

# Robert Halstead

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Planning    Development

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## **Planning Statement: 104 Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ**

### Introduction

The applicant has been operating his landscaping business (J Paxman Landscapes Ltd) from the property since 2019 without complaint. The submission of this application is as a result of the Kirklees Enforcement team requesting a retrospective application for a change of use. Since the Enforcement team became involved, the applicant has made the following changes:

- The commercial mowers previously stored in the applicant's garage have been relocated to a storage unit in Dalton.
- The site has been tidied up and all landscaping paraphernalia (excluding machinery) has been removed from the site.

The proposed change of use is therefore considered to be acceptable and in compliance with all relevant national and local planning policy as discussed in the following paragraphs of this report.

### Site Description

The property is a detached, two-storey stone built dwelling. There are two vehicular access points and driveways, one on either side of the dwelling. The property also includes a good-sized rear garden. The neighbouring properties are detached residential dwellings with a farmstead located opposite the application site. The property is situated in the small settlement of Gawthorpe, which is largely surrounded by open fields and countryside.

### Planning History

2004/94858 – Erection of single storey extension with dormer windows, alterations to existing roof conservatory – Approved

2004/91596 – Erection of single storey extension and conservatory - Approved

### Policy Designation

The application site is located within the Green Belt in accordance with the Kirklees Local Plan Policies Map.



## **104 Gawthorpe Lane**

### The Proposals

This application seeks planning permission for the change of use of the dwelling to mixed-use to include residential and commercial storage use in connection with a landscaping business.

No internal or external alterations are proposed to the dwelling.

The Proposed Block plan shows the location of the parked vehicles and landscaping machinery that are used in association with the landscaping business.

### Assessment of the Proposals

#### **Economic Benefits**

Paragraph 85 in the NPPF states:

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

Paragraph 86 in the NPPF goes on to state:

*Planning policies should: e) be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.*

The applicant's business, J Paxman Landscapes Ltd, are an established and successful landscape construction business. The company has been developing, nurturing and maintaining private, commercial and public open spaces for many years with decades of experience in planting, construction and aftercare.

The proposed change of use would enable the base of the business to remain at the property and allow the applicant a certain degree of flexibility in terms of business operations. It is important to note that the company has in fact been running from 104 Gawthorpe Lane since 2019. Given the nature of the business, no work takes place at the property, but the property is used to temporarily store some machines and equipment, and for the overnight storage of work vans and trailers in connection with the business.

The proposed change of use is therefore considered to be acceptable in respect of economic benefits and accords with paragraphs 85 and 86 in the NPPF.

### **Green Belt Impact**

Paragraph 154 in the NPPF states:

*'Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

*h) other development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).'*

Several landscaping machines are stored within the confines of the applicant's property. However, these machines are only stored on-site on a temporary basis when not in use on a landscaping job / project. When in use on a job, the machines are stored off-site, often for several months at a time whilst the job / project is taking place. The machines are relatively small in size and are stored at the rear of the property. As a result, they are not clearly visible from the street frontage or from the surrounding area, as a result of hedgerows. The openness of the Green Belt is therefore preserved in this regard.

The applicant's southern driveway normally accommodates one van and one trailer overnight, and the northern driveway normally accommodates two vans and two cars overnight. The cars are not used in association with the landscaping business but are for private use only. This number of vehicles is not considered to be excessive, and given that the vehicles are not static, the openness of the Green Belt is also preserved in this respect.

The proposed change of use would all be confined within the existing curtilage of the property. As such, the proposals would not conflict with the purposes of including land within the Green Belt, outlined in paragraph 143 in the NPPF.

The proposed change of use is therefore considered to be appropriate development in the Green Belt and complies with paragraph 154 in the NPPF.

### **Visual Amenity**

Paragraph 135 in the NPPF states:

*'Planning policies and decisions should ensure that developments:*

- a) Will function well and add to overall quality of the area;*
- b) Are visually attractive;*
- c) Are sympathetic to local character and history;*
- d) Establish or maintain a strong sense of place.'*

In terms of the landscaping business, visual amenity is limited to 4 / 5 landscaping machines stored on-site at the rear of the property and three work vans and one trailer parked on the applicant's drives overnight. The siting of the landscaping machines and vans are not considered to represent unsightly and intrusive features. It is important to highlight that the applicant has tidied up the rest of the site quite considerably (as demonstrated in the photograph below), and as such, visual amenity at the site has improved in this regard.

The landscaping machines are only stored temporarily at the rear of the site, and their location and relatively small size means they are not clearly visible from outside of the applicant's property. In addition, the parking of vehicles on driveways is a common feature within the built environment and as such, the character of the local area and street scene is not detrimentally affected by the overnight parking of the vans and trailer.

The proposed change of use is therefore considered to be acceptable in relation to visual amenity and complies with paragraph 135 in the NPPF.



**Southern driveway – cleared of all landscaping products**

### **Residential Amenity**

Paragraph 135 in the NPPF states:

*'Planning policies and decisions should ensure that developments: f) create places with a high standard of amenity for existing and future users.'*

Paragraph 198 in the NPPF also states:

*'Planning policies and decisions should also ensure that new development is appropriate for its location. In so doing they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'*



**Inside of applicant's garage – commercial lawnmowers now stored off-site**

The closest neighbouring dwellings to the application site are no's 102 and 106 Gawthorpe Lane, located either side of the applicant's property.

It is considered that given the proposals relate to a change of use with no built development proposed, the proposals would not cause any undue harm to the residential amenity of the neighbouring occupants by way of privacy or from having an overbearing or overshadowing impact.

In terms of noise, no actual landscaping work goes on at the property and the noise is therefore limited to the employees (maximum of 6) picking up the vans (and possibly the larger machinery) in the mornings and dropping the vans back off in the evenings. It should be noted that the commercial lawnmowers, and some other landscaping equipment, is now stored in a storage container located at Auroura, Green Lea Mills, Cross Green Road, Dalton. The only lawnmower still stored at the site is for personal use by the applicant for their own garden and for mowing the local grass verges in Gawthorpe.

It should also be noted that the larger machinery normally remains off site during the duration of a job / project, (this could be several weeks or even months) and therefore not all machinery is picked up and dropped off every day. The business also only operates Monday to Friday.

The proposed change of use is therefore considered to be acceptable with regard to residential amenity and complies with paragraphs 135 and 198 in the NPPF.

## Highway Matters

Local Plan Policy LP21 states:

*'New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts are not severe.'*

The property currently has two existing vehicular access points. The drive south of the dwelling can accommodate one van and one trailer, and the main drive north of the dwelling can accommodate two vans and two cars. The property therefore has plenty of off-street parking provision and no on-street parking is required. The vans are picked up in the morning and dropped off in the evening. As a result, there are not a lot of comings and goings and therefore the impact on traffic generation in the local area is negligible.

The proposed change of use is therefore considered to be acceptable and complies with Local Plan Policy LP21 and the aims of Chapter 9 in the NPPF.

## Biodiversity Net Gain

Certain types of development are exempt from the mandatory biodiversity net gain requirements. This includes a development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m x 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

The Government guidance states that a development 'impacts' a habitat if it decreases the biodiversity value.<sup>1</sup>

The proposed development comprises a change of use of a dwelling to mixed-use to include residential and commercial storage used in connection with a landscaping business. As a result, no on-site habitat (residential garden in this instance) would be impacted by the development – any equipment stored is temporary and would not in any event cover more than 25 sq.m). The proposals are therefore considered to be exempt from biodiversity net gain and therefore acceptable in terms Government Guidance and Local Plan Policy LP30.

## Conclusion

This application seeks planning permission for the change of use of the dwelling to mixed-use to include residential and commercial storage used in connection with a landscaping business.

As discussed in the preceding paragraphs of this report, the proposals would preserve the openness of the Green Belt and would not conflict with including land within it and is therefore in compliance with national Green Belt policy.

The proposed change of use is also considered to be acceptable in respect of visual amenity, residential amenity, highway safety and biodiversity. The proposals would also provide economic benefits by supporting flexible working practices for an established, longstanding and successful landscaping business.

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<sup>1</sup> Understanding Biodiversity Net Gain

It is therefore respectfully requested that planning permission is approved accordingly.

**Robert Halstead Chartered Surveyors & Town Planners**

**July 2025**