilst the 2003 refusal related to impact upon the openness of the Green Belt, this was on the basis of a larger dwelling and therefore in this case there is a material difference from the 2003 application insofar as the northern building is a lesser extent of built form.

It is considered that in this case a number of factors weigh in favour of the scheme in terms of the siting of the building in proximity to existing dwellings, utilising existing access and parking area and also the fact that the development has seen the replacement of a large area of hardstanding with soft landscaping.

It is considered that in this case the converted buildings were capable of conversion / of substantial construction and the extent of the alterations and extensions to them have not been disproportionate. There is an impact upon openness resulting from the change of use of the building, and in the event that planning permission be approved, a condition is recommended to be attached to require that the extent of the residential curtilage is limited to that within the red line boundary upon submitted drawing 23_807 114 (excluding areas used for vehicle access).

Similarly, given the extent of works and potential for sprawl within the countryside which could arise from development being undertaken by utilising permitted development rights, and the resultant impact upon openness (and

the conclusion that, on balance, the scheme is acceptable with regard to impact upon openness in this case) it is considered exceptional circumstances exist which justify the removal of permitted development rights in this case. Therefore, in the event that planning permission be approved, it is recommended a condition be attached that removes permitted development rights for those set out in Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

On the basis of inclusion of the recommended conditions, it is considered that in this instance the conversion and associated works satisfied the requirements of the aforementioned policies insofar as it has related to the re use of buildings of permanent and substantial construction including associated extensions and alterations which are not considered to be disproportionate. The development has a minor beneficial impact in terms of contributing to housing provision within the district. Therefore, on balance, the proposal is concluded to be acceptable in principle.

2 – Impact on character and appearance of the area

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’.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Netherthong Rural Fringe (LCA5). This sets out that in relation to the built environment

Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Consideration of the development in relation to impact upon the Green Belt and openness is set out in section 1 of this report. The buildings have a uniform appearance and previously consisted of a mix of material palette including less sympathetic materials than those used in the development.

The visual impact of the dwellings is concluded to be acceptable, with a largely contemporary design of render and dark grey windows, there is retention of stone and the render colour is not a stark colour finish and complements the stone which has been retained. Whilst this is of a contemporary design it is considered to have a similar visual impact that the building had prior to their conversion and therefore it is concluded the impact of the buildings upon visual amenity is acceptable in this case.

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.

Policy 2 of the Holme Valley Neighbourhood Development Plan sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015). Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The buildings are in close proximity to one another in relation to the northern elevation of the southern building and the southern elevation of the northern building. The layout of the dwellings has accommodated this fact to ensure habitable rooms are served by openings to other elevations and therefore the impact of this close proximity has been sufficiently mitigated by this layout.

The size of the buildings is such that they meet the requirements of the Nationally Described Space Standards (NDSS) and principle 16 of the SPD. Sufficient amenity space is located within the red line boundary to ensure that a suitable area for private amenity space for occupiers of the dwellings is provided.

The distance of the dwellings from neighbouring occupiers, and the scale of the development is such that it is concluded they would not have a significant impact with regard to overlooking of neighbouring occupiers or be unduly oppressive / overbearing or lead to significant loss of light.

The site is not in close proximity to any harmful noise pollutants, being set well away from the nearest highway and no operational farm buildings are in close proximity. Noise impact is therefore not considered to be significant in this case.

Therefore the development is considered to be acceptable with regard to residential amenity of future / neighbouring occupiers.

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 Principles 12 and 19 of the Housebuilders Design Guide SPD which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance, as is Policy 11 of the Holme Valley Neighbourhood Development Plan.

The conclusion of the 2015 prior approval are noted, specifically that following consultation with the Highways Team the proposed dwellings were considered to be accessed by a junction with Long Lane which has good visibility and two dwellings was not anticipated to put undue pressure on the junction / highway network in this location.

Furthermore, within the consideration of the prior approval, it was noted that private turning facilities are available and the length of the access and private road was considered provide sufficient parking for the dwellings.

Two conditions were included upon the grant of the prior approval, the first being that all areas indicated to be used for access, parking and turning on the approved plan be laid out with a hardened and drained surface. It is recommended this condition be included in the event of any grant of permission in this case.

The second recommended condition related to construction management, given the retrospective nature of this application this condition would not be applicable in this case.

The second reason for refusal upon the 2003 decision is noted. However, since then there has been further consideration with the prior approval in 2015 and changes in local / national planning policy. Therefore, having regard to the 2015 decision and advice provided by the Highways Team as part of that application, it is concluded that subject to inclusion of the recommended condition relating to surfacing, the proposal is acceptable with regard to access / highway safety.

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.

The submitted climate change statement sets out that the conversion was undertaken 2017 – 19, in accordance with building regulations of that time and new materials were sourced locally.

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

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. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided. Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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.

The submitted application form sets out the exemption is considered applicable as the proposal is retrospective. Section 73A of the Town and Country Planning Act 1990 (as amended) and also paragraph 002 Reference ID: 74-002-20240214 of the NPPG is relevant. It is also clear the site was the subject of applications prior to the introduction of BNG requirement in 2024 and the development was largely completed by 2023. Given the fact the development likely meets the de-minimus exemption and the timeframe when works were undertaken, the informative note in relation to BNG is not, therefore, recommended to be included upon any grant of permission.

Land Quality

In the processing of the 2015 prior approval the Environmental Health team set out that they had no objection subject to condition relating to investigations required should unexpected contamination be encountered during construction. Given the works are largely completed it is not considered necessary for inclusion of such a condition in this case.

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

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90547

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

1. 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 approved and to ensure the development is in accordance with policies LP1, LP2, LP3, LP11, LP21, LP22, LP24, LP30, LP57 and LP60 of the Kirklees Local plan, policy 1 2, 6, 11, 12 and 13 of the Holme Valley

Neighbourhood Development Plan, principles within the Council's adopted Housebuilders Design Guide and policies within Chapters 2, 6, 12, 13, 15 and 16 of the National Planning Policy Framework.

1. The residential curtilage of the dwellings hereby approved shall be confined to the land contained within the red line boundary upon submitted drawing 23_807 114

Reason: for the avoidance of doubt as to what is being approved to ensure the development has an acceptable impact upon the Green Belt to accord with policies LP24 and LP60 of the Kirklees Local plan, policy 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 & 13, of the National Planning Policy Framework.

2. 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 Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, and Policies within Chapter 12 & 13 of the National Planning Policy Framework.

3. The approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location & Site Plan	23_807 114	28/02/2025
Elevation Drawings	23_807 113	28/02/2025
Ground Floor Plan	25_805 112	28/02/2025
First Floor Plan	25_805 117	07/05/2025
Design and Access Statement dated February 2025		28/02/2025
Climate Change Statement		13 th 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 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. Further details were sought during the processing of the application relating to first floor plans and also works undertaken to convert the building.

Report Dated:

Coal – low