

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:	2025/62/91430/W
Site Address:	Mugup Barn, Mugup Lane, Hepworth, Holmfirth, HD9 1TE
Description:	Garage conversion, formation of new openings, installation of roof lights and associated alterations (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 04-Aug-2025

Officer Report

Site Description

The application site relates to Mugup Barn, a two storey, detached property located in the area of Hepworth. It is constructed from stone and was formally a barn constructed in the 1800's and converted in 1997 via application 96/62/93150. Access to the property is to the front served off Towngate via Mugup Lane. The property benefits from a driveway to the front providing off street parking for a 3 vehicles and a rear garden.

The site is situated within a residential area within Hepworth Conservation Area. The closest Listed building is 'The Barn, 38 Barracks Fold' located 7.5m southeast of the property.

Description of Proposal

Planning permission is sought for a garage conversion, formation of new openings, installation of roof lights and associated alterations (within a Conservation Area)

For the following elevations, it is proposed to make the below alterations:

Northeast facing front elevation:

- Garage conversion - The proposed garage door infill is to be undertaken using reclaimed stone to match the existing.

Southeast facing side elevation:

- Door to existing office made into two windows to serve new bathroom.
- Single door to existing garage to be made into a double door to new kitchen.

Southwest facing rear elevation:

- Existing single door and three panel windows to existing garden room to be made into bifolding doors to new dining room.
- Two roof lights to be converted into 3

All new fenestration is to be timber casement.

History of negotiations/amendments received

None.

Relevant Planning History

96/93231 – Conservation Area consent for demolition of outbuildings. Granted

96/93150 – Re-use of existing barn and new extension to form dwelling (within a Conservation Area) – Conditional Full Permission.

Under this application Permitted Development Rights were removed for the erection of any extensions or buildings within the curtilage of this site:

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, permitted development rights are withdrawn for the erection of any extensions or buildings within the curtilage of this site.

Reason: To safeguard the amenities of nearby residents and in the interest of visual amenity.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site and press notice which expired on: 1st August 2025.

No representations were received.

Holme Valley Parish Council – No Comment

Consultation Responses

None deemed necessary.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is on unallocated land for development on the Kirklees Local Plan. It is within Helpworth Conservation Area and is within close proximity to a Grade II Listed Building.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 7 – River Holme Wooded Valley.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**

- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031) #

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

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

The application site is within Landscape Character Area 7, River Holme Wooded Valley.

The key landscape characteristics of the area are:

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

The key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on heritage amenity
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is located within Hepworth Conservation Area and may affect the setting of the Nearby Listed Building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should 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.

In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where*

it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”.

This is mirrored in Chapter 16 of the NPPF of which paragraph 212 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

A detailed consideration of the impact on the heritage assets will be considered below.

Policy LP24 of the KLP is also relevant and states that “*good design should be at the core of all proposals in the district*”. Alongside this, LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The aforementioned policies are taken into account within the following report. Having regard to the nature of the proposal and the aforementioned policies, the principle of development could be considered acceptable, subject to the following material planning considerations.

2 –Impact on heritage:

Although Permitted Development Rights have been removed from the property this was for any extensions or buildings within the curtilage of the site. Permitted Development Rights (PD) remain for garage conversions and fenestration alternations. Therefore, it is likely that these works have a PD fallback option.

The works would retain the main entrance doorway to the front elevation and will create new bi-folding entrances to the front where the garage door is currently and to the rear where there is currently a single door and three panel window. The further alterations to the rear are two separated roof lights converted into three connected roof lights. To the southeast facing elevation a single door would be converted to a glazed double door and a single door converted to two single windows.

The garage door is to be undertaken using reclaimed stone to match the existing and all new fenestration is to be timber casement, in a similar architectural style to the existing building and surrounding properties. It is considered that the garage structure is a later addition to the property, erected at the point of conversion.

From a heritage viewpoint, the introduction of the door infill undertaken by reclaimed stone with only a single door and 2 single windows in the place of the existing garage door will improve the situation and have a more positive impact on the building.

To the rear elevation and southeast facing side elevation there will be additional glazing in the form of bi-folding/double doors and roof lights. These openings are not visible from vantage points and in any case will have timber casements to match the existing property. There is existing excessive glazing in the

northwest side elevation facing the highway. It is considered that the proposed gazing would not be as excessive in scale and would have less of an impact.

Therefore, the works would make the building more habitable with high quality materials, making efficient use of space while replacing the unsympathetic modern garage door addition. It is considered that these alterations would not negatively effect the setting of the Grade II Listed building to the southeast nor would it have a negative impact on the Conservation Area

3 – Impact on Visual amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape, heritage assets and protect amenity.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the ‘Policies’ section of this report)

Policy 2 of the HVNDP 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.

As discussed in the heritage section above, the proposal would serve to have a complementary visual impact using high quality materials and removal of harmful interventions on the host and its setting complying with the above policies.

To conclude, it is considered that the proposed development would meet the aims of Chapters 12 and 16 of the NPPF by contributing positively to Hepworth Conservation Area and to the Listed Building and would also be in accordance with Kirklees Local Plan Policies LP2, LP24 and LP35.

4 – Impact on residential amenity:

Policy 2 of the HVNDP 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.

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2024 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD sets out expectations for alterations to properties to ensure high quality residential amenity.

With regards to privacy it is considered that there would be no properties directly affected by the additional glazing to the front as this is considered to be limited and will not cause any further harm to that present.

The property most likely to be affected by the southeast elevations double doors and windows would be The Barn, 38 Barracks Fold. However, it is also considered that these would not cause any further harm than the existing glazing on this elevation and a separation distance of 7.5m will be maintained. Therefore, it is considered that privacy would not be significantly impacted as a result of these windows.

With regards to the rear glazing these will look onto a blank elevation at the ground floor at 45 Barracks Fold. The additional glazing is not considered to result in a significant additional impact. There would be no additional bulk or massing to lead to overshadowing and overbearing concerns.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the site does not have an existing private amenity space available to future and present occupiers nor can it supply one. The occupancy of the building would not be increased with additional bedrooms and therefore it is recommended that this be a neutral impact taking into account site constraints with no additional adverse impacts.

The proposal would therefore be in general conformance with LP24b of the Local Plan and the principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

The existing garage is already partially converted and due to its siting, a vehicle cannot manoeuvre into it. The proposals do not result in any increase in the requirement for off-street parking. 3 off street parking spaces are available; the existing property is 3 bedrooms therefore exceeds the requirements for parking provision.

Access from Mugup Lane will remain as per the existing situation. Vehicle manoeuvres will benefit from the widening of the existing entrance.

The proposal would be in accord with Policies LP21 and 22 of the Local Plan, Key Design Principle 15 –16 of the House Extensions and Alterations SPD, KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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 small scale alterations are considered to comply with the climate emergency requirements.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, and LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

None received.

7 – Conclusion:

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

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/91430

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice.

Reason: For the avoidance of doubt as to what is being permitted, to retain the significance of designated heritage assets and to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1– 17 of the Council's House Extensions & Alterations Supplementary Planning Document, Principles 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 12, 14 and 16 of the National Planning Policy Framework

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	306-25-PL03B	-	03/06/2025
Existing Plans	306-25-PL01B	-	03/06/2025
Proposed Plan	306-25-PL02B	-	03/06/2025
Climate Change Statement	-	-	03/06/2025
Design and Access Statement	-	-	03/06/2025
Application Form	-	-	03/06/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 1st August 2025