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Planning Development

Planning Statement: Plots 4 & 5 - Land at former Westfield Farm, Barnsley Road, Flockton, WF4 4DW

Site Description

Prior to development commencing, the application site comprised of a former farmstead which included a farmhouse and several stone-built / steel framed barns and buildings. The site is located on the southern side of the A637 Barnsley Road adjacent to the junction with Haigh Lane. The site is situated towards the western end of Flockton. Residential properties are located to the north and east of the site, with open fields and countryside located directly south and west of the site.

Background and current position

As per the planning history below, the current position is as follows:

Originally, planning permission was granted (2019/92238) for the demolition of the farm buildings, the renovation of the existing farmhouse to form one dwelling and erection of for new dwellings (including a new access).

Through a further application (2023/90171), a revised application was submitted to demolish (instead of convert) the existing farmhouse and create one new dwelling (exchanging Plots 4 and 5 for one plot only – Plot 4).

The next planning permission was 2024/91088, which sought to vary the 2023/90171 permission in relation to Unit 3 only (the 'farmhouse') in relation to design aspect. This application was approved.

There have been two further recent 'variation of condition' applications in the system undetermined. One of these (2026/90401) has since been withdrawn (as the form of application was incorrect), while the other (2024/93449) remains undetermined, but seeks to retrospectively approve a variation in design to Plots 1 and 2 only in connection with the 2019/92238 planning permission.

As the site currently stands, the principle of residential development has been established by the previous permission 2019/92238, which is extant as per work that was lawfully commenced (see details below in 'Principle of Development' section).

Plots 1, 2 and 3 are nearing completion, while Plots 4 and 5 have yet to start.

This new application seeks to vary the 2019/92238 permission for the new Units 4 and 5 in relation to Condition 2 (plans).

A parallel application is submitted at the same time for a variation to the design of Plot 3 (variation of planning permission ref: 2024/91088).

Planning History

2019/92238 – Demolition of existing buildings, renovation of farmhouse and erection of 4 no. dwellings including garages and formation of new access – Approved

2022/93299 – Discharge of conditions 10 (phase 2 site investigation report), 11 (coal investigation and remediation statement), 14 (noise report) and 16 (bat survey and statement) on previous permission 2019/92238 for demolition of existing buildings, renovation of farmhouse and erection of 4 no. dwellings including garages and formation of new access – Split Decision

2023/90171 - Demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (exchanging Plots 4 and 5 for one plot only – Plot 4) – Approved.

2024/91088 - Variation of condition 2 (plans) on previous permission 2023/90171 for demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type for Unit 3) – Approved.

2024/91698 - Discharge of condition 3 (material samples), 11 (statement/declaration), 12 (drainage scheme) and 13 (storm events) on previous permission 2023/90171 - Split Decision

2024/93449 - Variation of condition 2 (plans) on previous permission 2019/92238 for demolition of existing buildings, renovation of farmhouse and erection of 4 no. dwellings including garages and formation of new access (design changes to Plots 1 and 2 only) – Currently undetermined.

2026/90401 - Variation of condition 2 (plans) on previous permission 2019/92238 – Withdrawn.

Policy Designation

The application site is mainly located on land which is unallocated on the Kirklees Local Plan Policies Map. A small strip of land along the southern boundary of the site is located within the Green Belt.

Section 73 Provisions

Section 73 in The Planning Encyclopaedia states:

'(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted ...'

Section 73.05 in The Planning Encyclopaedia goes on to state:

'This section provides a different procedure for such applications from that applying to applications for planning permission and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted. However, this does not permit them to ignore the wider considerations affecting the grant of permission since a successful s.73 application results in a new permission and it must therefore be determined accordingly to the current development plan and other material conditions ...'

As such, only if new policies have been introduced / adopted, should the LPA take a different approach to the elements of the development granted previously.

Plans List to be Amended

In order to implement the changes applied for (detailed below) the following plans from the previous 2019 approval are proposed to be substituted as follows. All other plans listed on the original decision notice remain relevant.

Plans to be superseded from original permission:

- Proposed Site Plan Ref: P1 Rev B
- Proposed elevations plan (reference unknown as plan not available online)

New Plans:

- Proposed Site Plan (Revised Units 4 & 5) ref: WHPG23/0007 20 Rev A
- Proposed Elevations Units 4 & 5 - WHPG23/0007 15 Rev A

The Proposals

Whilst the plans for Plots 4 and 5 have been varied previously through the 2023/90171 planning permission (exchanging Plots 4 and 5 for one plot only – Plot 4), this application seeks a Section 73 variation to planning permission the 2019/92238 permission to retain the principle of two new dwellings in this location, but vary the designs of Units 4 and 5 in relation to Condition 2 (plans). The proposals include follows:

- 1) Split levels two / three storey detached 4 bed dwellings – 294 q.m GIA.
- 2) Traditional design constructed of natural stone and natural blue slate to match the other approved properties.
- 3) Three parking spaces per plot (two on the drive and one within the integral garage).

Assessment of the proposals

Principle of Development

Planning permission was approved in 2019 for the demolition of existing buildings, renovation of farmhouse and erection of 4 no. dwellings including garages and formation of new access (LPA ref: 2019/92238). It is also important to note that a lawful start of this permission was implemented on the site through the demolition of some of the existing outbuildings in December 2022. A letter informing the Council of the lawful start was sent to the LPA on 7th December 2022.

As detailed above, there have been numerous other approved applications that have varied the designs and numbers of plots between four and five units.

The principle of development has therefore already been established at this site.

Moreover, a material change in circumstances since the earlier applications has occurred in relation to the fact that there is a presumption in favour of the development now that the Kirklees borough is unable to demonstrate sufficient housing land supply, or provide adequate levels of housing delivery.

As such, the delivery of this *windfall site*¹ will help contribute towards the projected windfall target in the Local Plan period, particularly since recent annual dwelling completion totals within the borough have been heavily reliant on windfall sites.

Green Belt

The application site is unallocated with the exception of a small portion of land within the Green Belt to the southern part of the site, previously occupied by a building of 6.7m overall height. This building was removed as part of the implementation of the proposals (2019/92238), and the resulting area which it previously occupied would form a garden area for Units 4 and 5.

It is noted that the impact on the Green Belt was considered acceptable under all previous applications relating to these plots (2019/92238 and 2023/90171).

Design and Visual Amenity

Local Plan Policy LP24 (Design) states that, *'Proposals should promote good design by ensuring: a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.'*

Paragraph 135 in the NPPF sets out various design objectives, including the need to ensure developments will function well and add to the overall quality of an area, are visually attractive, are sympathetic to local character and establish or maintain a strong sense of place.

The Kirklees Housebuilders Design Guide SPD also sets out what the Council considers to be good, high-quality residential design through a number of principles. The relevant principles in relation to this scheme in terms of design and visual amenity are as follows:

- Principle 2 – Context
- Principle 5 – Built form and the building line
- Principle 8 – Landscaping and edges
- Principle 11 – Street Design
- Principle 12 – Parking
- Principle 13 – Materials and Detailing
- Principle 14 – Windows and Doors
- Principle 15 - Rooflines

The design changes to Plots 4 and 5 are judged to be acceptable in the context of previous planning permissions, and the wider site and locality for the following reasons:

- 1) The broad siting, orientation and materials of construction remain largely unchanged from the 2019 (two plots) approval. The lengths of the plots together are shorter than either of the two

¹ NPPF Paragraph 73 (d) "To promote the development of a good mix of sites local planning authorities should....support the development of windfall sites through their policies and decisions..."

previous approvals (34m long vs 34.9m [2023] and 36m [2019]). The width (depth) of the widest part of the new proposal would be 9.9m, only a marginal 0.5m increase on the single dwelling scheme approved in 2023.



From top to bottom – 2019 & 2023 consented schemes vs proposed scheme

- 2) The roof would incorporate ancillary cross-gable elements rather than a simple pitch roof style, similar to schemes previously approved on these plots. Traditional features now included such as chimneys are a benefit as they were not included on the 2023 plans.
- 3) The proposed dwellings would be a split level two/three-storey dwelling rather than just two-storeys (as per the 2019 consent). This split level design would be in keeping with the previously approved large plot (2023/90171) and Plots 1 and 2 on the site (which also comprise of two/three storey split level dwellings) and would utilise the topography of the site more effectively.
- 4) The front elevation of the dwelling would be traditional in appearance to complement the other dwellings on the site, whereas the rear elevations would be more contemporary in design. The principle of large areas of glazing on these rear elevations was accepted by officers under the previously approval for one large plot (2023/90171).

Given the above, the proposals are considered to remain acceptable and comply with Local Plan Policy LP24, Paragraphs 135 in the NPPF and the relevant Principles in the Kirklees Housebuilders Design Guide.

Residential Amenity

Principle 6 in the Housebuilders Design Guide SPD states that, '*residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.*'

The revised plots are located in the same positions as Plots 3 and 4 on the 2019 approved application. The previous separation distances of between 18m and 20m between Plots 1 and 2 at the front of the site and Plots 3 and 4 (at the rear of the site) were considered by officers to be acceptable. The new distances range from between 18.5m and 19.6m and so are within the same parameters.

In terms of the residential amenity for future occupants, the proposed dwellings would benefit from a good amount of outdoor amenity space and three off-street parking spaces each. Both dwellings would enjoy a high quality outlook across the valley, with the large amount of glazing on the southern elevations allowing plenty of natural daylight to enter the properties. The design and size of the dwellings also meet internal space standards which will allow future occupants of the dwellings to enjoy a good quality of life and a high standard of living.

Given the above, the proposed development is considered to be acceptable and accords with Local Plan Policy LP24 (Design), paragraph 130 in the NPPF and the relevant Principles in the Housebuilders Design Guide.

Highway Matters

No changes are proposed to the access from the previous 2019 approval.

The two existing access points from Barnsley Road would be closed off. A new private drive measuring 4.8 metres wide would enter the site from Haigh Lane. Additional highway improvements are also proposed and would include the creation of a 2 metre wide footway to the northern and western site boundary, the widening of Haigh Lane to 5.5 metres, and increasing the kerb radii to 9.0 metres on the corner of Haigh Lane to avoid turning movements for larger vehicles.

The internal road layout would remain unaltered.

The Council's Highways Department had no objections to the previous 2019 approval. The proposed development is therefore still felt to be acceptable from a highways perspective and complies with Local Plan Policies LP21 (Highways and access) and LP22 (Parking) and the guidance within the Kirklees Highways Design Guide SPD.

Other matters

- 1) **BNG** – Government Practice Guidance (Biodiversity net gain) states Paragraph: 016: "An application to vary a condition of a planning permission under Section 73 which is made after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) is not in scope if the original permission (to which the section 73 application relates) was either granted or the application for the original permission was made before this date."

The development is therefore considered to be exempt from BNG as the previous planning permission pre-dates 12th February 2024.

- 2) **Drainage** - As per the previous section 73 planning permission reference 2024/ 91088, the applicant would be content to accept conditions (as per conditions 12 and 13 of that planning permission).
- 3) **Contaminated land** – Documents relating to the Phase II and remediation work, conditioned as part of the original 2019 planning application, were approved through the two documents:
 - a) A letter titled ‘Ref: Westfield Farm, Barnsley Road, Flockton, WF4 4DW’ by Rogers Geotechnical Services dated 30th March 2023 (ref: C1913/23/E/5097) and
 - b) Remediation Strategy Report by Rogers Geotechnical Services Ltd dated March 2023 (Ref: C1913/23/E/5135), submitted as part of the application 2023/90171 (please refer to Environmental Health consultation response in this regard).

A validation / verification report is still to be submitted for the site as a whole (a pre-occupation requirement).
- 4) **Noise** – Again, in relation to this matter which was conditioned under the 2019 planning permission, details of noise mitigation measures were approved by Environmental Health in their consultation with regard to the 2023/90171 planning application. A condition to secure the noise mitigation measures in accordance with the ‘Report of Sound Measurements and Recommendations authored by S & D Garritt Ltd dated 23 August 2022’ was subsequently imposed, in addition to a further (pre-occupation) condition requiring details of the acoustic barrier to be submitted and approved in writing.
- 5) **Coal mining legacy** - The Phase 2 intrusive investigation and remediation strategy were approved through the discharge of conditions application ref: 2022/93299.
- 6) **Ecology** – A Bat Licence was granted by Natural England (EPSM 2023-65216-EPS-MIT) on 4th August 2023 (10 year licence) and demolition works (the old barns) were supervised by Quants Environmental in January 2024, in accordance with the terms of the licence. As per the previously imposed conditions in respect of bats (Conditions 15 and 16), the construction of a bat loft is shown on the proposed plans, as well as the installation of four bat boxes.

It is therefore respectfully requested that this Section 73 application is approved accordingly.

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