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PLANNING SUPPORT STATEMENT

APPLICATION FOR CONVERSION OF RESIDENTIAL ANNEX TO 1NO DWELLING

5 PARK RIDING,NORTHGATE, HONLEY, HOLMFIRTH, HD9 6QL

A GUEST

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PO Box 788, Wakefield, WF1 9UX
Tel. 01924 366733 Email: mail@townsendplanning.co.uk

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1.0 INTRODUCTION

The proposal which forms the subject of this planning application seeks the conversion of the existing ancillary residential annex to form 1no freestanding dwelling at 5 Park Riding, Northgate, Honley. The annex has been completed following the grant of planning permission by the Council on the 2nd June 2021 (App No 2021/62/90219/W) which was described as ***"Erection of extensions and alterations to garage to create dwelling forming annex accommodation associated with 5 Park Riding, Northgate, Honley".***

This application is supported by the following information:-

(i) Full plans and details – Studio Elephant Architects;
(ii) Planning Support Statement – Townsend Planning Consultants;
(iii) Highways Report – ATTP;
(iv) Statement of Significance – Townsend Planning Consultants; and
(v) Completed climate change form.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function. It is considered that this proposal, which forms sustainable development, is wholly acceptable when judged in the context of the up to date Development Plan and all material considerations (including the National Planning Policy Framework).

It will be noted that no external alterations are required to facilitate the proposed change of use to a freestanding dwelling. Furthermore, the residential curtilage of the existing and proposed dwellings currently functions as garden land, parking and a driveway. It considered that there will, therefore, be no issues of harm to the setting, character or openness of the Green Belt.

It is acknowledged that a nearby property, 3 Park Riding, constitutes a Grade II Listed Building and any impact on the setting of this statutory heritage asset is a material consideration. It will be noted that the proposal, which involves the change of use of an existing building, requires no alterations to facilitate the new use. Therefore, it can reasonably be concluded, particularly in respect of the planning history, that the proposal has no harmful impact on the setting of the Listed Building as set

out in the submitted Statement of Significance.

This statement now proceeds to outline the site, the proposal and planning history. Following which Government Guidance and Development Plan Policy is considered in detail. The various issues that the proposal raises are then considered. It will be demonstrated that the proposal will not give rise to any issues of harm and that in highways, amenity and all other terms the proposal is acceptable.

It is also noted that the Council does not currently have a five year housing land supply which it is considered weighs heavily in favour of the proposal.

Finally, the conclusion is drawn that the proposal is acceptable in the context of the Development Plan to which it fully conforms. As such, the applicant is entitled to the presumption inherent in Section 38(6) to be weighed in their favour. In the absence of harm, it is clearly the case that planning permission should be forthcoming.

2.0 THE SITE, PROPOSAL AND PLANNING HISTORY

The subject site constitutes a former detached garage to the host property, 5 Park Riding, Northgate, Honley, which forms a single detached dwelling. Since the grant of planning permission by the Council in June 2021, the former garage has been converted to an "ancillary dwelling forming annex accommodation to the host dwelling." That change of use has been completed.

The site is located wholly within the Green Belt and outside the village settlement. The subject site is accessed via a private driveway which opens into a courtyard and provides parking for the two extant dwellings (5 Park Riding and 3 Park Riding) and the subject annex. This courtyard area will also provide parking provision for the proposed dwelling as shown on the submitted plans. Full details in respect of access and parking are set out in the supporting highway statement by ATTP.

This proposal seeks the change of use of the annex to form a freestanding dwelling. As will be seen from the submitted plans, there are no changes required either internally or externally to facilitate the new use. As a consequence there will be no impact on the character of the property, site or area. The residential curtilage associated with the new property already constitutes garden land/parking/access. The host dwelling will retain sufficient garden space and the subdivision of the site does not give rise to any issues of harm. The applicant is happy to discuss suitable boundary treatments with the Council and envisages the use of ranch style fencing and native hedge planting as identified on the submitted site plans would be suitable.

The parking arrangements will remain within with existing courtyard as shown on the submitted plans. The form of development, i.e. a courtyard, is a feature of development within rural areas.

It will be noted that the change of use will not result in infringing any space about buildings standards. There is sufficient space between the proposal and the two dwellings nearby not to rise to issues of harm to privacy or residential amenity.

The proposal put forward is highly sustainable. As set out at paragraph 19.36 of the Local Plan:

"The conversion or re-use of existing buildings in the Green Belt in preference to the construction of new ones is one of the core principles underpinning planning as this

encourages the recycling of existing resources."

It is considered in the context of the development plan and all material considerations that the proposal is acceptable. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.

3.0 PLANNING POLICY

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination with the development plan unless material considerations dictate otherwise. The National Planning Policy Framework also advises of a presumption in favour of development which accords with the Development Plan. The importance of the statutory Development Plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the Plan and to Government Guidance.

3.1 Central Government Policy Advice – The National Planning Policy Framework

Section 13 of the NPPF 'Protecting Green Belt Land' is relevant to the consideration of this application.

Paragraph 153 sets out:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Paragraph 154 then goes on to set out a number of exceptions where development is not inappropriate.

"h) Other forms of development provided they preserve the openness and do not conflict with the purposes of including land within it. These are…

… (d) the re-use of buildings provided that the buildings are of a permanent and substantial construction." (TPC underlining).

In this instance, the building will be converted as it exists and, therefore, will not impact on openness or the purposes of the Green Belt. The curtilage proposed is already used as formal courtyard parking and garden land. The building is clearly of permanent and substantial construction, building regulations approval being granted for the annex development.

Section 16 relates to conserving and enhancing the historic environment. The dwelling house subject of this application is, as identified, within the vicinity of a Grade II Listed Building, a defined statutory heritage asset.

Paragraph 202 sets out that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognized to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

A detailed Statement of Significance is provided with this application which demonstrates that the proposal will not give rise to issues of harm to the statutory heritage asset for the reasons set out in that document.

The proposal constitutes sustainable development and under the circumstances, it is clear that significant weight should be attached to this. The proposal wholly conforms to the advice in the NPPF and it is considered that the applicant is entitled to anticipate the presumption inherent being weighed in their favour.

3.2 Local Planning Policy

3.2.1 Kirklees Local Plan

The development plan constitutes the adopted Kirklees Local Plan, 2019.

The following policies are considered relevant to the proposal:

(i) Policy LP60

Of particular relevance is policy LP60 'The Re-Use and Conversion of Buildings', which states:

"PROPOSALS FOR THE CONVERSION OF RE-USE OF BUILDINGS IN THE GREEN BELT WILL NORMALLY BE ACCEPTED WHERE:

A. THE BUILDING TO BE RE-USED OR CONVERTED IS OF A PERMANENT AND SUBSTANTIAL CONSTRUCTION;

B. THE RESULTANT SCHEME DOSE NOT INTRODUCE INCONGRUOUS DOMESTIC OR URBAN CHARACTERISTICS INTO THE LANDSCAPE, INCLUDING THROUGH THE TREATMENT OF OUTSIDE AREAS SUCH AS MEANS OF ACCESS AND CAR PARKING, CURTILAGES AND OTHER ENCLOSURES AND ANCILLARY OR CURTILAGE BUILDINGS;

C. THE DESIGN AND MATERIALS TO BE USED, INCLUDING BOUNDARY AND SURFACE TREATMENTS ARE OF A HIGH QUALITY AND APPROPRIATE TO THEIR SETTING AND THE ACTIVITY CAN BE ACCOMMODATED WITHOUT DETRIMENT TO LANDSCAPE QUALITY, RESIDENTIAL AMENITY OR HIGHWAY SAFETY."

In this instance the building is clearly of a permanent and substantial construction. The land around, including the driveway and garden land, already function as such for the host dwelling/annex and the proposal does not involve any new domestic or urban characteristics or features. The design and materials are as existing and the boundary treatments are wholly appropriate. It is demonstrated in this submission that the proposals can be accommodated without giving rise to any issues of harm in terms of residential amenity or highway safety.

In the supporting text, it also states at paragraph 19.35:

"Policy justification

The conversion or re-use of existing buildings in the Green Belt in preference to the construction of new ones is one of the core principles underpinning planning as this encourages the recycling of existing resources. It follows that if a building is already there re-using it either for the same use or for a new use should not have a detrimental impact on the openness of the Green Belt. Proposals which intensify use or extend an existing footprint to the extent that openness is compromised will not normally be

permitted… Any proposals that would lead to a significant and detrimental impact on openness and tranquillity, including through the intensification of use of access roads and other outside space, will not normally be permitted."

The proposal therefore wholly conforms with the core principles of the development plan, it will not impact on the openness of the Green Belt and no issues of harm arise in terms of amenity and access.

(ii) Policy LP24 'Design'

This policy sets out that proposals should promote good design and encourage high levels of sustainability through:

"…THE RE-USE AND ADAPTATION OF EXISTING BUILDINGS."

There is no conflict with this policy.

(iii) Policy LP35 'Historic Environment'

Policy LP35 states:

"DEVELOPMENT PROPOSALS AFFECTING A DESIGNATED HERITAGE ASSET… SHOULD PRESERVE OR ENHANCE THE SIGNIFICANCE OF THE ASSET. IN CASES LIKELY TO RESULT IN SUBSTANTIAL HARM OR LOSS, DEVELOPMENT WILL ONLY BE PERMITTED IF IT CAN BE DEMONSTRATED THAT THE PROPOSAL WOULD BRING SUBSTANTIAL PUBLIC BENEFITS THAT CLEARLY OUTWEIGH THE HARM."

This proposal seeks the conversion of an existing building and requires no external alterations to facilitate the proposed use. The proposal will not result in any harm to the nearby Listed Building, as set out in more detail in the submitted Statement of Significance.

3.2.2 Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan became part of the statutory development plan for Kirklees Council in December 2021. The application site falls within the Neighbourhood Plan Area, it also defines the site as being within LCA7 River Holme Wooded Valley Character Area. It should be noted that this is a Neighbourhood Development Plan designation and the whole Neighbourhood plan area is covered by character areas.

(i) Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

The policy sets out that:-

"All development proposals should demonstrate how they have been informed by the key characteristics of the LCA in which they are located. Proposals should be designed in accordance with the character management principles in respect of landscape set out in paragraph 4.1.17 for each of the LCAs in order to avoid detrimental impact on the LCA."

The application site is located in the LCA7 River Holme Wooded Valley Character Area which covers a large area along New Mill Dike and the River Holme including parts of settlements that it flows through. Reference is made in the LCA to development respecting the distinct character and built form.

It goes on to state that *"proposals should aim to make a positive contribution to the quality of the natural environment".*

It sets out that the design and siting of new development and associated landscaping schemes should address including;
1) Respecting long distance views and minimising any impact on the wider landscape.
3) Boundary treatment should be sensitive to the character area.
4) Landscaping scheme to be submitted with applications.

The proposals seek to convert an existing annex to a freestanding residential dwelling. The proposals will have no discernible difference to the existing annex save for the suitable fencing and native hedge planting between the host and application dwelling and therefore

impact on the landscape will be minimal.

(ii) Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

The policy forms a general policy for all developments in the Holme Valley in relation to building character and design, some of which is not relevant to the proposals. It is considered that:-

(i) The proposals do not cause issues in relation to the built character. The proposals seek the sensitive conversion of an existing annex to a freestanding dwelling; and

(ii) The proposals seek to use existing materials as per the existing annex.

(iii) Policy 3: Conserving and Enhancing Local Heritage Assets

The policy requires that development amongst other requirements protects the setting of Heritage Assets, including Listed Buildings. This proposal seeks the conversion of an existing building and requires no external alterations to facilitate the proposed use. The proposal will not result in any harm to the nearby Listed Building, as set out in more detail in the submitted Statement of Significance.

4.0 THE ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of this proposal, as set out in Section 38(6) of the Planning and Compulsory Purchase Order 2004 and the NPPF. This states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is considered that this proposal conforms to the Development Plan as set out above.

It is considered, therefore, that the applicant is entitled to expect the "presumption inherent" in Section 38(6) to be weighed in their favour. The proposal also conforms with the NPPF.

4.2 Other Material Considerations

It now falls for the proposal to be considered in the context of all other material considerations. It will be demonstrated that such considerations support the assertion that planning permission should be granted.

4.2.1 Planning History

The Council have granted planning permission for the extension and change of use of this former garage to form an ancillary residential annex. This proposal requires no internal or external alterations for it to freestand for its proposed use as a stand alone property. The building is of sufficient scale to accommodate one dwelling. The change of use from a residential annex as approved by the Council to a freestanding dwelling does not give rise to any issues of harm.

The Council granted permission for the use of the annex for residential purposes. The only issue that this proposal raises is that the property will function as a freestanding dwelling.

4.2.2 The Impact on the Openness and Character of the Green Belt

It is considered that the conversion of the building from an annex to a dwelling will not adversely impact the openness and character or the functions of the Green Belt in that:-

(i) The building will be converted as existing and there is no requirement for major external changes. The building will not be extended.

(ii) The associated curtilage already functions as a parking courtyard as approved by the Council. Therefore, there will be no adverse impact upon the Green Belt.

The proposal will have no impact on the openness or character of the Green Belt.

4.2.3 Visual Impact/Character of the Area

The annex the subject of this change of use application is already in situ and the proposal relates solely to a change in use. It cannot have any greater visual impact through the change of use. The residential curtilage already functions as garden land and a parking courtyard. There is no harm in terms of visual impact/character of the area.

4.2.4 Highways/Access

A full detailed highways report by ATTP is submitted with this application which demonstrates that the site can be safely accessed and that the proposal meets guidelines in terms of parking provision, turning and access.

4.2.5 Residential Amenity/Ancillary Use

The subdivision of the existing property with the annex functioning as a freestanding dwelling has no impact whatsoever on the residential amenity of nearby properties. The proposal meets with the Council's space about buildings standards which are adopted to protect residential amenity. With the subdivision of the plot there still remains sufficient private garden space for both the host dwelling and proposed dwelling. The proposal does not give rise to any issues of harm in terms of overlooking. The

building already exists. Therefore there are no issues of visual intrusion, overshadowing, loss of light, etc. It is quite clear that the subject building can freestand as an independent dwelling without giving rise to any issues of harm in terms of residential amenity.

The comments of the officer in respect of the previous annex application set out in the delegation report are considered to be relevant.

In terms of residential amenity, the officer states:

"Whilst residential dwelling No3 Park Riding is located to the south of the application site and shares the driveway with No5, given the separation distances between the proposed annex and this neighbouring property there are no concerns in respect of overlooking, overshadowing or the proposals appearing overbearing in nature on this dwelling".

In terms of the requirement to restrict the use of the building to that as an annex ancillary to the host dwelling, the officer states:

"Given that an annex is proposed there is no objection to the use, however, given that the curtilage has not been designated it is considered appropriate to restrict the use to an annex only." (TPC underlining).

This statement is particularly significant in that it is clear that the only reason for the restriction of the occupation of the subject building to that ancillary to the host dwelling is that the applicant did not define in the submission a residential curtilage. That is now provided with this submission and it is fully demonstrated that sufficient garden space and parking provision for both host and proposed dwellings can be provided.

It is noted that the officer goes on to conclude:

"It is considered that the proposed development would not cause undue harm to the residential amenity. It is therefore considered that the proposed development complies with Local Plan policy LP24 and chapter 12 of the National Planning Framework."

4.2.6 Listed Building

It is fully acknowledged that the proposal is located close to a Grade II Listed Building. It is noted that the Council concluded with the previous application for extensions and alterations to the former garage block there was no harmful impact on the Listed Building. This proposal involves no alterations to the building and as such cannot have any impact on the setting of the heritage asset. The impact to the Listed Building will be neutral.

The following comments are noted from the officer delegation report in respect of the previous planning application for the residential annex. The proposal was considered in the context of the possible impact on the Listed Building and the following comments are noted:

"The proposed extension and alterations would be approximately 23.5 metres away from the Listed Building and would be largely visually separated from this heritage asset by the existing host dwelling (No5). Given the above factors and the relatively modest scale of the extensions proposed, it is considered that proposals would not cause harm to the significance of this nearby Listed Building or its setting."

In this context, it is clear that this proposal, which includes no physical changes, cannot be harmful to the setting of the Listed Building.

4.2.7 The National Planning Policy Framework

The proposal wholly conforms to advice in the NPPF in respect of conversion of existing buildings to which significant weight should be given.

4.2.8 Structural Issues

The previous approval has been fully implemented and Building Regulations were approved. It is therefore self-evident that the scheme which requires no internal or external changes to facilitate the change of use is structurally sound and capable of 'conversion' to the new use.

4.2.9 Biodiversity Net Gain – De Minimis Exemption

This proposal is a change of use of an existing building and has no impact on biodiversity net gain.

Government guidance sets out exempt development and states that these are:

"Exempt from the biodiversity net gain (BNG) requirements."

These exceptions include ***"Developments below the threshold"*** and states:

"A development that does not impact on a priority habitat and impacts less harm:

- ***25 square metres (5m x 5m) of onsite habitat***
- ***5 metres of onsite linear habitable such as hedgerows"***

There is no impact on habitats through the change of use.

4.2.10 Housing Land Supply

The Council's Authority Monitoring Report (AMR) identified in 2023 that the Council do not have a five year land supply. The Council's published document states:

"In the absence of a five year land supply, it is necessary to consider planning applications for housing in the context of the NPPF Para 11 which triggers a presumption in favour of sustainable development."

It is contended that significant weight must be placed in favour of the subject proposal.

5.0 CONCLUSION

The proposal before the Council is a simple one. The application seeks the change of use of the subject building from an ancillary residential annex to a freestanding dwelling. The proposal involves no alterations to the subject building (either externally or internally). The land around the subject proposal already constitutes curtilage made up of garden land, parking and access. The proposal meets with the Council's space about buildings standards and does not raise any issues in terms of harming residential amenity of neighbours.

As demonstrated in the submitted highways report, the property can be satisfactorily accessed with sufficient parking provided for both the existing host property and the proposed dwelling, together with sufficient turning within the courtyard.

As set out in the Statement of Significance, there is no harmful impact on the setting of the nearby Listed Building.

The form of development is inherently sustainable and can usefully add in some small way to existing housing land supply for the District.

As demonstrated, the proposal conforms with the development plan. As a consequence, the applicant is entitled to the presumption inherent in section 38 to be weighed in her favour. In the absence of harm, the only reasonable conclusion that can be made is that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.