



## Planning Statement

### **REPLACEMENT OF EXISTING AGRICULTURAL BUILDING WITH A DWELLING**

WINDY GAP FARM, LITTLE LEPTON, GREEN BALK LANE,  
LEPTON, HUDDERSFIELD, HD8 0LN

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## 1.0 INTRODUCTION

This statement supports a planning application for the demolition of an existing agricultural building and its replacement with a dwelling. Whilst the proposal technically comprises inappropriate development in the Green Belt, this statement sets out that very special circumstances exist which outweigh the harm by reason of inappropriateness. There is no other harm.

This statement should be read in conjunction with the submitted plans and technical reports which demonstrate the credentials of the scheme in more detail. It is anticipated the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme and approve planning permission without delay.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the National Planning Policy Framework (NPPF). Finally, the conclusion is reached that planning permission should be granted for the proposed development

## 2.0 SITE AND SURROUNDINGS

The site comprises an agricultural building situated within the grounds of Windy Gap Farm in Lepton. The agricultural building is located adjacent to a concrete pad of the same size. The existing building is finished in corrugated metal, with concrete blocks on the lower half and a metal roof. The existing building has a volume of 475m<sup>2</sup>. The building has been granted prior approval under Class Q to be converted into a three bed dwelling. Alterations to the building were permitted to allow door and windows to create the dwelling.

The buildings in the wider area vary in terms of size, architectural styles, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity. The site does not fall within a flood risk zone and there is no known flood risks associated with the site. The application site can be seen in the following image:

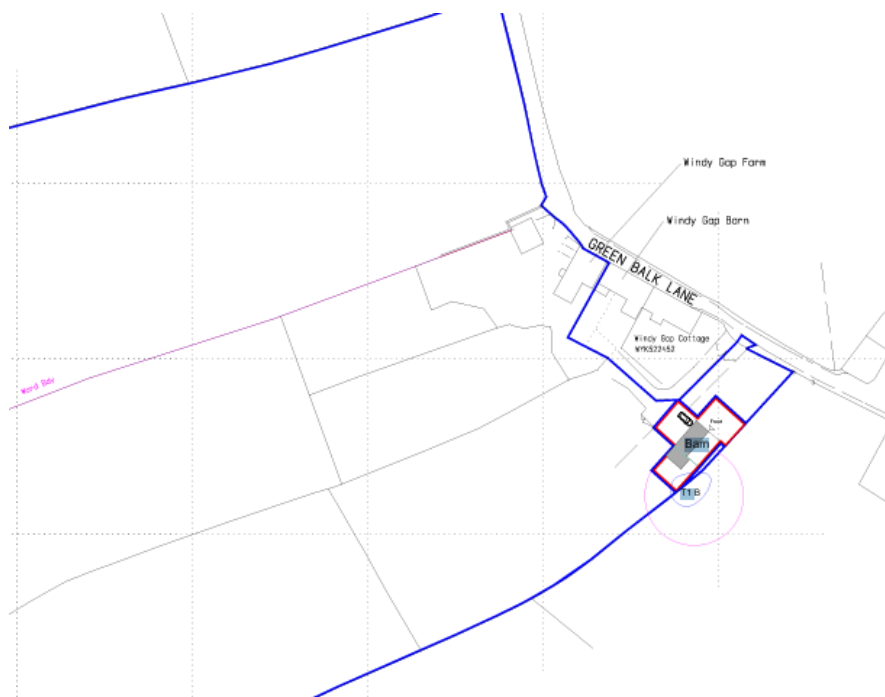


Fig 1: Indicative Proposed Site Plan

The site is accessed via Green Balk Lane with an existing access in place it is set back from the road behind existing hedging. There is a small yard area in front of the site enclosed by a low stone wall. The wider site comprises a small cluster of houses and agricultural buildings surrounded by open countryside located near to Little Lepton.

The site lies within the Green Belt as does the surrounding area. Little Lepton is a small rural hamlet within Kirklees. Little Lepton is closely related to the neighbouring settlements of Lepton and Fenay Bridge, with the hamlet positioned between the two and sharing strong links with both. The hamlet comprises a modest grouping of farmsteads, dwellings and agricultural buildings dispersed within a predominantly rural landscape.

### 3.0 THE PROPOSAL

Planning permission is sought for the construction of a detached dwelling following demolition of the existing agricultural building. The proposed three bed dwelling is designed with a simple pitched roof form arranged in an L-shaped footprint. The ground floor will be finished in coursed natural stone, the first storey finished with vertical composite cladding. It would have the appearance of an agricultural building.

The roof will be constructed from blue slate and incorporates photovoltaic panels on the roof slope. The proposed fenestration is modern in character with a mix of vertical and horizontal openings. The south-west elevation includes larger glazed openings serving the main living area, allowing for good levels of daylight. The north-east elevation forms the principal entrance, with a projecting porch with a pitched canopy and a centrally positioned doorway. The building would be sited in place of the existing building footprint. The proposed dwelling has a volume of 455m<sup>2</sup> which is less than the existing building. The dwelling would be well contained within the site.

As a result, it would not result in a prominent development in the wider landscape and there would be no harm to the function of the wider Green Belt.

#### 4.0 PLANNING HISTORY

Application reference 2024/CLASS Q/93408/E approved the prior notification for change of use from agricultural buildings to 1 dwelling at Windy Gap Farm, Little Lepton, Green Balk Lane, Lepton, Huddersfield, HD80LN on the 4 Mar 2025.

## 5.0 ALLOCATION AND POLICIES

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

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in July 2021 and the suite of documents comprising National Planning Practice Guidance (NPPG).

### Allocations

The site lies within the Green Belt as identified by the Kirklees Local Plan 2019. The site is also within a Mineral Safeguarding Area. The following legislation, policy and guidance is considered relevant to the determination of this application:-

### National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development.

LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

### **Kirklees Local Plan**

The following policies are considered of relevance:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality

## 6.0 ASSESSMENT

The application site is located within land designated as Green Belt under the Kirklees Local Plan. Paragraph 154 of the NPPF identifies new buildings in the Green Belt as being inappropriate unless they fall within specific exceptions.

Whilst the replacement of a building is appropriate development within the Green Belt the building needs to be in the same use. In this case it is proposed to replace an agricultural building with a dwelling. As such, it is considered that the development would constitute inappropriate development in the Green Belt. Very special circumstances are therefore required to justify the development. These need to outweigh the harm by reason of inappropriateness, and any other harm resulting from the proposal. In this particular case there is no other harm.

As noted above the site benefits from prior approval to convert the existing barn into a three bedroomed dwelling. Although the prior approval process is separate from the determination of the current planning application, it nevertheless establishes a realistic fallback position whereby a residential property could be implemented on the site. The existence of that permission demonstrates that the principle of a dwelling in this location has already been accepted through the permitted development regime. In the event that the present proposal were refused, the prior approval scheme could reasonably be carried out, resulting in a residential use of the site in any event. This fallback position is therefore a material consideration which carries substantial weight. The existing building is also larger than the proposed, meaning that the current proposal would result in a development which would have less impact on the openness than fallback scheme. When the impacts of the fallback scheme are compared with the current proposal, the development would result in a single dwelling within the same site context and with similar environmental effects.

The Council's housing land supply position is also a material consideration. Where a local planning authority cannot demonstrate a robust five-year supply of deliverable housing sites, significant weight should be afforded to proposals capable of delivering additional housing. The proposal would provide a new dwelling on a site where residential development could

already occur through the implementation of the prior approval fallback position. The development would therefore make a modest but meaningful contribution towards housing delivery within the district. When considered alongside the realistic fallback position and the limited harm to the openness of the Green Belt, the contribution towards meeting housing needs adds further weight in favour of the development and forms part of the very special circumstances necessary to justify the proposal.

### **Impact on openness and the visual amenity of the Green Belt**

The application site currently includes a large agricultural building, a significant amount of hardstanding and an existing access. The proposed dwelling adopts a similar height to the existing building and is smaller in terms of its volume. The proposed building echoes the scale of the existing building and the existing hardstanding area would be utilised rather than introducing a dominant or visually intrusive structure. Existing boundary treatments, and the contained nature of the plot limit visual effects and ensure the building remains within the established site envelope. Although the dwelling would represent a new domestic use, the development does not expand the developed area beyond the defined plot or project into open land. It replaces existing built form and maintains a clear and defensible site boundary. As such, the proposal does not materially reduce openness or erode the rural character of the Green Belt. It would therefore have no great impact upon openness than the prior approval consent which can be implemented by the applicant at any point. There is therefore no additional harm when considering the impacts on openness and the visual amenity of the green belt.

### **Highways Considerations**

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided.

The development plan and national policy seek to prevent adverse effects upon highway safety. The Officer report when granting the prior approval stated “that the site is also located reasonably close to bus routes. Therefore, it is considered that the location is sustainable”.

The proposed development would not be an isolated new dwelling given its proximity to existing dwellings immediately adjacent to the site. It would also be no different to the prior approval barn conversion in terms of accessibility to services, facilities and the reliance on the private car. There would no different in car movements when considering the conversion or the new build building. As such the proposal is considered acceptable in respect to highway safety and in compliance with the above policies.

### **Residential Amenity**

National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The nearest dwellings are those located fronting Green Balk Lane located at a distance of approximately 25 metres. This distance along with the positioning and intervening road ensures there would be no adverse effect upon residential amenity. Given the separation distance, the nature of the use, there will be no issues arising in terms of noise, odour, or visual harm. The proposal has been carefully designed and positioned to operate discreetly within the agricultural landscape, without affecting the living conditions of nearby occupants. A good standard of residential amenity would be provided for the dwelling itself. The proposal is considered fully compliant with all local and national policy in this respect.

### **Ecology impact and BNG**

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. The Environment Act 2021 requirements that development must deliver at least a 10 percent increase in biodiversity value compared with the existing baseline on the site. The existing building is sited on hardstanding, and the wider site comprises hardstanding. The land does not contain any established vegetation, habitats or

ecological features of note. In biodiversity terms the site is made up of built form and sealed surfaces which provide negligible habitat value as a result there is no requirement for BNG to be provided. As a result, the proposal complies with policy LP30.

### **Mineral Safeguarding**

The site lies within a designated Mineral Safeguarding Area as defined by Policy LP38 of the Kirklees Local Plan. The proposal would replace an existing building. The scale and nature of the development falls within the scope of minor development, which is explicitly excluded from the safeguarding requirement under section 2(c) of Policy LP38. As such, the proposal is not considered to conflict with the aims of mineral safeguarding, and no further assessment is required in this regard.

## 7.0 CONCLUSION

The proposal seeks planning permission for the demolition of an existing agricultural building and its replacement with a single dwelling. The site benefits from prior approval under Class Q for the conversion of the existing building to a dwelling. This establishes a realistic fallback position whereby a residential property could be implemented on the site without the need for further planning permission. The existence of that fallback position is a material consideration and demonstrates that the principle of residential development has already been accepted through the permitted development regime.

The proposed dwelling would occupy a similar footprint as the existing building and would be smaller in overall volume. As such, the development would not increase the extent of built form within the site and would not result in any greater impact on the openness of the Green Belt than the existing building or the fallback prior approval scheme. Indeed, it would have a reduced impact on openness. The design has been prepared to reflect the rural character of the surrounding area and is very similar to the existing building and would sit comfortably within the established cluster of buildings associated with Windy Gap Farm.

There would be no adverse impacts in terms of highway safety, residential amenity, ecology or mineral safeguarding. The development would also make a modest contribution towards housing delivery at a time when the Council's housing land supply position remains an important material consideration.

The only harm identified arises from the proposal being inappropriate development within the Green Belt. However, when the fallback position created by the Class Q prior approval is considered alongside the fact that the proposed building would be smaller than the existing structure and would not materially affect openness, these matters collectively amount to very special circumstances. Those circumstances clearly outweigh the limited harm arising from inappropriateness.

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For these reasons, the proposal is considered to accord with the relevant policies of the Kirklees Local Plan and the National Planning Policy Framework, and planning permission should therefore be granted.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

**James Roberts (BA, MSc, MRTPI)**

**JR Planning**