



PLANNING STATEMENT

DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING

BADGER HEY FARM

CHAIN ROAD

MARSDEN

HD7 5TZ

September 2021

1. Introduction

1.1 This Planning Statement has been produced to support an application for the demolition of an existing dwelling and the erection of a replacement dwelling at Badger Hey Farm, Chain Road, Marsden HD7 5TZ.

2. Site and surroundings

2.1 The application site relates to Badger Hey Farm, a detached property which is predominantly built from stone with a stone tiled roof. The building is of a Laithe House design, whereby the barn is attached to the main dwelling. The property benefits from a small glazed lean-to on the southern elevation which fronts Badger Hey (an unadopted road) and previous extensions to the rear. To the north of the site is an area of hardstanding, a detached outbuilding, and an open grass field. To the east is a small stable block and an adjacent residential property (Badger Hey Cottage).

2.2 The site is located within the green belt in the Kirklees Local Plan (LP). Badger Hey Cottage is a Grade II listed building. Nearby properties are predominantly residential in character and follow a linear pattern as they are located to the north of Chain Road.

3. Previous history

3.1 A response to a pre-application enquiry, requesting advice from the LPA in respect of three similar schemes to demolish the existing dwelling and to replace it with a new dwelling, was received in January 2020 (2019/20485).

3.2 A subsequent application to demolish the existing dwelling and to replace it with a new dwelling with attached stables (2021/91040) was submitted in March 2021 and then withdrawn in May 2021 in order to address issues raised by the LPA.

4. Planning policy

4.1 The Kirklees Local Plan (LP) identifies the site as being within the green belt. The site also lies adjacent to a designated heritage asset (Badger Hey Cottage - Grade II listed) and part of the existing dwelling (the barn) is considered by the LPA to be a non-designated heritage asset.

4.2 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2019, and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

4.3 Other relevant national guidance and documents include -

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

4.4 Relevant Local Plan policies are held to include -

- LP3 - Location of new development
- LP7 - Efficient and effective use of land and buildings
- LP21 - Highway safety and access
- LP22 - Parking
- LP24 - Design
- LP28 - Drainage
- LP32 - Landscape
- LP35 - Historic environment
- LP57 - The extension, alteration or replacement of existing building

4.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council -

- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide (2019)
- Housebuilder Design Guide SPD (2021)

5. Assessment

5.1 Green belt

5.1.1 With regard to the principle of development, a critical issue is held to be development within the green belt.

5.1.2 The NPPF, at para 145 (d), states -

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

.....
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

.....

5.1.3 Policy LP57 of the Kirklees Local Plan states -

The extension, alteration or replacement of existing buildings

Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

.....

b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and

d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

5.1.4 In the context of the above policies, it is contended that the proposed development will be in the same use as the existing buildings to be demolished (residential) and so meets part a) of policy LP57. The new building will not, it is argued, be materially larger than the building that is replaced. It is commonly accepted that an increase of around 10% by volume represents a scheme that is not “materially larger” than the one it replaces, subject to the proposed scheme satisfying sections c. and d. of Policy LP57 (see below) and other relevant Local Plan policies.

5.1.5 However, a number of successful appeals have seen volumes greater than this allowed, subject to appropriate design and the mitigation of the proposed development on the openness of the green belt. As such, this “10%” increase should not be considered to be a fixed amount.

5.1.6 In this instance, the volume of building to be demolished is 1131 cubic m. The proposed new dwelling has a volume of 1301 cubic m, an increase of approximately 170 cubic metres (or 15%).

5.1.7 It should be noted that the integral stables that were part of the previous scheme have been omitted from the current proposals and the footprint of the proposed new dwelling is, for all intents and purposes, on the footprint of the existing dwelling (although the footprint has been moved to the west slightly for reasons set out below (see paragraph 5.2.2)).

5.1.8 It should also be noted that the internal accommodation remains “flipped” as per the previous scheme, with the barn element of the new build to the east and the main living accommodation to the west (for the reasons set out in the previous scheme).

5.1.9 The increased volume is held to be mitigated by the following factors -

5.1.9.1 **Bulk, scale, massing, and footprint** - the current proposal, as described above, is more or less on the same footprint as the existing building and the increased volume is mainly due to slight increases in roof heights to allow for internal ceiling heights in the main part of the new dwelling. However, the overall impact of this slight increase in ridge height is considered to be minimal.

5.1.9.2 **Design** - following advice received from officers as part of the previous application, the design of the new building has been amended to provide for a more “traditional” design, using an oblong Laithe House type footprint and also using traditional natural materials in an overall design that is more reflective of the vernacular style of architecture in this part of the Colne Valley.

5.1.9.3 **Curtilage** - the residential curtilage remains as existing. It should be noted that the area is already in residential use and so there is a certain amount of domestic paraphernalia already present on site.

5.1.10 Taking into account the above factors, then overall the proposed scheme is held to meet part c) of policy LP57, in that it is contended that it does not result in a materially greater impact on the openness of the green belt in this location.

5.2 Heritage impacts

5.2.1 With regard to the impact on the setting of the adjoining designated heritage asset (a Grade II listed building), it is held that there are two main issues to be addressed - firstly, the demolition of a non-designated heritage asset and, secondly, the impact of any replacement dwelling on the significance of the setting of the nearby listed building.

5.2.2 *Demolition*

5.2.2.1 The existing dwelling, albeit constructed from good quality materials, is not energy efficient and does not benefit from insulation to the walls and floors. As well as the poor thermal performance, the layout and usability of the building for the owners has become outdated and is at odds with C21 living. The position of the existing house on the plot makes manoeuvrability difficult for modern day, larger agricultural vehicles to access the rear of the property and around the site. The proposal to replace the dwelling enables the new house to be repositioned slightly to allow easier access and a better everyday use of the adjacent yard and land. It also enables construction of a more sustainable house, meeting the current regulations, with high levels of insulation, better performance glazing and the use of renewable energies where possible, as required by efforts to minimise climate change.

5.2.2.2 In terms of para 203 of the NPPF, it is held that the significance of the non-designated heritage asset (the barn) is fairly low, in that the barn was clearly constructed using materials found in the vicinity by, presumably, farmers in the past. As such, the construction of the barn is poor and it would be difficult to retain this building once the main part of the farmstead - the farmhouse - is demolished. The demolition of the farmhouse would result in an exposed (eastern) gable of the barn, which would require expensive structural support whilst work was undertaken to build the new dwelling.

5.2.2.3 Also, as set out above, the barn element of the new build needs to be “flipped” so that it is nearer the existing agricultural buildings and to allow better access to the rear of the property. If the existing barn was left in its current position, then the new dwelling would have to be constructed on the western elevation of the barn, this moving the buildings away from the consolidated group (including Badger Hey Cottage) which, it is held, would have an impact on the openness of the green belt. Finally, to demolish the barn and to re-build it “as is” in another location is considered to be financially unviable, particularly as the barn is not statutorily listed.

5.2.2.4 Therefore, with some regret, it must be concluded that the loss of this non-designated heritage asset is small-scale, its significance is fairly low and that the “balanced judgement”, in this case, must allow for the demolition of the existing barn and its replacement by a well-designed new holistic building.

5.2.3 **Setting**

5.2.3.1 The current setting of the adjacent listed building (Badger Hey Cottage), it is contended, is not facilitated by the general ‘hotch-potch’ appearance of the current dwelling, which has, for example, differing stone types, window sizes, roof types, roof coverings etc, due to the way the property has developed over the years, resulting in a property which has a ‘mismatch’ appearance.

5.2.3.2 The setting of Badger Hey Cottage has also been affected by modern agricultural buildings on the site and whilst there are no proposals to improve this situation within the current scheme, nonetheless it is a factor of relevance.

5.2.3.3 The proposed new dwelling is held to reflect the style of the neighbouring buildings and to respect the characteristics of the existing farmhouse and barn. The proposed materials and design are held to be appropriate and the proportions of openings etc are also in keeping, reflecting those that exist on the host property and the surrounding build-

ings. It is considered that the proposed new dwelling therefore enhances the rural setting, with the characteristics of a Laithe House being retained, as well as being appropriate to the site.

5.2.3.4 Given the above, it is held that the proposed new dwelling will actually enhance the setting of the designated heritage asset, which would be viewed (from Chain Road and in distant views from across the valley) in the context of a well-designed, traditional building using good quality materials etc. As such, it is contended that paragraph 203 of the NPPF is satisfied.

5.3 Residential amenity

5.3.1 The nearest residential property to the application site is Badger Hey Cottage. There is an existing separation distance of approximately 19m between the nearest elevations and these neighbours and this will be increased by approximately 1m under the current proposals. The overall size and scale of this development will not impact upon the amenity of the neighbouring property in regards to overbearing and overshadowing, as the the neighbouring property lies to the east of the new dwelling, which retains almost the same size, scale and bulk as the existing dwelling. The only window in the eastern elevation of the new property will be at first floor level and will only serve the mezzanine floor of the new barn element of the building, and so there will be no overlooking of the site from a habitable room.

5.4 Access and highways

5.4.1 The line of the existing public footpath to the front of the property will remain unchanged and the proposed parking spaces, which replace existing parking spaces, will not interfere with the use of this footpath. It should be noted that this is the current situation and no conflicts etc between vehicles and footpath users have ever been recorded.

5.4.2 The access to the site and egress from the site will remain as per the existing situation, with access to the site from the western end of the access road and egress from the eastern end of the access road.

6. Conclusion

6.1 Therefore, for the reasons set out above, it is held that the proposed scheme meets the relevant policy requirements of the NPPF and the Local Plan and is capable of approval, subject to all reasonable and necessary conditions.