

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	2025/65/90568/W
Site Address:	3, Dock Hill, Miry Lane, Netherthong, Holmfirth, HD9 3UH
Description:	Listed Building Consent for new roof to outbuilding (within a Conservation Area)
Recommending Officer:	Molly Storer

DECISION – CONSENT GRANTED

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

John Holmes

AUTHORISED OFFICER

Date: 07-May-2025

Officer Report

Site Description

The application site relates to an outbuilding in the curtilage of a Grade 2 Listed Building 3 Dock Hill, Miry Lane.

The grade II listing is for the early 19th century Cottage, which forms part of short row. It has hammer dressed stone, stone slate roof, and includes the typical features found in weavers cottages of that period. The outbuilding within the curtilage of this building does not have any of the features stated in the listing.

The outbuilding itself is located to the southeast of the site on the corner between Miry Lane and Outlane. It is constructed from coursed stone and render for the walls and concrete and artificial stone slates for the roof. The roof is currently damaged and degrading.

Description of Proposal

The applicant seeks Listed Building Consent for new roof to outbuilding (within a Conservation Area).

This will include removing the existing roof and the top courses of the four walls and to rebuild to match the existing. Where render to the front elevation exists, it is proposed to either repair the existing render or to rebuild the wall with coursed stone to match the adjacent walls. The heritage form states that this will depend on intrusive site investigation to determine the foundation strength.

History of negotiations / amendments received

No negotiations or amendments were deemed necessary.

Relevant History

There is no planning history for the outbuilding itself.

Planning history for the wider site:

2006/92713 – erection of car port (within the curtilage of a Listed Building within a Conservation Area). Refused.

Climate Change Emergency

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to

climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposals will improve the insulation of the outbuilding as the existing roof is degraded. The works will therefore have some minor beneficial improvements for thermal performance.

Consultation Responses

K.C. Conservation and Design – informal consultation – No objections subject to conditions.

Public/Members Response

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 18th April 2025

Publicity expiry date: 19th April 2025

Holmfirth Parish Council – Support.

Policy

The building is Grade II listed and within Netherthong/Deanhouse Conservation Area and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

Kirklees Local Plan (LP):

- LP 2 – Place Shaping
- LP 24 – Design
- LP 35 – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 2024,

together with Circulars, Parliamentary Statements and associated technical guidance.

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

- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well-designed places
- Chapter 16 Conserving and enhancing the historic environment

Assessment

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 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.

The key issue for consideration in this case is the impact on the significance of the listed building.

Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Listed Buildings are designated heritage assets and Paragraph 208 of the NPPF states that: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.”*

Paragraph 212 of the NPPF state that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 213 of the NPPF goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Policy LP35 of the Kirklees Local Plan echoes this guidance and states that: *“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be*

demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”.

The application was submitted with a Conservation/Heritage assessment which adequately identified and assessed the significance of the heritage asset and the level to which this would be affected by the proposed works. This is acknowledged and was assessed by the case officer and Conservation and Design in the assessment of the submission.

The design approach as stated in the heritage statement will be to carefully remove the existing roof. This has been identified as being degraded. The top courses and four walls will also be rebuilt to match the existing outbuilding. With regards to the render to the front elevation this will either be repaired or rebuilt in coursed stone to match the adjacent walls.

Conservation and Design were informally consulted and stated that due to the use of matching materials and because the proposal is to repair the degraded outbuilding it will improve the durability/usability of the outbuilding while preserving its heritage. They stated that coursed stone would be favourable for all the walls however if this is not possible than the areas currently rendered shall match existing.

Conditions will be attached to any grant of approval to ensure the materials are the same type, texture, colour and appearance as the materials on the existing outbuilding building to preserve the heritage asset.

Due to this and the small-scale nature of the proposal it is considered that there would not be harm to the significance of the listed building on the site arising from the scheme, subject to conditions. It is concluded that the design would have a neutral impact on the significance of heritage assets.

Policies

Paragraph 207 of the NPPF requires applicants to describe the significance of any designated heritage affected to understand the potential impact of the proposal on their significance, and paragraph 213 requires any harm to, or loss of, the significance of a designated heritage asset to require clear and convincing justification.

The design and access statement states that the outbuilding is currently degraded and is in need of repair. This can also be seen on site and therefore has reduced its usability. This justifies the careful removal and repair of the outbuilding. The proposal is considered to lead to a low level of less than substantial harm to the significance of the listed building.

Paragraph 215 requires this harm to be weighed up against the public benefits of the proposal. In this case, the removal of an internal wall and walling up a door entrance will provide a sustainable use whilst retaining its legibility and ensuring its future maintenance and upkeep. These public benefits outweigh the slight harm.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy LP35 of the Kirklees Local Plan goes on to state that proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. Following amendments to the proposal the significance, special interest and character of the building is maintained.

Policy LP24 requires the form, scale, layout and details of all development to respect and enhance the character of the townscape, heritage assets and landscape. This repair/replacement work in traditional materials complies with this policy.

Conclusion

In conclusion, the Conservation and Design Team has no objection to this scheme and officers are able to support the proposal subject to the recommended conditions below.

Given the above, it is considered that the proposal, subject to conditions, would thereby accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90568

Officer Recommendation: Grant listed building consent

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework.

3. Coursed stone shall be used for the walls that are currently constructed in stone, this shall be stone of the same type, texture, colour and appearance as the stone on the existing outbuilding building. The stone shall be laid, dressed, coursed and pointed in lime mortar to match that of the existing outbuilding.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. On walls which are currently rendered coursed stone shall be used where possible. Where this is not possible the walls shall match the existing render finish

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. The artificial stone slates used for the roof shall match the existing as closely as possible in terms of colour, size, texture, finish and coursing and be retained thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Plan Type	Reference	Version	Date Received
Location, Site, Existing and Proposed Plans	2418/001RevA	-	03/03/2025
Heritage Statement	-	-	03/03/2025
Design & Access Statement	-	-	03/03/2025
Application form	-	-	03/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2025 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

25th April 2025