

Fazia Bano
Planning Department
Kirklees Council
PO Box 1720
Huddersfield
HD1 9EL

20th July 2026

Dear Fazia

OBJECTION to Planning Application 2026/62/91423/E - Erection of detached single storey outbuilding at 85 Hartshead Lane, Hartshead, Liversidge

I wish to object to the above planning application for the following reasons:

Planning History

In 2024 the applicant submitted a Certificate of Lawful Use of Development (LPA Reference 2024/CL/93043/E) where the First Schedule for the erection of outbuilding was refused and the Second Schedule for single storey side extensions and porch were approved.

As part of the refusal for the outbuilding, the officers report is clear in that no justification and evidence was provided to demonstrate that the outbuilding is indeed required for purposes incidental to the enjoyment of the dwellinghouse and that the size of the outbuilding is warranted. It is considered that these two outstanding matters still apply to this new subsequent planning application. The size of the proposed outbuilding compared with the size of the original house is significantly large and out of proportion with the rest of the house. Furthermore, the size of it represents that more aligned with a commercial leisure use and not that of an ancillary home gym. It also raises concern as to whether there is a longer term ambition to use the building for an alternative use, should this application be approved in the short term.

Proposed Development

It is unclear why the description of the proposal submitted by the applicant on the application form has been redacted, which does cause great concern as to what the intended use is for. Whilst the LPA have stated in their description that the proposal is for the "erection of detached single storey outbuilding", the information submitted by the applicant suggests that the use of the building is not for a normal domestic use. However, in the Climate Change Statement, the applicant is proposing "Erection of a detached single storey wellness and rehabilitation pavilion for ancillary use by two disabled residents, utilising specialised clinical tracking layout and hydrotherapy facilities."

Whilst the outbuilding is single storey and would be adjacent to the main dwelling, this is sited in an elevated position, with the main garden area to the west sloping down to the main road (Hartshead Lane) and beyond this, the lay of the land continues to slope down. Whilst there is some existing vegetation and hedging, some of this would need to be removed to make way for the outbuilding. This would result in it being very visible from the main road and from wider viewpoints.

From the information submitted, the proposed outbuilding appears to comprise of the following:

1. Gym equipment area (labelled rehabilitation area on the floor plan)
2. A small pool (labelled as hydrotherapy pool on the floor plan). However, it is not clear on whether this will truly be a hydrotherapy pool or just a normal small pool.
3. Shower area
4. Plunge area
5. Steam Room
6. Sauna
7. WC Changing
8. Bar
9. Sit down/eating area
10. Entertainment Hub
11. Cinema
12. American Pool

Whilst it would appear that the reason for the proposed development is for rehabilitation, no evidence has been submitted to warrant this. However, notwithstanding this, this in itself does not constitute very special circumstances for inappropriate development in the Green Belt.

It should be noted that the host dwelling is significant in size when compared to an average sized property and comprises of a large number of rooms. The proposed scheme includes

elements which are not associated with a wellness and rehabilitation centre and are not necessary for an outbuilding which is ancillary to a nearby dwelling house , such as a bar, eating area, entertainment hub, cinema and American pool. It is clear that this is a use that goes far beyond the portrayed rehabilitation centre. There is also a very short distance between the host property and the proposed outbuilding.

The previous designed scheme (LPA Ref 2024/CL/93043/E) included only the following of the 12 items above

1. Hydrotherapy pool
2. Sauna/Steam room
3. Gym
4. Shower
5. Changing Room
6. Bar
7. Ice bath tub

Since then, the proposed use of the outbuilding has clearly expanded to become a social entertaining space for the occupiers and visitors. It contains forms of primary living accommodation, including a toilet and shower room. It is very large, especially in proportion to the main house, which is well above the size of an average home. Its size is not well related to its proposed use, some of the proposed uses are either accommodated for already in the main house or could be. In light of what is shown on the proposed floor plan layout and the fact that additions could be made in the future, such as bedroom space and kitchen, the extremely large building does have the appearance or potential to be a self-contained accommodation such as a bungalow or granny annex. The latter is of particular concern given the applicant's resilient and commitment to demonstrate that the facilities must be provided in a separate building rather than an adjoining extension to the host dwelling. From perusal of the proposed block plan submitted, it is baffling that the applicant wants a stand alone building, yet it is sited very close to the original dwelling, thus posing the question as to why it cannot be a physically attached extension. This further reinforces our concerns of the future motive of the applicant. On the one hand they do not want the building to form an extension to the host dwelling, but they want it sited so close, presumably to maximise the size of the building.

It is acknowledged that a home gym for the use of the occupants of a dwellinghouse, within an outbuilding, can sometimes be considered incidental to the enjoyment of a dwellinghouse. However, these usually consist of low key buildings, do not compromise primary accommodation and remain subordinate to the host property.

The proposed outbuilding would occupy a floor area relative to a bungalow or granny annex. The space is large enough to accommodate a large variety of uses within it and is very spacious. There does appear to be duplication in terms of what is going to be provided in the outbuilding and that which either is or could be accommodated within the host building. Based on the information submitted, the building goes far beyond a rehabilitation gym/swim area for therapeutic or health reasons, as it would be used for the purposes of entertaining.

Notwithstanding the pool and gym equipment shown on the plans, half of the building as proposed could have a function and purpose not unlike a reception room in a dwellinghouse. In my opinion, it would comprise additional primary living accommodation that would supplement the accommodation provided in the main house. The applicant must demonstrate that the outbuilding is acceptable in the Green Belt. They should also be required to justify that its purpose is incidental to the enjoyment of the dwellinghouse.

The proposed development is single storey, it is detached from the main house and has a large footprint for the provision of a variety of equipment and uses as per the list mentioned previously. For the collective reasons already mentioned, I am of the view that the outbuilding cannot be legitimately subordinate and ancillary to the main use. The actual size of the outbuilding is large enough to be a stand-alone dwelling, which could be the short- or long-term future plan here. Once approval is granted for a very large detached building in the Green Belt, there would be a case in the future to convert this building into a dwelling, as permission would have then be granted for the building itself. Just a change of use would then be required for a building that is being sited in a perfect position to form a new dwelling alongside the existing house. Whilst any planning approval could have PD rights removed for both a stand-alone domestic, commercial or leisure use. The applicant could apply to have these removed at a later date.

National Planning Policy Framework (NPPF) – December 2024

In the latest NPPF, Chapter 13 provides policy guidance on “Protecting Green Belt Land”. Government attaches great importance to Green Belts, with the fundamental aim of the Green Belt policy being to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their prominence.

Paragraphs 153 to 160 provide clear guidance on proposals affecting the Green Belt. When considering any planning application, LPA’s should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 confirms that development in the Green Belt is inappropriate unless one of the exceptions listed in that paragraph applies. It is considered that the only possible exception that the applicant could claim is exception c) which says, *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*.

It is noted that there is case law to support this approach (applying policies for extensions to outbuildings) but only where it is a normal domestic adjunct to the main house, close to the main house and used for purposes related to the main house. The proposal is significantly large, even in comparison to what is already a very large detached house.

In conclusion regarding the NPPF, the proposal will result in a disproportionate addition over and above the size of the original dwelling, thus it does not accord with national planning policy and should be refused.

Kirklees Local Plan

In the adopted Kirklees Local Plan, the application site is within the Green Belt. Chapter 19 is therefore of relevance and in light of case law with regard to the interpretation of the NPPF with regard to extensions (including outbuildings), Policy LP57 of the local plan is of importance. It is considered that the proposal would result in the original building not remaining the dominant element both in terms of size and overall appearance. It would also result in a greater impact in terms of the treatment of outdoor areas.

The supportive text accompanying Policy LP57 is clear that if building extensions are to be accepted in the Green Belt, it is essential that they should neither prejudice the open character of the Green Belt, nor be disproportionate in relation to the host building. This point is even more important where the existing building has already been extended.

The helpful text goes on to say that disproportionate additions will be deemed to be those where the original building is no longer the dominant element and this will not be judged solely on whether the extension is visible from public vantage points, such as roads and footpaths. Just because an extension is not visible from a public vantage point does not make it acceptable as any built form impacts on openness.

In light of this, the proposed development would be contrary to Policy LP57 of the local plan and should be refused.

Kirklees House Extension and Alterations SPD

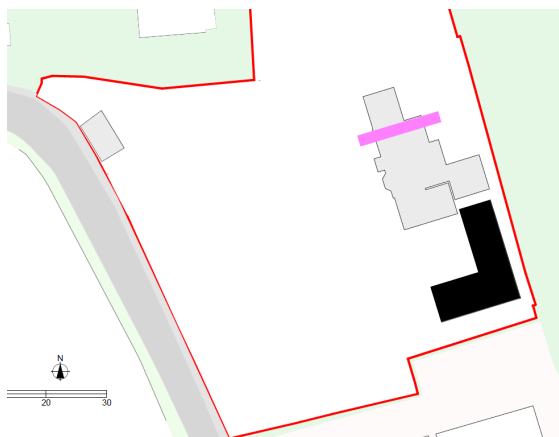
Section 5.6 of the above SPD clearly states that outbuildings should normally

1. be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
2. be set back behind the building line of the original building so that they do not impact on the street scene; and
3. preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

It is considered that the proposal is in conflict with part 1 above, in that due to the size and location of the outbuilding, it would not be subservient in footprint and scale to the original building.

Proposed Plans

Please could you ensure that you carry out a site visit in person? One fundamental reason for this is to double check the accuracy of the block plan that has been submitted. On the block plan, it appears to show the footprint of the host property much larger than what it actually is. It shows the existing building protruding further north which is incorrect. This then creates a false and incorrect illusion when comparing the footprint of the proposed outbuilding verses the footprint of the host dwelling. To assist I have drawn a pink line where the north side elevation of the host property actually ends in reality. It is imperative that the Council make a decision based on accurate information.



It is also noted that the floor and existing plans do not match, with contrasting fenestration details. For example, the windows on the floor plan do not match the elevational plans.

Photos of the Application Site

As part of the planning application submission, the agent has produced a document with existing photos. It is unclear on the purpose of these and what point the applicant is trying to execute.

Photo 1

There seems to be an emphasis on the narrow and uneven paths around the existing dwelling. However, there appears to be plenty of room to widen the existing paths and the change in levels is minimal, in that there is no more than one step at any time and the drop between the two different levels is not significant. The criticism of this part of the site could easily be rectified if the applicant wanted to.

Photo 2

There is also a photograph of the driveway that appears to be claiming that there is a significant gradient level change. Again, this does not appear to be severe with no step change involved.

Photo 3

It is unclear what the relevance of all these photos are, with this one showing that there are steps between the driveway and balcony claiming there is an accessibility issue/problem. Yet it is clear from photo 1 that there is an alternative route of access between the driveway and terraced area. This is one of the reasons, as to why it is considered that some of the information and facts being portrayed by the applicant are misleading and false.

Photo 4

Again, it is unclear why there is a random photo showing unmanaged boundary treatment, claiming steep embankments to try and justify that this proportion of the site is medically unusable. This is a very big exaggeration and again supports our view on the credibility of the information and claims being made by the applicant.

Photo 5

The hedging shown only provides some screening and does not solely justify the size and location of the outbuilding in the position proposed.

Photo 6

Yet again, there is a claim that the photo is showing steep drops which does not appear to be the case at all from the photo. This is yet another example of misleading and inaccurate information.

Photo 7

It is really unclear what this photo and the others are trying to achieve or claim. It is very common for sites where extensions are built to not be level and as part of the construction of any extension or building, these are matters that can easily be rectified. Especially as the photographs are showing minimal level changes that are very insignificant.

Photo 8

This and some of the other photos are showing that level changes are very minimal, that parts of the curtilage have not been well managed and that there is space to accommodate change. Thus, the photographs are demonstrating the complete opposite of what the applicant is trying to portray.

Photo 9

This photograph is claiming that the site is unsafe, but this is due to poor management of the outside space of the house. This should not be an excuse to warrant unacceptable development in the Green Belt.

Photo 10

It is clear from this photograph and the other photographs, that these are being used in an attempt to dismiss alternative options for the location of the outbuilding. Clearly it is the applicant's personal preference not to extend the original property and instead create a detached large outbuilding.

Summary

It would appear from the information submitted, especially the annotated photographs, that the applicant is clutching at straws as to why they do not want an extension to the original house. Or if they are trying to demonstrate something else, this has not been made clear in the planning submission.

This really does beg the question as to whether the proposed building and use, is indeed for purposes incidental to the dwellinghouse. There is a risk that this could be for commercial

purposes or for friends/family, which would result in an increase of comings and goings from the property. It could also materially change the property's character to a mixed use. Notwithstanding this, given the size and facilities contained within the proposed building, a number of people could use this facility all day and evening with various noise being generated. Cumulatively this will create an increase in noise and disturbance for adjacent residents.

The proposal is not ancillary or subservient to the original house and will result in a disproportionate addition over and above the size of the original dwelling. Thus, the proposal is not in accordance with the NPPF, Policy LP57 of the Kirklees Local Plan and the Council's SPD on House Extensions and Alterations.

I trust that officers will seek to refuse the application, and it would be appreciated if we could be kept informed of any pertinent updates, such as revised information being submitted, planning committee dates if applicable and the decision.

Yours sincerely