

HOLME PLANNING

Partnership

Planning Statement

Helme Edge Vineyard

Helme Edge Farm

Harrison Lane

Crosland Edge

Meltham

HD9 5RS

Variation of Planning Condition

December 2025

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1.0 Introduction

Background

- 1.1 Holme Planning Partnership have been instructed by Helme Edge Vineyard to prepare a detailed planning statement to support an application to vary a planning condition attached their original approval for the following development, namely:

“Erection of single storey ancillary store/office accommodation/tool shed/toilet/kitchen facilities/tasting room.”

- 1.2 The above development was approved by Kirklees Council on the 6th September 2024 under the provisions of consent reference 2024/62/90421/W. The Applicant then sought to discharge the relevant conditions on the aforementioned approval, with the relevant pre occupation conditions discharged by Kirklees on 2nd December 2024 under the provisions of application reference 2024/44/92881/W.
- 1.3 Following the discharge of all required conditions, works were completed on the now implemented development, and the new building was open and operational from 18th April 2025. The facility, has since that date, operated within the restrictions imposed on the grant of consent. What has however become clear over the intervening 8 months, is that the current limitation on opening hours, as imposed by the original planning permission, is having an impact on the success and long term viability of the vineyard. The Applicants are therefore now seeking consent to extend the operating hours of the development as set out within this application, namely to allow opening on Sundays and Bank Holidays.
- 1.4 This statement will address the relevant national and local planning policies that deal with the principle of the proposal to vary the provisions of the original approval, and the pertinent planning matters associated with the scheme. This will be addressed as set out below:

Section 2 - Application Site Context

Section 3 - Relevant Planning Policy – National Planning Policy Framework

Section 4 - Relevant Planning Policy – Kirklees Development Plan

Section 5 - Other Material Considerations

Section 6 – Conclusions

Principle of Development

- 1.5 The National Planning Policy Framework is supportive as a matter of principle of development to support agricultural uses and the diversification of the rural economy. The Development Plan further supports development where it can be shown not to result in harm to neighbour amenity or the character of an area by way of noise, disturbance of general activity.

1.6 It is our view that the development subject of this application is compliant with the core principles of local and national planning policy. Further, that there are other material considerations which also weigh in favour of the grant of consent, and we would therefore kindly request that this application be approved without delay.

2.0 Application Site Context

- 2.1 The application site currently houses a detached residential barn conversion with garaging, garden areas and agricultural land which is in the order of 3.2 acres in area and which is planted with established vines for the production of English wines. The property benefits from an existing vehicular access off Harrison Lane, and off street car parking for several vehicles, which serves the now as built mixed use ancillary outbuilding.
- 2.2 The site of the now as built and implemented ancillary building is shown in red below, with the residual land in the Applicant's ownership, including the wider vineyard operations, outlined in blue in the plan extract included below:

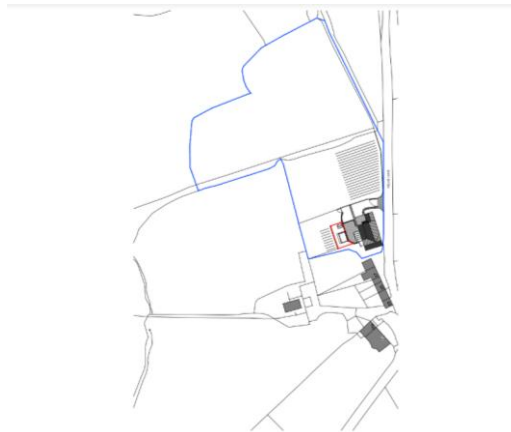


Figure 1: Site Location Plan

- 2.3 The site is located outside of, but close to the settlement of Meltham, within the designated Green Belt. The site is accessible on the local public footpath network from Meltham and Helme, with local bus services also being available within walking distance of the site on Helme Lane.
- 2.4 The site is not understood to be located within a Conservation Area. The property is not listed and there are no other listed buildings in close proximity of the site.
- 2.5 From a review of the Environment Agency Flood Map, the application site itself is not understood to fall within an area at risk from flooding, including no risk from surface water flooding even in the 1:1000 year events.

Proposed Development

- 2.6 As detailed at section 1 of this report, planning permission was granted in September 2024 for the erection of a multi-purpose building at the existing vineyard to assist in ancillary on site activities, which included wine tastings and tours. The site is currently working in line with the condition on operating hours laid out within the original grant of consent which read as follows:

“3. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00 and 18:00 hrs Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.”

2.7 It can be confirmed that the facility opened for guests on the 18th April 2025 and to date there have been in excess of 800 visitors. In line with the as approved car parking management plan, the Applicant has continued to track guests access to the site, and it can be confirmed that the vast majority of visitors either walk to site, or access in mini buses or taxis. The most vehicles parked on site at any one time in association with the tours and tastings has been just 3, well below the 6 vehicles catered for on site, with general parking demands being just one or two vehicles at any one time. The promotion of shared travel or alternative modes of transport, as well as the implementation of the car park management plan has ensured that the facility has not resulted in any on street car parking, and no harm to neighbour amenity or highway safety.

2.8 From a further examination of the visitor data there is however a clear peak in activity on Fridays and Saturdays, with visitor attendance for the last 8 months broken down as follows:

- Monday – 1% of total visits
- Tuesday – 3.8% of total visits
- Wednesday – 7.3% of total visits
- Thursday – 8% of total visits
- Friday – 17% of total visits
- Saturday – 62.8% of total visits

2.9 There have in addition been requests for tours and tastings on Sundays that the Applicant has simply not been able to facilitate given the current restrictions. This has therefore sadly resulted in lost income. As such, in order to support the on going growth of the business, to meet market demand for guest access at weekends and public holidays, and to promote the longer term viability of the business, the Applicants are therefore seeking a variation of the current condition on opening hours to now read as follows:

“3. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00 and 18:00 hrs Monday to Sunday.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.”

2.10 Put simply, the Applicant is seeking to operate within the same hours previously indicated on the condition, but to extend those hours into Sundays and Bank Holidays. This will

therefore mean that operations cannot commence on site before 10am on any given day, and all activities will need to cease no later than 6pm. The operation will therefore remain controlled and only operating within sociable hours to assist in addressing any potential concerns on impact on amenity. In that regard however, we would draw attention to the letters of support from neighbours which have been submitted with this application, which clearly show that the existing business is a welcome addition to the local community and is not resulting in harm. The positive benefits of the scheme are such that residents welcome the proposed increase in operating hours as proposed and are satisfied that there will be no greater impact than the scheme as approved.

- 2.11 The Applicant is not aware of any complaints raised by neighbours in relation to noise, parking or general activity on site from the existing operation, and can clearly therefore demonstrate that the facility is well run and operated to ensure it remains a 'good neighbour'.
- 2.12 Given the nature of the proposed use and the sustainable nature of the application site, the scheme as submitted is deemed to be acceptable as a matter of principle. Furthermore, the widening of operational hours on site will also assist the Council in meeting its objectives to promote tourism in the wider local area, and the clear intentions laid out within the latest draft of the Kirklees Tourism Strategy to promote food and drink businesses, and to support the delivery of developments which deliver for 'experience seekers' who are an identified target market within the draft Tourism Strategy.
- 2.13 For clarity we can also confirm that this application does not result in any physical alterations on site, meaning no greater impact on the openness of the Green Belt or harms on visual amenity.

3.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

3.1 The development subject of this detailed application needs to be assessed against the provisions of the Development Plan which comprises of the Revised National Planning Policy Framework, and the adopted Kirklees Local Plan. This section of the report will focus on the national planning policy position, with local policies addressed at Section 4.

Revised National Planning Policy (NPPF) December 2024

3.2 The Revised National Planning Policy Framework was last updated in December 2024, and sets out the Government’s planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the evaluation of this proposed development read as follows:

“Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

“Paragraph 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”

“Paragraph 11: Plans and decision should apply a presumption in favour of sustainable development. For decision taking this means approving development that accords with an up to date development plan without delay.”

3.3 **Comment:** For the reasons laid out within this supporting statement, the development subject of this application is deemed to be compliant with the provisions of the

Development Plan when read as a whole. Furthermore, there are other material considerations which further weigh heavily in favour of the grant of consent. The proposal has furthermore been shown not to result in any environmental harm or harm to the amenities of neighbouring residents and in our view constitutes a sustainable form of development.

Section 4 - Decision Making

“Paragraph 39: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 40: Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.”

“Paragraph 48: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

- 3.4 **Comment:** Given that the scheme is considered to be policy compliant there is a legitimate expectation that planning permission will be granted for the variation of the original approval in a timely manner. We have in addition sought to engage with the Council Environmental Health team in advance of submission of this application to clarify what details they may require, but sadly we have been able to secure a response. We do however maintain that the proposal to increase the operating hours at Helme Edge Vineyard to now include Sundays and Bank Holidays is compliant with the provisions of the Development Plan.

Section 6 – Building a Strong, Competitive Economy

“Paragraph 85: 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

“Paragraph 88: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

3.5 **Comment:** The National Planning Policy Framework is clear in support for developments which seek to secure the expansion and growth of existing businesses. The document further goes on to set out such support in principle for businesses located in rural locations.

3.6 In relation to the scheme at Helme Edge, as set out previously, the expansion of operating and opening hours associated with the use of the ancillary outbuilding will, in the Applicants view, prove pivotal to the long term viability and profitability of the business. The facility has been operational for in the order of 8 months and has proven to be well received not just locally, but is also helping to draw tourists into the locality enhancing the local economy through the use of holiday cottages, restaurants etc. It is however clear that the inability to offer tours and tastings (and to simply use the building for other ancillary activities) on Sundays and Bank Holidays is having a negative impact on visitor numbers. In fact the Applicant has had to turn down requests for visits on these currently limited days on a number of occasions and has therefore had to miss out on potential additional income, this is clearly not beneficial to the long term viability of the business.

3.7 The Applicants are therefore seeking local authority support to allow them to open the facility between the hours of 10am and 6pm 7 days a week, to not only allow them to meet demand, but to also look to grow the business into 2026. In our view, and clearly that of the neighbours who have written in support of the proposal as part of the application submission, the proposed increased hours of operation are not unreasonable, do not result in the use of the site during unsociable hours, and will not in reality result in harm to neighbour amenity, as is already proving to be the case with the existing operation.

Section 9 – Promoting Sustainable Transport

“Paragraph 115: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”*

“Paragraph 116: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

“Paragraph 117: *Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

3.8 **Comment:** Since the ancillary outbuilding was completed in April 2025, the approved car parking management plan, secured as part of the discharge of conditions of the approval, has been operating successfully, with never more than 3 vehicles parked on site at any one time, and no issues at all in relation car parking, highway safety or access issues. The request to increase the operational hours to now include Sundays and Public Holidays is not therefore anticipated to result in any greater impact on the local highway network or highway safety than the existing position. The proposals subject of this application to vary condition 3 of the original consent are therefore deemed to be compliant with the provisions of section 9 of the National Planning Policy Framework.

Section 15 – Conserving and Enhancing the Natural Environment

“Paragraph 187: *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

“Paragraph 198: *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so 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;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

3.9 **Comment:** The proposal to increase the hours of operation at Helme Edge Vineyard to now include Sundays and Bank Holidays between the hours of 10am and 6pm, is not in our view likely to result in a significant adverse impact on neighbour amenity by way of noise or disturbance. The proposed hours are clearly not unsociable, the activities on site are in reality a significant and sufficient distance from neighbouring properties to further guard against potential conflict, and the fact that a number of residents in the local area, including some of those who immediately neighbour the site, are willing to write letters of support to confirm that the existing hours result in no harm, and they therefore support this further proposal are in our view material, and support the findings set out within this report.

3.10 **Summary:** The proposal to extend the use of the ancillary outbuilding at Helme Edge Vineyard, to take place 7 days a week between the hours of 10am and 6pm is not in our view deemed to result in harm, or any greater impact on neighbour amenity, the character

of the local area or on the local highway than the as approved development. What is however clear is that the inability to operate on Sundays and Bank Holidays is having a material financial and wider operational impact on the existing business. The opportunity to expand the operating times as proposed will result in a significant enhancement in business performance and the future viability of the existing business.

- 3.11 It is therefore clear for the reasons set out above that the development proposed is in accordance with the paragraphs and requirements of the National Planning Policy Framework. Therefore, in line with the provisions of paragraph 11 of the Framework, we would kindly request that the Council seek to support the variation to the previously approved development as currently proposed, and to work with us towards a positive determination of this application.

4.0 Relevant Planning Policy – Kirklees Development Plan

4.1 The Development Plan currently comprises of the Kirklees Local Plan (adopted February 2019), and the provisions of relevant Supplementary Planning Documents as addressed below.

4.2 It is understood from a review of the local authority Proposals Map (extract included below for ease of reference), that the site subject of this application (identified by the blue dot) is located within the designated Green Belt. The site is also understood to be located within a Biodiversity Opportunity Zone and a Mineral Safeguarding Area.

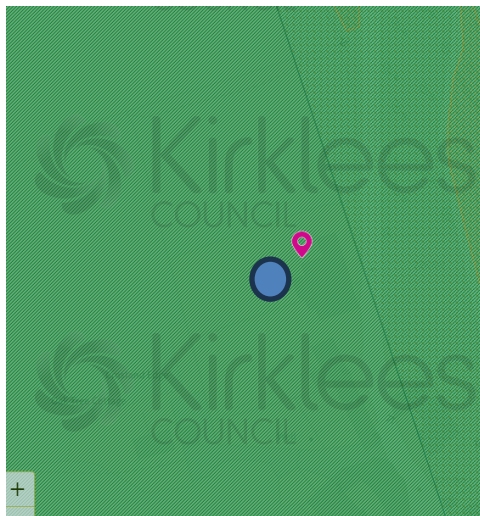


Figure 3: Proposals Map Extract

4.3 Included below is a list of the adopted key determinative development plan policies of relevance to the assessment of this application:

Kirklees Local Plan (2019)

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping (Kirklees Rural);
- Policy LP9 – Supporting Skilled and Flexible Communities and Workforce;
- Policy LP10 – Supporting the Rural Economy;
- Policy LP20 – Sustainable Travel;
- Policy LP21 – Highways and Access;
- Policy LP22 – Parking;
- Policy LP24 – Design; and
- Policy LP52 – Protection and Improvement of Environmental Quality

4.4 Of the policies detailed above, given that this proposal is only seeking consent to increase the operating hours on site, and given the reference to just two planning policies within the reason justifying the imposition of the original condition, specific attention is being drawn to the provisions of Policies LP10, LP24 and LP52 which are noted to read as follows:

4.5 **Policy LP10** is noted to state:

- “1. The economic performance of the rural economy will be improved by:
 - a. supporting the rural digital economy;
 - b. supporting the needs of small and medium sized enterprises;
 - c. increasing local employment opportunities;
 - d. supporting and increasing tourism related development, including encouraging new facilities and accommodation for tourists;
 - e. supporting sustainable business clusters, business incubation, business start-up proposals and home working;
 - f. supporting farm diversification schemes, where the proposal would not adversely affect the management and viability of any farm holding, and in the case of farm shops, the goods to be sold are primarily those which are produced on the host farm or neighbouring farms.
2. In all cases where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy
3. Development proposals will not be supported where they would adversely impact on areas of particular environmental sensitivity, such as the Peak District National Park, and where proposals would lead to unsustainable development, contrary to other policies in the Local Plan.
4. Development proposals for main town centres uses that are above 150 square metres in non-urban areas* and in out of centre locations will only be permitted where identified needs of the business cannot be met within existing centres or in edge of centre locations. *Non-urban areas are defined as areas or land located within the Green Belt.”

4.6 **Comment:** Policy LP10 sets out a clear focus to support growth of the rural economy, and particularly for small and medium sized enterprises, such as Helme Edge Vineyard. The policy further sets out clear support for tourist related developments which encourage new facilities for tourists such as that being proposed, as well as supporting agricultural diversification, and particularly for those developments which seek to support the sale of good which are produced on site.

4.7 The development as proposed will help to secure the long term viability of the existing operation and will support the longer term economic growth of the business. This will help to not only protect the existing one full time member of staff, but could also potentially allow the vineyard to offer additional employment opportunities to the local community in the future as the operation expands. Importantly, all of this can be achieved without causing undue harm on neighbour amenity, the character of the local area or result in greater impacts on highway safety than was previously deemed to be acceptable by the Council.

4.8 It is clear that the scheme subject of this application is wholly compliant with the relevant criteria and aspirations of Policy LP10, and there is therefore a legitimate expectation that the Council will seek to work with us towards a positive determination of this application.

- 4.9 **Policy LP24** in the main addresses design related matters and in most ways is not therefore relevant or referable to the determination of this current application. Policy LP24 was however specifically referred to within condition 3 attached to the original consent and does make reference at criterion (b) to the need for development to provide a high standard of amenity to neighbouring occupiers. For the reasons laid out throughout this Planning Statement including distance, on site management and limited nature of use, with closures proposed at 6pm each day, we are of the view that the provisions of policy LP24 will be complied with should consent be granted to extend the operating hours on site to now include Sundays and Bank Holidays as proposed.
- 4.10 **Policy LP52** indicates that proposals which have the potential to increase pollution from noise should demonstrate that measures have been incorporated to prevent or reduce the pollution, and to ensure the quality of life and well-being of people in the local area to an acceptable level. In that regard we would draw Officer's attention to the plethora of letters of support submitted alongside this application, which whilst including residents from the wider hamlet, does also include some residents who immediately neighbour the vineyard site.
- 4.11 Those residents have lived with the operations on site since April 2025 and have confirmed that there have been no detrimental impacts from noise, general activities, parking etc. This in itself independently evidences that the current management practices on site are working to ensure there is no harm on neighbour's quality of life. In reality, this is a small scale operation, which will close at 6pm each evening, and in fact does not commence works on site until 10am. These are not unsociable hours, and the reality is that there have been no complaints raised in relation to neighbour amenity since the facility opened and there will therefore clearly continue to be no harm on neighbour amenity and quality of life should consent be granted for this further application.

Other Relevant Policy Documents

- 4.12 In addition to the adopted planning policies referred to above, there are noted to be a number of adopted Supplementary Planning Documents in Kirklees. Of the adopted documents, it is understood that the Highways Design Guide (adopted 2019) is relevant.
- 4.13 The scheme is not felt to contradict or undermine the provisions of the relevant supplementary planning documents.

Emerging Local Plan

- 4.14 Kirklees Council are understood to have made the decision to progress with a New Local Plan following a review undertaken in the Summer of 2023. The Council are noted to have opened a formal Call for Sites and to have undertaken early consultation on the key issues and direction of the authority area in late 2024/early 2025.

- 4.15 Whilst it is therefore important to be aware of the changing policy position, given that the emerging Plan remains at a very early stage in the plan making process, the document is not deemed to carry any weight in the determination of this application.

Development Plan Summary

- 4.16 For the reasons set out above, it is our view that the development subject of this application to amend the operating hours at Helme Edge Vineyard represents an acceptable and appropriate form of development. The scheme will secure enhanced hours of operation to better meet the long term operational needs of the existing vineyard, and will help to secure economic growth of this existing facility, including supporting Kirklees Council in meeting their Tourism Strategy objectives of drawing more people into the local area. This can all be achieved without resulting in harm to highway safety, neighbour amenity, nor the visual amenity and character of the local area, given the limited nature of the changes now being requested.
- 4.17 The proposed development is therefore deemed to be compliant with the provisions of the Development Plan when read as a whole, and there is therefore a legitimate expectation that the Council will be supportive of the proposals.

5.0 Other Material Considerations

5.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

- **Sustainable Development:** The scheme as submitted represents a sustainable form of development as it relates to amendments to the hours of operation of an existing facility and wider enterprise. The scheme will not however result in any greater environmental or social impacts than the existing arrangement given the limited nature of proposed hours of opening, and the existing successful on site management and operational strategies which have already proven to be successful in securing the amenity of neighbours and the character of the wider local area.
- **Economic Benefits:** The economic benefits to be achieved through the grant of consent need to be duly weighed in the decision making process. The scheme will facilitate economic growth in the wider local area as the facility is already attracting tourists into the Holme Valley which benefits local hotels, holiday cottages, restaurants, cafes etc. The increase in operating hours will offer additional opportunities to further support these other local enterprises, as well as also potentially helping the vineyard business to grow and secure job creation. Most importantly, any opportunities to increase visitor numbers to the site will assist in securing the long term viability of the organisation.
- **Community Support:** As detailed throughout this submission and within the documentation submitted in support of the proposal, the on site tours and tastings and wider ancillary activities have been operational within the new outbuilding since April 2025. The facility has been welcomed and well supported by the local community, with some of the immediate local residents being satisfied to write letters of support, which we have submitted with the application. This not only demonstrates the success of the existing business, but also the success of the on site management practices to ensure that there is no harm on neighbour amenity from noise, activities, parking etc. The fact that a good number of local residents are supportive of the scheme as applied for in this further application, is in our view material to the determination of this application to vary the hours of operation.
- **Site Licence:** The proposal site is clearly fully licenced for the sale and consumption of alcohol through the Environmental Health Licencing Team at Kirklees Council. It is of relevance to the assessment of this application that the current licence does in fact grant consent for the site to be open between the

hours of 10AM and 6pm Monday to Saturday, with no stipulation that the site must be closed on Bank or Public Holidays. Whilst it is accepted that the planning condition we are seeking to vary sets out due limitations, which have been complied with, it must be material that the licencing team felt it acceptable for the site to be open on Bank and Public Holidays. This would therefore indicate that the only area of conflict is opening on Sundays. However, as laid out through this submission, given the limited hours applied for and the successful on site management, we no longer believe there to be a justification to withhold activities on site on Sundays (or other Public Holidays) and feel there is now justification to vary the condition on the original approval as currently proposed.

- **Kirklees Tourism Strategy:** Kirklees Council are noted to be well progressed in the preparation of a new Draft Tourism Strategy which covers the period 2025-2028. The Strategy sets out current tourism trends, aspirations for Kirklees and target markets to promote and increase tourism within the authority area. The draft Strategy sets out a number of aims including the desire to develop a wider range of experiences in and around Kirklees to attract more diverse groups of traveller profiles and the focus on year-round tourism. The request to increase opening hours at Helme Edge Vineyard can clearly be seen to be actively supporting and meeting the Council's aspirations for visitor experiences and year-round tourism, and the fact that this proposal will actively support other Council strategies is clearly therefore material to the determination of this application.

5.2 As such, whilst we remain of the view that the development proposed is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the development which also tip the balance in favour. We therefore kindly request that the Council seek to support application as a matter of principle.

6.0 Conclusions

- 6.1 It has been demonstrated throughout this submission that the development subject of this application accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Furthermore, the proposed changes in operating hours on site as detailed within this application will not in our view result in harm to the character of the local area, nor to the amenity of neighbouring residents, as further evidenced within the letters of support submitted alongside this application. There are in addition other material considerations weigh in favour of the grant of consent, and these have been dealt with in detail above.
- 6.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal, and to work with us on a positive outcome to this application.
- 6.3 Should you require any further information in advance of validation of the application, or during the assessment process, please do not hesitate to contact us.