

**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:	<b>2025/62/92166/E</b>
Site Address:	Red House Museum, Oxford Road, Gomersal, Cleckheaton, BD19 4JP
Description:	Change of use and alterations to museum, cart shed and barns to form 3 dwellings (Class C3) with associated landscaping and car parking (Listed Building within a Conservation Area)
Recommending Officer:	Molly Storer

**DECISION – CONDITIONAL FULL 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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 17<sup>th</sup> December 2025

## **SITE DESCRIPTION**

The former Red House Museum is a Grade II\* listed house which dates to around 1660 and has connections to the Bronte family. This two-storey house is constructed predominantly from red brick with a stone slate roof, with a detached single-storey stone-built cart shed set some way from the main house within the extensive grounds a large stone barn. The entire site is located within the Gomersal Conservation Area. The site is bound by dwellings to the south, the highway to the east, a car park to the north and open land to the west.

The wider area is characterised by period properties with substantive character, which is varied. The uses are also mixed, with residential and commercial properties found within the vicinity.

## **PROPOSAL**

The proposed description of development is change of use and alterations to museum, cart shed and barns to form 3 dwellings (Class C3) with associated landscaping and car parking.

Within submitted drawing (AL)02revB the buildings are annotated as units 1, 2 and 3. Units 1 and 2 are to a building also annotated as 'Red House' within this plan. Unit 3 relates to two buildings annotated as 'Barn' and 'Coach House' within this drawing.

The Proposed Development consists of the following:

- The renovation and subdivision of Red House into two three bedroom dwellings.
- The renovation of the Barn into one four-bedroom dwelling and the extension of part of the ground floor.
- The renovation and enhancement of the Coach House into ancillary accommodation for the Barn building.

The development would utilise the existing vehicular access with parking proposed to the front of the coach house garage and to the south west of Red House.

Additional built form proposed relates to a single storey rear extension to Barn. Precise details of the proposed works can be found on the submitted plans.

### *History of Negotiations*

This application follows a formal pre-application advice application. Since the application has been submitted, officers have had discussions with the applicant to overcome issues and understand the exact nature of the

development. Matters discussed and addressed with the applicant include highways, impact on the listed building and the loss of an Asset of Community Value.

Following the consultations provided, officers also discussed the case again with consultees close to the determination date, in which proposed conditions were revised.

## **PLANNING HISTORY**

89/02015 – Conservation Area Consent for demolition of cart sheds (within curtilage of Listed Building) was withdrawn.

2010/90424 and 2020/90425 - Installation of CCTV (Listed Building) and associated listed building consent was granted.

2021/94324 - Listed Building Consent for change of use of existing museum and cart shed to commercial short term residential accommodation for holiday letting (within a Conservation Area) – Consent Granted.

2021/94366 - Change of use of existing museum and cart shed to commercial short term residential accommodation for holiday letting (Listed Building within a Conservation Area) – Conditional Full Permission.

2025/92388 - Listed Building Consent for change of use and alterations to convert existing museum, cart shed and barns to residential housing (Class C3), erection of extension to barn, landscaping and car parking (within a Conservation Area) – associated application – Awaiting determination.

## **REPRESENTATIONS**

The application was advertised by site and press notice. Final publicity expired on 9<sup>th</sup> October 2025. Although no representations were received for the change of use application, there were 7 comments received on the associated Listed Building Consent application. Whilst the following have been submitted with reference to the LBC, they are considered to be relevant to this application.

7 representations were received, 1 in objection to the development, 5 in support and 1 general comments. These have been summarised as follows:

### Biodiversity:

- The scheme is not exempt from the Biodiversity Net Gain condition and therefore should provide a BNG assessment.
- The scheme would result in the loss of a number of trees which will result in a significant loss to biodiversity.
- Concern that the scheme would not comply with Policy LP30 'Biodiversity & Geodiversity'.

### Impact on the Listed Building:

- Splitting the Red House into two properties degrades the Listed Building status and dilutes the rich history of the building.
- Pleased that the scheme proposed 3 dwellings instead of 5.

### Restoration of the deteriorating building:

- Red House has strong historic connections to the village and since it is not viable as a museum it has deteriorated.
- Redevelopment of the run down building would be good for the area.
- Happy that the project is being taken on.
- The scheme is sympathetic and will give the building a new lease of life.
- Grounds and gardens are in need of repair.
- Lowering of some of the boundary wall and replacing the coping tops would have minimal impact and would provide greater safety to vehicles.

## **CONSULTATIONS**

Historic England – No objections.

KC Trees – No objections subject to a condition for work to be carried out in accordance with the submitted Arboricultural related documents.

KC Conservation and Design – Subject to relevant amendments/conditions it is considered that the less than substantial harm could be outweighed by the public benefit of securing appropriate uses.

KC Highways – Comments made but no objection to the scheme.

KC Ecology – Information and relevant assessments submitted are reasonable and acceptable. No objection subject to conditions.

## **POLICY AND LEGISLATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 unallocated on the Kirklees Local Plan.

The site falls within Gomersal Conservation Area.

The building annotated Red House is a grade II listed building. The Barn and Coach House are considered to be curtilage listed buildings.

The site falls within an area with a known presence of bats.

### Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 20 – Sustainable Travel
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and Geodiversity
- LP 33 – Trees
- LP 35 – Historic Environment
- LP 48 – Community facilities and services
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

### 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 5 – Delivering a Sufficient Supply of Homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Efficient Use of Land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

### **Other material planning considerations:**

- Housebuilders Design Guide SPD
- Highways Design Guide
- Biodiversity Net Gain Technical Advice Note
- National Design Space Standards Assessment

## **Legislation**

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

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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 interest which it possesses'.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

## **ASSESSMENT**

### 1. Principle of Development

NPPF Paragraph 11 and LP1 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 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.

### *Housing Density*

*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 Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

The Kirklees Council Local Plan generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 17 to 18 dwellings. Three dwellings are proposed in this instance, which is considered acceptable given the historic sensitivity of the site (discussed in detail below) and given this would not be dissimilar from the density of the existing development surrounding the site.

### *Community Facility*

The most recent use of the site was for a museum which would be considered a community facility. Policy LP48 of the Kirklees Local Plan is therefore relevant to this application which states that proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a) there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
- b) its current use is no longer viable; or
- c) there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
- d) an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
- e) any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

Upon request the agent provided further information regarding LP48. The agent pointed towards extant permission 2021/94336 at the site. The Design and Access statement for this application stated that Red House previously operated as a small community museum, open to the general public and school groups prior to its closure in 2016. The Council's decision to close the museum, was prompted by the unsustainable combination of spiralling operating costs, and consistently low visitor numbers, which meant the operation was financially unviable. The site was subsequently offered for

Community Asset Transfer, but despite receiving Expressions of Interest and subsequent Business Plans, none of the proposals received were assessed as being realistically viable.

Furthermore, the agent noted that the site was sold at a public auction in December 2024. BP Land were the only interested party, who bid for the property. No other public or private organisation saw the site as being profitable and deliverable as a museum or alternative community asset.

In conclusion, it is considered that the change of use to residential at the site will help to bring protect the culturally significant regional asset, which at present is derelict and in need of repair and refurbishment. It is accepted that this could not be undertaken or delivered by the Council when it was in use as a museum, due to the lack of available funding. Therefore, the scheme is in accordance with Policy LP48.

### *Historic Character*

The application site relates to a Grade II\* listed building and the properties within its historic curtilage as well as being located within Gomersal Conservation Area, all of which are designated heritage assets. The impact on the historic character is therefore essential to determining if the principle of residential development is acceptable.

*“The Red House is designated at Grade II\* for the following principal reasons: \* Architecture: the house contains some good survivals of the Georgian period, including a staircase, fireplaces and windows, embedded in a late C17 core; \* Function/industrial interest: the architecture of the house, barn and coach house reflects the function and development of this hub for the emerging and developing woollen cloth industry through the C17, C18 and C19; \* Historic interest: Mary Taylor, a radical feminist of the mid C18, was born and brought up in the house; \* Literary interest: Charlotte Brontë based the house 'Briarmains' and the 'Yorke' family in her novel 'Shirley' on the Red House and the Taylor family, with whom she stayed as a friend of Mary Taylor.”* (Historic England).

Chapter 16 of the NPPF outlines that great weight should be given to the conservation of a designated heritage asset and LP35 states that “Development proposals affecting a designated heritage asset [...] should preserve or enhance the significance of the asset”. Similarly, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that development should preserve and enhance a conservation area and its setting.

Paragraph 207 of the National Planning Policy Framework [NPPF] states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.” A Heritage Statement has been submitted as part of the application.

Further to this, Paragraph 208 of the NPPF states “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. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 210 of the NPPF outlines: “In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraph 212 states “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).” The weight that should be given is proportionate to the importance of the affected heritage asset, which in this case is of highest importance being a Grade II\* listed building. KC Conservation and Design (C&D) were consulted on the proposal and their comments are summarised below.

The Red House is reputed to date from 1660, when William Taylor built a new red brick house next to an existing 'old' house. The Taylor family were present in Gomersal for more than a century before, originally small farmers and clothiers, later successful cloth finishers and merchants. Inventories of 1689 and 1713 show both old and new houses still standing, with workshops and items associated with cloth manufacture. The old house is thought to have been demolished in the mid C18, and the existing barn to the west of the house also dates to this period. Improvements to the Red House of this period included the rebuilding of the main front, raising the ceiling height of the Parlour and opening up the house body to install a new staircase with gallery and arches. The family continued to prosper through the C18 and early C19, being pioneers in the mechanisation of woollen processing and the use of steam.

In light of the history set out above, there is considerable significance attached to the range of varied buildings at the site including the house, barn, coach house (including potential for archaeology of the old house within the gardens) and the setting, including the boundary wall, drive, gardens, protected trees and relationship between the existing buildings. The site has been vacant for a number of years awaiting the development of an acceptable scheme to achieve a new appropriate use and there has been some vandalism and theft. It is therefore important to ensure a scheme to secure an appropriate new use as soon as possible to avoid any further damage.

It is noted that there is extant permission on the site for the change of use of existing museum and cart shed to commercial short term residential accommodation for holiday letting (2021/94366). This included the conversion of Red House into a five-bedroom dwelling and four, one-bedroomed dwellings in the coach house (cart shed). Therefore, the principle of re-using the site for residential use has already been established however there was weighting given to the intended end user and the public benefit of the extant scheme. In this case the public benefit differs in that it would be to provide 3.no dwellings, and it would also ensure securing the continued use of the building.

Taking the above into consideration, KC C&D consider that residential use is appropriate for the site provided that the intensity, scale and amount of subdivision is appropriate to the high level of significance, the character and appearance of the Grade II\* Listed Building, and barn and coach house that are considered to be listed by virtue of curtilage, and the setting of the whole complex which has a significant historic relationship.

The application proposes 3 residential units and the 'barn' will be renovated into one residential unit with the Coach House renovated into ancillary accommodation for the barn.

#### Red House:

It is considered that Red House could accommodate conversion to 2 dwellings by virtue of its size, staircases, openings, outdoor storage space for bike sheds indicated and large garden area. The Heritage Impact Assessment states that externally the scheme to Red House involves sensitive, justified interventions that respect the character and significance of the heritage assets while delivering clear functional and environmental benefits. The assessment provides a clear description of the windows and associated fabric affected, recognising that their significance varies depending on age, originality and contribution to the building's historic character. Higher value elements, such as the Gothic window, are retained, while later 20th-century or 1920s additions of lower significance are to be carefully refurbished. For example, the external amendment of a new entrance to dwelling 2 on the western elevation. This is proposed in the area which at present contains a rotten wooden window frame, which is need of replacement. This wooden frame and elevation is a more recent addition to the property and was added in the 1980s. This will be created using reclaimed brick and handmade wooden window frames.

Following Conservation and Design comments the agent confirmed that Womersleys lime mortar will be used for repointing. This is considered to be acceptable. Overall, the development is considered to accord with heritage guidance by minimising harm, improving energy efficiency and supporting the sustainable use of the listed building.

The internal works consist largely of restoration and enhancement measures to the existing building fabric. Limited changes are proposed to the internal structure and layout of the building, as the Heritage statement notes that the dwelling in its current state is fit for modern purposes and occupation. Although some doors will be blocked up to restore the internal layout of the original house, openings and hallways, which were widened for public access when the house was in use as a museum by the council post 1970. Bathrooms will be created on the first floor of each dwelling to make them suitable and habitable for modern occupation. The living room for Dwelling 2 will be restored to its original dimensions as evidenced by the layout and positioning of the internal alcoves. Following Conservation and Design comments amended plans show two proposed plasterboard & stud internal partition walls with new timber doorset omitted and replaced with doors within original openings to respect original plan form. There has also been a reduction in the size of the first floor family bathroom following these comments.

The agent also confirmed that black railings and a private hedge with a gate will be used for boundary treatment.

#### The barn and Coach House

The Heritage statement lays out that these elements to the west of Red House are in a worst state of disrepair and is ill suited in its current condition, layout and dimensions for residential occupation.

#### The barn:

With regards to the barn, a single storey lean to extension is proposed to the rear of the barn. This will be constructed in natural stone to match the existing blockwork. Black aluminium framed screens and doors are proposed under the pitched metal roof. Various openings were proposed although some of these have been amended following discussions with Conservation and Design. Originally there was a new large opening proposed in the external wall of the front elevation however this has been omitted from the scheme to ensure character is preserved. Officers were satisfied that the external walls are to be lined internally with new insulation/ plaster lining. New lining materials and insulation to be fully breathable & permeable. The windows above the arched door and circular windows will be conditioned to be metal or timber (further information will need to be submitted and approved by the LPA) . Subject to conditions this element of the proposal is considered acceptable.

#### The Coach House:

Plans show that The Coach House will be converted and refurbished into ancillary accommodation for the Barns, with a separate bedroom, gym and kitchen, as per the submitted floor plans. Due to the former use of the building it contains few suitable openings and/or windows for residential habitation. As such the shutters will be removed and the existing arched openings will be

infilled with new double glazed aluminium windows. New openings are proposed on the front elevation on the south western corner, as well as upon the eastern side of the building. The new arched opening in the eastern gable is proposed to be similar to the elevation and design of that on the front elevation. New window openings are proposed at the rear of the property and within the roofscape to provide suitable lighting. Internally some partition walling is proposed, as well as the removal of some of the existing internal dividing walls. It is considered that the garage will provide a level of storage for the Barn and Coach house which will limit any further development that may occur for this reason at the site. This is considered acceptable by officers.

Although C&D stated that natural stone slates would be favourable for the roof the agent stated that this would not be viable. Natural stone slates are proposed for the front elevation and slate materials for the north slope are to be confirmed following a structural assessment. This will need to be agreed with the LPA.

It is considered that the scheme would preserve and enhance the setting of Gomersal Conservation Area due to the sympathetic design maintaining much of the historical character of the Conservation Area.

Officers note that K.C. Conservation and Design have requested the carrying out of an archaeological and architectural observation and recording. In relation to the recommended archaeological and architectural recording the NPPF paragraph 218 states that local authorities “should require developers to record and advance understanding of significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.” Kirklees Local Plan Policy LP35 reiterates the national policy and states that if development is acceptable “the developer will be required to make adequate provision for excavation and recording before or during development”. Considering the age and interest of the property, the refurbishment of the Red House could realistically uncover and potentially destroy important archaeological evidence of the form, date, construction use of this part of this grade II\* dwelling. As such, officers agree that this is necessary and shall condition that an appropriate level of archaeological and architectural observation and recording shall be carried prior to and during the conversion/alteration works (a building record). It is considered that, taking account of the assessment of this case, works to allow the Barn extension to take place prior to recording can be undertaken given the consideration about the impact of this element of the works. Subject to the conditions noted above, the scheme accords with Paragraph 218 of the NPPF and Local Plan Policy LP35 with regard to heritage.

In the consideration of application 2021/94366 West Yorkshire Archaeology Advisory Service (WYASS) were consulted, setting out the recommendation for the carrying out of an archaeological and architectural observation and

recording. In the determination of application 2021/94366 a condition that an appropriate level of archaeological and architectural observation and recording shall be carried out prior to and during the conversion/alteration works (a building record) was recommended. On the basis of inclusion of such a condition in this case it is not considered necessary for WYAAS comments to have been sought as part of the determination of this case at this stage given the requisite recording can be secured by condition as previously advised upon the extant consent.

Therefore, subject to conditions, it is considered that the principle of residential development for 3 dwellings on this site is acceptable.

It should be noted that the application site is currently vulnerable due to prolonged vacancy, with repeated theft and vandalism leaving parts of the listed buildings exposed to water penetration and ongoing deterioration. In this context, the proposed residential development provides a sustainable solution that secures the long-term future of all three buildings by restoring daily use and ensuring regular maintenance.

The scheme delivers heritage benefits by returning Red House to its original and historic residential function and retaining the coach house in an ancillary role. It should be noted that the site has a fallback position in the form of an extant permission for holiday-let use exists, therefore, a permanent residential use offers a more appropriate, sustainable and viable long-term solution for the conservation of the site. For these reasons, the less than substantial harm identified is considered to be outweighed by the significant public benefits of securing the buildings' preservation and preventing further decay.

A more detailed assessment of the proposal's design and its impact on the surrounding environment, including the impact on trees and highways are assessed against Policies LP24 and LP35 of the Kirklees Local Plan amongst other Policies, is undertaken below.

It is therefore concluded that, in principle, the development is acceptable subject to being considered acceptable in relation to the following considerations.

In light of this assessment, further details considered necessary to ensure the development has an acceptable impact are concluded to be as follows:

- Rainwater goods to match
- Repointing to be lime mortar only
- Submission of details of boundary wall and gate to the north of the site, estate fencing and gates to be approved by the LPA
- Submission of details of the openings above the arched door and circular windows on the barn building to be approved by the LPA in writing.
- Garage door of the coach house building being vertically planked timber

- Submission of details of ventilation / extraction to be approved in writing by the LPA.
- Submission of details of the materials of construction of the roof of the coach house.
- Undertaking a scheme of architectural recording prior to development commencing in accordance with an approved written scheme of investigation first approved in writing by the LPA.
- Submission of a scheme of windows and doors to the LPA in writing
- Submission of details of surfacing
- Materials of construction of the extension to the Barn building to be in accordance with those set out upon drawing (AL)32RevB.

These are considered acceptable to secure as conditions upon any grant of permission. Whilst it is noted these are recommended for inclusion upon the associated application, it is considered necessary for their inclusion on both to ensure that implementation of only one consent (or element of that consent) would not lead to a situation whereby the conditions were circumvented in terms of being required to be adhered to.

## 2. Visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.135 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

The proposed development would, for the most part, utilise existing buildings and as such the siting and location of the development is considered acceptable. The historical setting of the application site within a conservation area and the listed status of the existing buildings must also be taken into careful consideration when assessing the impact of the proposal on visual amenity. As outlined in the principle of development section, the principle of converting the dwelling into residential units is acceptable subject to the design being sensitive to the historic character of the and additional supporting information.

It is considered that the alterations proposed as part of the amended plans are minimal and that original windows and doors have been retained where possible. Details and specification for the windows on the barn are to be conditioned. Secondary glazing to Red House is considered acceptable. With regards to the materials for the Coach House, following a site visit it was apparent that this structure has lost many stone slates. As mentioned previously natural stone slates are proposed for the front elevation and slate materials for the north slope are to be confirmed following a structural assessment. This will need to be agreed with the LPA. It also appears that some unsightly and strong cement pointing has been undertaken in patches on the Red House. The agent proposes Womersleys lime mortar for repointing, this is considered visually appropriate and will be conditioned. It is considered that retaining the barn as one dwelling perseveres the original

significant features and the removal of the front window further preserves the barns heritage. Any rain water goods will be conditioned to be metal.

The plans show that the barn would see the addition of a single storey rear extension with a lean-to roof. The extension would be constructed from natural stone to match the original building with a metal standing seam roof finish. Although this is not fully in keeping with the barn it will be small in scale and located to the rear away from Red House and therefore is not considered to have a significant impact upon the historical significance.

To conclude, it is considered that although there will be some alterations to the buildings, the harm this will cause will be outweighed by the building remaining in use and being restored where it otherwise may have gone into disrepair. These alterations are not considered to cause significant harm to visual amenity or the historic character and will comply with the principles of the Housebuilders Design Guide SPD and policies LP24 and LP35 of the Kirklees Local Plan, as well as policies within Chapters 12 and 16 of the NPPF.

To ensure lighting is not installed which has an unacceptable visual impact a condition requiring a scheme to be agreed in writing by the LPA should artificial lighting be intended to be installed is recommended.

### 3. Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers. Principle 6 of the Housebuilders Design Guide SPD states 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.”.

The Kirklees Housebuilders Design Guide SPD outlines the recommended separation distances for residential development. It outlines the following distances:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land

Principle 16 of the Housebuilders Design Guide SPD states that: “All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.” Further to this,

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: "All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."

### *Red House*

The building is located ~45m from the nearest residential dwelling, including those proposed within the site. This considered a significant distance to prevent any harm to the amenity of any neighbouring occupiers.

It is noted that the rear of Red House fronts the existing car park for Gomersal Public Hall, with a separation of ~6m. The car park is at a marginally higher topography, further exacerbating any potential for overlooking. It is noted this car park is not open all of the time which reduces the number of visitors. The agent also confirmed that black railings and a private hedge with a gate will be used for boundary treatment.

New glazing to the south elevation at first floor level will be obscurely glazed to mitigate the impact to properties directly to the south. Whilst it is noted that bedroom 4 of the barn will only have an obscurely glazed outlook and a roof light, on balance, this is considered sufficient outlook due to the need to preserve the historic significance of the building and omit the originally proposed opening to the front elevation.

The extension will have no windows within the rear or south side elevation and windows within the north elevation will face the applicants own land given that the coach house will be ancillary.

Openings within the coach house all face on to the either the land associated with the site or the playground to the north. As such, the development would not cause a loss of privacy to any adjacent dwellings.

With regard to future occupiers 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 16 states 'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations. The provision of homes that meet these standards should be considered within the housing mix of the wider site in line with Local Plan policy LP11'

Occupants must have sufficient space within their homes to be able to carry out day to day activities, and where homes are accessible and adaptable they are able to meet the changing needs of occupants over time. The government's Nationally Described Space Standards deals with internal

space within new dwellings across all tenures. It is concluded that all three dwellings would exceed Nationally Described Space Standards and is therefore acceptable in this regard. The layout demonstrated in the submitted plans is considered to be a suitable arrangement having regard to the historic constraints present in this case.

With regard to Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that:

“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

Plans show an appropriate extent of outdoor amenity space would be retained to serve the three dwellings which is in character with the locality. The properties at Red House would have their outdoor amenity space to the front separated by a boundary fence/hedge and the barn/coach house would have amenity space to the front and rear of the barn. This is considered sufficient and to be suitably screened that it would ensure some level of private amenity space is provided.

The amenity space provision is balanced against the impact of the development in terms of preserving the grade II listed buildings and ensuring their continued use. Whilst not conventionally designed and having a higher degree of prominence to some extent, it is considered that in this case other factors dictate that the proposed amenity space layout and arrangement is as proposed and this arrangement is considered to be suitable for future occupiers.

As such, it is considered that the proposed development would accord with Policy LP24 of the KLP and NPPF Chapter 13 with regard to residential amenity.

To ensure lighting is not installed which has an unacceptable impact upon neighbouring occupiers a condition requiring a scheme to be agreed in writing by the LPA should artificial lighting be intended to be installed is recommended.

Noise was a consideration as part of the previous (extant) consent in terms of the proposed use and subsequent noise impact. Given the proposal would be for 3.no dwellings it is not considered necessary / reasonable of the LPA to insist upon submission of a noise survey given the nature of the use would differ from that of the extant consent.

#### 4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 and 12 of the NPPF and the Highways Design Guide SPD all aim to ensure development protects highway safety both within the site and on the exiting highway network.

### *Access*

The submitted details show the proposed development utilising the existing access off Oxford Road (A651), utilising the existing gates. KC Highways Development Management (HDM) have been consulted on the proposal. For a 30mph speed limit sight lines of 2.4m x 43m should normally be provided for any access. However, in this instance the site already has an extant permission for holiday lets and this proposal does not intensify the access and will be slightly less intensive.

The amended plans show a reduction of the boundary wall to the north of the entrance from a height of 1.5m to 0.9m to aid with achieving the visibility splay. Despite the existing boundary walls not being fully retained on balance this situation is considered acceptable on highway and heritage grounds. New automatic entrance gates have also been mounted on the existing gate posts and the gate set 6.5m from the highway. This is set back a sufficient distance to allow for a vehicle to wait off the carriage way whilst opening and closing the gates. Any gates should be inward opening only and this will be secured by condition. The plans states that the internal access track would be surfaced in loose stone chippings, to retain the semi natural appearance and historic aesthetic of the site. This is acceptable however the first 5 metres should be hard surfaced to prevent loose chippings spilling onto the highway.

The access is 3.7m wide which will allow for emergency vehicles access without interfering with the existing estate fencing.

### *Parking provision*

5 car parking spaces are proposed for the red house dwellings. 2 per dwelling and a visitor space. 4 car parking spaces are proposed for the barn and coach house. 3 externally and 1 garage space. K.C. Highways state internal turning to allow vehicles to access and exit the site in forward gear is proposed and that this is acceptable. Furthermore, the aisle width for the barn and coach house has been extended with the length of the parking spaces being 4.8m with a 6m aisle width to allow for turning a total of 10.8m this will allow vehicles to access the spaces.

### *Waste*

Two bin collection points have been shown adjacent to the highway one at the front main entrance and one adjacent to red house. Space in curtilage for each dwelling for the storage of bins would be possible. The waste storage arrangements are therefore considered acceptable.

In weighing up the continued use of the listed buildings being secured as a result of the proposal and response of the Highways Team it is considered that subject to condition that the use of the ancillary building is ancillary, that all gates open inwards only and that areas for vehicular access / turning and parking are provided, the proposal is acceptable in terms of impact upon access and highway safety.

Given the above, the scheme is considered to accord with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 and 12 of the NPPF and the Highways Design Guide SPD with regard to highway safety.

## 5. Other Matters

### *Trees*

The site is within the Gomersal Conservation Area (CA7) and there are three Tree Preservation Orders affecting the site. These are SP2/70/a22, SP2/70/a23 and SP2/70/w7.

A tree survey and Arboricultural Impact Assessment (AIA) produced by JCA Ltd. ref 22627a/Chc has been received by the Council in support of planning application, in accordance with British Standard BS 5837:2012. K.C. Trees have been consulted on the application and state that the AIA shows that most trees within the site will be retained, however three individual trees and one tree group would be required to be removed to facilitate the development. These tree losses would include T22 (Cat B), T27 (Cat B), G29 ((Cat C) and T35 (Cat C). These removals would be acceptable, subject to adequate mitigation planting which should include native tree species and be specified within a submitted landscaping scheme.

To facilitate the development, it would also be necessary to prune G23, T24, G37, T40, G41, T42, T43, T44 and G45. The work specified for these trees within the tree survey schedule has been reviewed and would be acceptable to KC trees.

It is considered that the grassed area with reinforced grids proposed for the parking areas reduces the hard standing on site and in turn reducing impact on RPA's.

Conditions are recommended by the Tree Officer, these being that an Arboricultural Method Statement is submitted to, and approved in writing by, the LPA prior to works being undertaken. A tree protection plan is also recommended, as well as a schedule of works to facilitate pruning, details of levels and a planting scheme. The submitted detail sets out levels are to remain unaltered within the RPAs and as such a condition relating to levels is not considered to be necessary in this case.

Weight is afforded the securing of the existing listed buildings continued use, and on the basis of inclusion of a condition requiring the scheme is undertaken in accordance with the submitted details, that there is submission

of an Arboricultural Method Statement in relation to RPAs and also that there is submission of a scheme of tree replanting, the proposal is acceptable in relation to impact upon trees having regard to the wider benefits of the scheme in securing the viable long term use of the listed buildings.

Given the above, the scheme is considered to accord with Local Plan Policy LP33 of the Kirklees Local Plan, Chapter 12 of the NPPF.

### *Ecology & Biodiversity*

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.

A Preliminary Ecological Appraisal (PEA) was carried out to understand the ecological value of the site and identify any potential impacts from development. The findings were considered reasonable and acceptable by K.C. Ecology. The PEA made recommendations for bats (trees), reptiles, birds, hedgehogs, and invasive species. On the basis of these findings a CEMP (with PWMS for bats and reptiles), lighting strategy and protection for remaining trees, and an invasive species survey and management plan is recommended to be conditioned.

A Preliminary Bat Roost Assessment was completed for buildings on the site, followed by presence/absence surveys to check whether bats were using the buildings. Building 1, 2 were assessed as having low potential (1 survey required) and building 4 was assessed as having moderate potential (surveys required) for roosting bats. The presence/absence surveys confirmed that no bats were observed to emerge from the buildings. As a result, it is highly unlikely that there are roosting bats in any of the buildings. Even though no bats were found, the CEMP must still include details of precautionary working methods for the buildings. This ensures that if any bats are unexpectedly encountered during construction, appropriate procedures are in place to protect them.

As part of the Preliminary Ecological Appraisal (PEA) it is identified that the proposed development would result in a net loss of 0.37 habitat units, equating to a deficit of 0.55 habitat units required to achieve statutory 10% biodiversity net gain. It is noted the submitted application form sets out that the legislative requirement of BNG is not applicable on the basis the development benefits from the de minimus exemption. However, the submission of the PEA indicates this is not likely to be the case and there would be a legislative requirement for provision of net gain. In any case, the

submitted PEA sets out an assessment of the baseline of the site, and the situation post development. The required net gain identified would be achieved through the purchase of off site habitat units (para 4.4.2 of the submitted PEA). Given that the submitted appraisal states that the 10% net gain will be achieved through the purchase of off-site biodiversity units, as the site itself cannot deliver sufficient habitat creation, it is considered the necessary extent of BNG required has been identified with an indication how it will be ensured.

It is noted that, in accordance with the Act, significant enhancements are those which make a substantial contribution to the development's BNG relative to the site's baseline. In this case, the limited landscaping and minor habitat improvements proposed on-site are not considered to constitute significant enhancements. The site's urban character, low baseline biodiversity value, and lack of available land for ecological uplift mean that any on-site improvements are modest and fall below the threshold of significance. As such, a 30-year legal agreement is not required measures, whilst the uplift will be sought at an off-site location this would be through the purchase of the relevant units.

Under the legislation, the biodiversity gain condition has its own statutory basis as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The discharge of this condition would need to be undertaken prior to commencement, with the necessary details submitted demonstrating how net gain will be achieved / the purchase of the necessary credits.

As such, it is not considered necessary for any further condition to be imposed upon any grant of permission, given the statutory requirements in relation to biodiversity and the fact that the measures set out within the submitted ecological assessment would meet the requirements of policy. An informative note is recommended to be included drawing this to the applicant's attention.

Therefore, subject to inclusion of the recommended conditions set out by the Ecology Team (requiring submission of a construction environment management plan, lighting scheme if lighting is to be installed and a scheme of enhancement measures) and informative note, the proposal is considered to be acceptable in regard to ecology & biodiversity.

#### *Land contamination*

With regard to land quality, the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The development site is not shown as being potentially contaminated from its former use; it is not located close to a historic landfill site that may have an adverse impact on the proposed development.

It is however close to a former large mill complex, the buildings themselves; barns etc may have had contaminative uses and fly tipping may have occurred at the now vacant site. It is therefore recommended a precautionary approach is taken and a condition included requiring a scheme to be submitted to the LPA should contamination be encountered. Subject to condition the proposal is considered acceptable in this regard.

### *Carbon Budget*

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. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, an electric car charging point should be provided for each dwelling. A condition is required for a scheme to be submitted to provide electrical vehicle charging points. Subject to this condition, the scheme is considered to be acceptable on carbon budget matters.

### *Ancillary Use of the Coach House*

The application is considered on the basis as submitted, which demonstrates a building annotated as coach house upon drawing (AL02)RevB being used ancillary to the dwelling shown on this drawing annotated as 'barn'. It is considered were the use of the coach house to be separated as a dwelling there is potential impact in terms of highway safety / parking (given there would be additional vehicular movements / parking requirements) an additional visual impact and also impact upon the residential amenity of the dwellings and occupiers of the ancillary accommodation. A condition to ensure this element of the scheme is ancillary is therefore recommended.

## 6. Representations

7 representations were received, 1 in objection to the development, 5 in support and 1 general comments. These have been summarised as follows:

### Biodiversity:

- The scheme is not exempt from the Biodiversity Net Gain condition and therefore should provide a BNG assessment.

- The scheme would result in the loss of a number of trees which will result in a significant loss to biodiversity.
- Concern that the scheme would not comply with Policy LP30 'Biodiversity & Geodiversity'.

**Officer Response:** this is addressed within the Ecology & Biodiversity section of the report.

Impact on the Listed Building :

- Splitting the Red House into two properties degrades the Listed Building status and dilutes the rich history of the building.
- Pleased that the scheme proposed 3 dwellings instead of 5.

**Officer Response:** These points have been noted and considered. They have been assessed and referenced where relevant in the assessment on both the full planning application and listed building consent application.

Restoration of the deteriorating building:

- Red House has strong historic connections to the village and since it is not viable as a museum it has deteriorated.
- Redevelopment of the run down building would be good for the area.
- Happy that the project is being taken on.
- The scheme is sympathetic and will give the building a new lease of life.
- Grounds and gardens are in need of repair.
- Lowering of some of the boundary wall and replacing the coping tops would have minimal impact and would provide greater safety to vehicles.

**Officer Response:** These points have been noted and considered in the assessment of the proposal.

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:**

**Conditional Full Permission**

**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, 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, to preserve the significance and setting of the listed building in accordance with Policies LP1, 2, 3, 7, 11, 20, 21, 22, 24, 30, 33, 35, 48, 52, 53 of the Kirklees Local Plan, principles within the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted plans, all rainwater goods must match the materials used in the construction of the existing building as closely as possible in terms of type of material, colour, and finish and must be constructed from metal.

**Reason:** In the interests of visual amenity, to ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policies LP24 and LP35 of the Kirklees Local Plan, as well as policies within Chapters 12 and 16 of the NPPF.

4. Notwithstanding the submitted details any repairs or repointing to the historic fabric of the building shall be undertaken using lime mortar only. There shall be no strap or ribbon pointing to the building.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

5. Notwithstanding the plans hereby approved, prior to the occupation of the development, full details of the proposed metal estate fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details before the development is first brought into use and shall thereafter be retained.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

6. Notwithstanding the plans hereby approved, prior to the occupation of the development, full details of the proposed entrance gates shall be submitted to and approved in writing by the Local Planning Authority. The entrance gates shall be installed in accordance with the approved details and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

7. Notwithstanding the plans hereby approved, prior to the occupation of the development, full details of the proposed boundary wall and gate to the north of the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed boundary wall and gate to the north of the site shall be installed in accordance with the approved details and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

8. Notwithstanding the plans hereby approved, prior to the occupation of the development, full details of the openings above the arched door and circular windows on the barn building as annotated upon submitted drawing (AL)02revB shall be submitted to and approved in writing by the Local Planning Authority. The openings above the arched door and circular windows on that barn shall be installed in accordance with the approved details prior to the development being brought into use and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

9. Notwithstanding the submitted details the materials of construction of the garage door to the coach house building as annotated upon submitted drawing (AL)02revB shall be vertically boarded timber of a dark brown or black colour finish which shall be retained thereafter.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

10. Notwithstanding the plans hereby approved, prior to the occupation of the development, full details of ventilation and extraction for the development shall be submitted to and approved in writing by the Local Planning Authority. The ventilation and extraction for the development shall be installed in accordance with the approved details and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework.

11. Notwithstanding the plans hereby approved, prior to the occupation of the coach house building as annotated upon submitted drawing (AL)02revB, full details of the proposed roof tiles for the coach house building as annotated upon submitted drawing (AL)02revB shall be submitted to and approved in

writing by the Local Planning Authority. The proposed roof tiles for the coach house building as annotated upon submitted drawing (AL)02revB shall be installed in accordance with the approved details and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

12. Other than construction works relating to the extension to the Barn building as detailed within submitted drawing titled 'Barn Elevations and Proposed' (AL)32revB no further development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological and architectural recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved in writing by, the Local Planning Authority.

**Reason:** To record any important archaeological evidence in the form, date, construction and use of the listed building in order to advance understanding and significance of heritage assets in accordance with paragraph 218 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

13. Prior to any works to any windows or doors commencing, full details of the method and extent of repair works shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include joinery details at a scale of 1:5 and window elevations at a scale of 1:20. The windows / doors shall be recessed by a minimum distance of 150mm. The works shall be carried out in complete accordance with the approved details and completed prior to the development being brought into use and shall be retained thereafter.

**Reason:** To preserve the significance and setting of the listed building in accordance with policy LP35 of the Kirklees Local Plan and policies within chapter 16 of the National Planning Policy Framework.

14. The development shall not be brought into use until a scheme detailing soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained and details of the replacement planting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail all trees to be removed as a result of the development and all replacement tree planting and incorporate the planting of native trees and hedgerows. The scheme shall be completed within the first planting season following the development being brought into use. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with policies LP24 and LP30 of the Kirklees Local Plan and the policies contained within Chapters 12 and 15 of the National Planning Policy Framework.

15. The change of use of the coach house building as annotated upon submitted drawing (AL)02revB hereby approved shall not be used for any purpose other than as ancillary accommodation in connection with the barn building as annotated upon submitted drawing (AL)02revB.

**Reason:** For the avoidance of doubt as to what is being approved in the interests of visual amenity, residential amenity and access and highway safety and to ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset to accord with Policies LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, principles within the housebuilders Design Guide as well as policies within chapters 12 and 16 of the National Planning Policy Framework.

16. Before the electrical system is installed, a scheme detailing the dedicated facilities for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an Electric Vehicle Charging Point for each of the three dwellings, with each charging point providing a continuous supply of at least 16A (3.5 kW). The dwellings shall not be occupied until the charging points are installed and operational. Charging points installed shall be retained thereafter.

**Reason:** In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, and to protect the listed building, in order to comply with the aims and objectives of Policies LP20, LP24, LP35 and LP47 of the Kirklees Local Plan and Chapters 2, 9, 15 and 16 of the National Planning Policy Framework.

17. The development shall be completed in accordance with the advice and directions (recommendations) contained in the tree survey and Arboricultural Impact Assessment (AIA) produced by JCA Ltd. ref 22627a/Chc. These shall be implemented and maintained throughout the construction phase and retained thereafter.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework

18. The development shall not be brought into use until an Arboricultural Method Statement (AMS), using the final layout (including utilities routes), to demonstrate that proposed operations can be undertaken with minimal risk of adverse impact to the trees to be retained. To include, but not limited to, special engineering within root protection areas and other relevant construction details, any site monitoring and a timeline of proposed operations, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

19. Prior to any hard landscaping works being carried out, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include surface types, areas of restored setts, details of proposed entrance gates and boundary treatments, and any alterations to existing boundary walls. Works shall then be carried out in accordance with the approved details and retained thereafter.

**Reason:** To preserve the significance and setting of the listed building and to ensure adequate surfacing for vehicular access areas in accordance with policies LP21, LP22, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

20. Notwithstanding the submitted details entrance gates shall be inward opening only and retained thereafter.

**Reason:** In the interest of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan, Chapters 9 of the National Planning Policy Framework and the Highways Design Guide Supplementary Planning Document.

21. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

22. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved

in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP must also include:

- PWMS for reptiles
- PWMS for bats (trees and buildings)

**Reason:** To protect species in the interests of biodiversity and to accord with the requirements of Policy LP30 of the Local Plan and advice within the National Planning Policy Framework.

23. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate conformance with established guidance document Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night. The submitted scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. No external artificial lighting shall be erected within the site other than that which has been approved by this condition which shall be retained thereafter.

**Reason:** In the interests of visual amenity, preserving the setting of a listed building, residential amenity and biodiversity and in accordance with Policies LP24, LP30 & LP35 of the Kirklees Local Plan and policies within Chapters 12, 15 and 16 of the National Planning Policy Framework.

24. A Biodiversity Enhancement Management Plan must be provided to the LPA prior to the commencement of works on-site. It must include the following items that will be installed post development:

- 2 Small holes within fences (and other mechanisms) for hedgehogs' mobility.
- 2no bat boxes
- 2no bird boxes
- A planting scheme should be implemented within the scheme to create a trees and hedgerows. Plantings should comprise native species of high biodiversity value

**Reason:** To protect species in the interests of biodiversity and to accord with the requirements of Policy LP30 of the Local Plan and advice within the National Planning Policy Framework.

25. All areas to be used for vehicular access, turning and parking upon submitted drawing ref: (AL)02RevB shall be laid out and surfaced in accordance with details so approved by condition no.19 of this permission and thereafter used for the purpose of vehicular access, turning and parking for the lifetime of the development.

**Reason:** In the interest of highway safety and to ensure adequate parking and turning facilities are provided in accordance with policies LP21 and LP22 of the Kirklees Local Plan, policies within chapter 9 of the National Planning Policy Framework and the Highways Design Guide Supplementary Planning Document.

26. Notwithstanding the submitted details the materials of construction of the single storey extension to the barn building as annotated upon submitted drawing (AL)02revB shall be in accordance with those set out within submitted drawing (AL)32RevB.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with policy LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

**Note:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** In order to avoid damage to the Listed Building, care should be taken in the choice of materials to avoid thermal bridging or other issues that may affect the breathability of the Building.

**NOTE:** It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority. This is a pre commencement condition which must be discharged prior to development works being undertaken.

**Plans and Specifications Table:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	(EX)01	-	13/08/2025
Existing block plan	(EX)01	-	01/08/2025
Barn and Coach House as Existing	(EX)03	-	01/08/2025
Red House and Toilet Block as Existing	(EX)02	-	01/08/2025
Proposed site/block layout	(AL)01	B	03/12/2025
Site Layout Plan as Proposed	(AL)02	B	03/12/2025
Red House Ground Floor	(AL)10	B	03/12/2025
Red House First Floor	(AL)11	B	03/12/2025
Barn Roof	(AL)31	B	03/12/2025
Barn elevations	(AL)32	B	03/12/2025
Barn floorplan	(AL)30	B	03/12/2025
Coach House floorplan	(AL)20	B	03/12/2025
Coach House elevations	(AL)21	B	03/12/2025
Red House North and West	(AL)14	A	03/12/2025
Red House South and East	(AL)13	A	03/12/2025
Red House Roof	(AL)12	A	03/12/2025
Tree Constraints Plan	-	-	01/08/2025
Access Visibility Mark-Up	-	-	01/08/2025
Arboricultural Implications Plan	-	-	01/08/2025
Access Plan	-	-	01/08/2025
velux heritage technical sheet	-	-	24/09/2025
Bat Report	250141 / 1	-	02/09/2025
Preliminary Ecological Appraisal	250738 / PEA	-	02/09/2025
Visibility and Access to Oxford Rd Frontage	Rev 1	-	01/08/2025
Arb Impact Assessment July 2025	22627a/ChC	-	01/08/2025
Preliminary Roost Assessment	250141	-	01/08/2025
Design and access statement	24-034/ D&A Statement	-	01/08/2025
Planning statement	-	-	01/08/2025

Conservation/heritage statement	-	-	01/08/2025
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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 has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. This application follows a formal pre-application advice application. During the lifespan of this application, officers have continuously conversed with the applicant to overcome issues and understand the exact nature of the development. Matters discussed and addressed with the applicant include highways, impact on the listed building and the loss of an Asset of Community Value.