

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007

As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at

<http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx>

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

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10. BUSINESS AND INDUSTRY

STRATEGY

- 10.1 Business and industry in Kirklees is based on traditional manufacturing activities, textiles, engineering and chemicals. In recent years there has been diversification as new industries have become established and the service sector has grown. Manufacturing now accounts for 38% of the employed workforce, still 15% above the national average.
- 10.2 The Council's objectives are to increase and diversify employment opportunities by strengthening and broadening the economic base. This involves providing for the needs of established firms and attracting new investment to the District. Many businesses are located along the traditional transport routes in the river valleys and a high proportion are still accommodated in 19th century buildings.

If they are to maintain their competitiveness they may need to redevelop their premises or to move to a better location. The trend away from multi-storey accommodation to single-storey means that to maintain existing levels of industrial employment larger areas of land are required. Sites with good motorway access are particularly attractive to businesses relocating within the District and also to potential inward investment. As the M62 does not follow a river valley it by-passes the traditional industrial areas. Consequently business development interest tends to be focused away from the areas which require regeneration. A key factor addressed in the plan is the balance between the provision of land for business and industry in the M62 corridor and on sites close to the traditional industrial areas.

- 10.3 It is important that the existing stock of business premises and sites should be sufficient to ensure that opportunities for business expansion and for the establishment of new businesses are not inhibited, and to avoid deflecting development pressure unnecessarily towards greenfield sites. Consequently proposals for changes from business and industry uses to other uses will need to be carefully evaluated to ensure that, if accepted, such proposals will contribute to economic or environmental regeneration and will not lead to an unsatisfied demand for business premises. It is also important to accommodate the extension of business premises unless there is no environmentally acceptable means by which this can be achieved.
- 10.4 Office-based businesses can offer new employment opportunities especially in areas previously dominated by manufacturing activity. In many town centres and older industrial areas there are opportunities for redevelopment to provide new office accommodation, and also buildings suitable for conversion to offices. Investment in redevelopment or conversion schemes can help to regenerate run down areas by stimulating new economic activity and bringing people back to them.
- 10.5 Many people already work from home and with the increasing availability of computer links and other technology many others may be able to do so. This may be beneficial in reducing journey to work congestion and in enabling people not currently able to go out to work to secure employment. However, safeguards are required to ensure that working

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from home does not cause detriment to the amenity of neighbours or to the residential character of the area.

- 10.6 The District has a varied potential for tourism which already makes a significant contribution to the local economy. The Council's policy is to promote tourism in order to help to diversify the economic base. However, the benefits of increased tourist activity have to be balanced against the potential environmental damage that might result to ensure that the qualities which attract tourists are not destroyed in the process. New tourist activity can be particularly valuable in rural areas by diversifying the local economy where agriculture is in decline and alternative employment opportunities are very limited.
- 10.7 Despite its decline agriculture is still a significant economic activity which gives rise to demands for new buildings and structures in the countryside. It is appropriate to accommodate such development where it can be justified in terms of agricultural operations provided also that the character of the countryside is not irreparably damaged.

B1 THE EMPLOYMENT NEEDS OF THE DISTRICT WILL BE MET BY:

- i PROVIDING LAND TO ACCOMMODATE THE REQUIREMENTS OF EXISTING KIRKLEES BUSINESSES AND THE ESTABLISHMENT OF NEW BUSINESSES;**
 - ii MAINTAINING THE STOCK OF ESTABLISHED BUSINESS AND INDUSTRIAL PREMISES AND SITES, EXCEPT WHERE THIS WOULD LEAD TO ENVIRONMENTAL PROBLEMS OR WHERE THEY ARE UNSUITABLE FOR BUSINESS AND INDUSTRIAL USE OR THERE IS NO REALISTIC PROSPECT OF RE-USE OR REDEVELOPMENT FOR SUCH PURPOSES.**
 - iii ACCOMMODATING THE EXTENSION OF BUSINESS PREMISES EXCEPT WHERE THERE WOULD BE ADVERSE ENVIRONMENTAL IMPACT;**
 - iv PROVIDING FOR OFFICE USES TO BE ESTABLISHED PARTICULARLY IN TOWN CENTRES AND OLDER INDUSTRIAL AREAS;**
 - v ACCOMMODATING WORKING FROM HOME;**
 - vi PROMOTING TOURISM; AND**
 - vii ACCOMMODATING AGRICULTURAL DEVELOPMENT AND DIVERSIFICATION OF THE RURAL ECONOMY.**
- 10.8 Business and industrial uses comprise classes B1-B8 of the 1987 Use Classes Order. Class B1 "business" comprises industry, research and development and office uses (excluding

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those falling within class A2) which can be carried out in a residential area. The 1987 Use Classes Order together with subsequent changes to the General Development Order (now incorporated in the General Permitted Development Order 1995) introduced a significant degree of interchangeability between office and industrial uses without the need to seek planning permission. Consequently distinctions used before 1987, particularly between industry and offices, are no longer a practical basis for the control of development.

- 10.9 While uses such as shopping, high street services and entertainment provide significant employment opportunities, business and industry are central to the economic prosperity of the District. Policies to sustain business and industry, and encourage their growth are likely, if successful, to lead to increases in employment opportunities and subsequently to generate job growth in other sectors such as shopping and high street services.

LAND FOR BUSINESS AND INDUSTRY

- 10.10 In order to provide opportunities for the accommodation of, existing Kirklees businesses wishing to relocate or expand and the establishment of new businesses, land is required in a range of locations and capable of meeting a variety of needs.

- 10.11 The scale and distribution of land allocations for business and industry identified on the proposals map are based on the following general requirements:

- i to provide opportunities for development in locations with ready access to the motorway to ensure that there is scope for the expansion or relocation of existing local businesses seeking improved access to the motorway network, and for inward investment, which is primarily attracted to motorway related sites, and to avoid increasing heavy goods vehicle movements through built-up areas;
- ii to provide development opportunities throughout the remainder of the District located as close as possible to established business areas to increase scope for the relocation of existing businesses;
- iii to provide specific opportunities for the creation of business parks incorporating low density development, restricted to B1 uses only in a high quality environment; this should encourage the establishment of types of business currently poorly represented in Kirklees and hence diversify employment opportunities; and
- iv to ensure that allocations are of sufficient size to enable a range of site requirements to be accommodated including those of large single users requiring capacity for later expansion.

- 10.12 In addition to these general requirements the selection of sites for allocation for business and industry has taken into account the following considerations:

- i the scale and distribution of undeveloped local plan allocations for industry and employment and of land which has the benefit of planning permission for

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employment purposes which are expected to come forward for development within the plan period. (Such allocations and planning permissions are regarded as commitments and are listed in the Employment Land Supply Review database for Kirklees),

- ii the need to relate allocations to existing settlement form and to existing and proposed infrastructure,
- iii the need to ensure that land is genuinely available for development, ie, free of ownership constraints or exceptional construction requirements, to encourage its take-up,
- iv the need to have full regard for environmental concerns, particularly the visual impact of development and its possible affects on nature conservation; and
- v the need to encourage shorter journeys to work and the use of public transport for such journeys.

10.13 As a result of balancing the requirements set out in paragraph 10.11 against the considerations listed in paragraph 10.12 the plan contains a relatively modest amount of new land allocations for business and industry when compared with proposed provision in the Leeds and Wakefield UDP's. This reflects the content of Strategic Guidance which states that in respect of land for industry topographical constraints coupled with the likely pattern of demand mean that more new land will need to be identified in the eastern part of West Yorkshire than in the West.

10.14 On the basis that land for business and industry is a relatively scarce resource in Kirklees, it will be appropriate to seek to ensure that job densities achieved through the development of the allocated land are as high as possible, particularly on the larger green field sites. Potentially the most extensive land users achieving the lowest job densities are storage and distribution, which fall into class B8. It is therefore proposed to preclude development for B8 use on those large allocations which have the greatest potential to attract investment intended to secure the future prosperity of established industrial companies in Kirklees or to accommodate new business. The exclusion of B8 uses from these sites should also ensure that there is scope for development drawing on established skills of the local workforce. Sites where B8 uses are to be precluded are identified in policy B2.

10.15 In order to provide business park development several new allocations will be reserved for the accommodation of B1 uses only. These sites are in attractive locations and should provide appropriate conditions for the establishment of business units in a high quality setting. (Sites for B1 use only are identified in policy B2).

10.16 The location of business uses not falling into use classes B1, B2 (general industry) and B8, which are usually "bad neighbour" uses requiring careful control, is considered in para 5.56. It will not be appropriate to permit such uses on sites restricted to B1 uses only or B1 and B2 uses only.

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B2 THE FOLLOWING SITES, WHICH ARE IDENTIFIED ON THE PROPOSALS MAP, ARE ALLOCATED FOR BUSINESS, GENERAL INDUSTRIAL AND STORAGE AND DISTRIBUTION USES (CLASSES B1, B2 AND B8) EXCEPT WHERE OTHERWISE SPECIFIED.

Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
Colne Valley		
B1.1	Carrs Road, Marsden	1.0
B1.2	Spa Mills, Slaithwaite	0.6
B1.3	Coldwell Street, Linthwaite	1.1
B1.5	Britannia Road, Milnsbridge	0.6
B1.6	River Street, Milnsbridge	1.1
B1.7	Stafford Mills, Milnsbridge	1.7
		6.1
Meltham		
B2.1	Off Huddersfield Road, Meltham ⁽⁸⁾	0.5
B2.2	Bent Ley Farm, Meltham	0.5
B2.3	Off Bent Ley Road, Meltham	1.6
		2.6
Holme Valley		
B3.1	New Mill Road, Honley	3.1
B3.3	Huddersfield Road, Thongsbridge	1.2
B3.4	Bottoms Mill, Holmfirth	2.0
B3.5	New Mill Road, Brockholes	0.4
		6.7
Kirkburton		
B4.2	Abbey Road, Shelley	2.2
B4.3	Liley Lane/Wakefield Road, Grange Moor	9.4
		11.6
Denby Dale		
B5.1	Park Mill Colliery, Clayton West	3.8
B5.3	Station Site, Clayton West	2.2
B5.4	Station Site, Skelmanthorpe	5.1
B5.5	Bromley Works, Wood Lane, Denby Dale	4.0
		15.1

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Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
Huddersfield Town Centre		
B6.1	St Andrews Road	1.3
B6.2	Priestroyd Mills, Firth St /Queen St South	0.4
		1.7
Huddersfield North		
B8.1	Crosland Road/Lindley Moor Road ^(6,9,10)	31.0
B8.2	New Hey Road, Oakes	0.6
B8.5	Hillhouse Sidings, Alder Street	7.6
B8.6	Red Doles Road West	1.8
B8.7	Red Doles South	1.0
B8.8	Red Doles North	0.8
B8.9	Old Fieldhouse Lane ⁽⁵⁾	5.7
B8.10	Leeds Road	0.6
B8.11	Ashgrove Road	0.6
B8.12	Colne Bridge Road West	2.3
B8.13	Station Road, Bradley	2.0
B8.14	Colne Bridge Road East ⁽⁵⁾	3.0
B8.15	Pennine Business Park, Bradley Road, Bradley (B1 uses only)	3.7
B8.16	Old Lane/Bradley Road, Bradley (B1 uses only)	10.5
		71.2
Mirfield		
B9.2	Slipper Lane ⁽⁶⁾ (B1/B2 uses only)	11.3
B9.3	Huddersfield Road	0.7
B9.4	Stearnard Lane	3.6
		15.6

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Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
Dewsbury/Thornhill/Ravensthorpe		
B10.1	Owl Lane, Shaw Cross	24.3
B10.3	Syke Ing Mills, Earlsheaton	0.9
B10.4	Greaves Road, Dewsbury	0.5
B10.5	Low Street, Dewsbury	0.4
B10.6	Watergate Road, Dewsbury	0.5
B10.7	Mill Street West, Dewsbury	1.4
B10.8	Cannon Way, Dewsbury	0.5
B10.9	Calderbank Road, Dewsbury	2.5
B10.10	Thornhill Road, Dewsbury	4.6
B10.11	Calder Works, Thornhill Road	4.9
B10.12	Bretton Street/ Headfield Road, Dewsbury	1.0
B10.13	Bretton Street South, Dewsbury	0.6
B10.14	Bretton Street East, Dewsbury	9.3
B10.16	Forge Lane, Dewsbury	1.4
B10.17	Calder Road, Thornhill	5.0
B10.18	Calder Road, Ravensthorpe	0.5
B10.19	Ravensthorpe Industrial Estate East	2.0
B10.20	Ravensthorpe Industrial Estate West	0.6
B10.21	Low Mill Lane, Ravensthorpe	1.0
B10.22	Ravensthorpe Road, Ravensthorpe	0.7
B10.23	Kimberley Street, Thornhill	1.3
B10.24	Ravensthorpe Road, Dewsbury	0.5
B10.25	Forge Lane, Thornhill Lees	0.7
B10.26	Cardwell Terrace, Dewsbury	1.0
B10.28	Heckmondwike Road, Dewsbury Moor	2.7
		68.8
Batley/Birstall		
B11.1	Dark Lane North, Birstall ⁽⁶⁾	7.3
B11.2	Gelder Road, Birstall	3.6
B11.3	Pheasant Drive, Birstall ⁽⁶⁾	1.7
B11.4	Nab Lane, Birstall ⁽⁶⁾	3.6
B11.5	Dark Lane South, Birstall	0.8
B11.6	Raikes Lane, Birstall	0.6
B11.7	College Mills, Birstall	1.5
B11.10	Smithies Moor Lane, Birstall Smithies ⁽⁵⁾ (B1/B2 uses only)	5.2
B11.11	Bradford Road, Birstall Smithies	0.4
B11.12	Mayman Lane/Cemetery Road, Batley	1.5
B11.13	Former Sewage Works, Bradford Road, Batley	0.5
B11.14	Grange Road North West, Batley ⁽⁶⁾	0.4

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Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
B11.15	Grange Road North East, Batley ⁽⁶⁾	5.3
B11.16	Grange Road South, Batley ⁽⁶⁾	4.0
B11.18	Pennine View, Birstall	0.5
B11.19	Nab Lane, Birstall	2.0
		38.9
<hr/>		
Heckmondwike		
B12.1	Railway Street	1.6
B12.2	Station Lane ⁽⁷⁾	0.4
B12.3	Spenn Vale Street	5.8
B12.4	Walkley Lane	1.6
		9.4
<hr/>		
Cleckheaton		
B14.3	Former Dye Works, Hunsworth	7.4
B14.4	Land at Scandinavia Mills, Moored ⁽⁶⁾	9.2
B14.5	Exchange Mills, Moored	3.6
B14.6	Gas Works, Whitechapel Road, Moored	2.6
B14.7	Bradford Road, Rawfolds South	1.5
B14.8	Bradford Road, Rawfolds North	1.1
B14.9	Swincliffe, Birkenshaw (B1 uses only)	5.8
		31.2
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		278.9
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Footnotes

- (1) Excluding areas within allocation boundaries required for buffer zones (see Policy B3) to protect visual and residential amenity. (The areas of land allocated on the proposals map are therefore larger than the estimated developable areas).
- (2) – (4) [Footnotes deleted]
- (5) Relocation of playing fields required in accordance with policy R7A.
- (6) In order to fully assess the traffic effect of the allocation, further detailed work (including, where appropriate, analysis of a traffic impact assessment) will need to be undertaken by the Highways Agency to ensure such traffic can be accommodated safely on the trunk road network. Where this is not possible, but could become so by remedial highway improvements, the Highways Agency will seek the attachment of appropriate planning conditions relating the commencement or occupancy of the development to the

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prior carrying out of such improvements. Where remedial works prove not to be feasible, or agreement as to their scale cannot be reached with the developer, the Highways Agency might have to direct refusal of the planning application or, if before the Secretary of State for the Environment, object to the proposal.

- (7) The development of the site should not only safeguard the disused railway line in accordance with policy T23, but also enable a station and car parking to be provided in the event of the railway coming back into operation.
- (8) Development is to make provision for road access across the site to enable the western part of the adjoining provisional open land (POL) to be accessed from Huddersfield Road.
- (9) The maximum acceptable proportion of B8 floorspace will be 20%.
- (10) The site shall be developed comprehensively with site H8.17.

10.17 The overall distribution of land allocated for business and industry and the use restrictions proposed are shown in figure B2.

Figure B2 Land for Business and Industry	Hectares (developable area)			
	B1 uses only	B1/2	B1/B2/B8	TOTAL
Heavy Woollen Area	5.8	16.5	141.1	163.4
Huddersfield and Colne Valley	10.5	27.3	41.2	79.0
Holmfirth/Meltham	-	-	9.3	9.3
Kirkburton/Denby Dale	-	-	26.7	26.7
TOTAL	16.3	43.8	218.3	278.4

10.18 In order to protect the amenity of occupiers of land neighbouring sites allocated for business and industry and to reduce the impact of industrial development on visual amenity, landscape and wildlife, parts of some allocated sites are designated as buffer zones. Buffer zones are not identified for any sites where planning permission has been granted nor small sites where normal design and environmental protection measures will be sought when planning applications are made. The intention of the buffer zone designation is to keep areas adjoining residential development and other sensitive land uses free of industrial buildings so that disturbance and visual impact are minimised.

10.19 The selection of buffer zones has taken into account not only the proximity of neighbouring housing and other sensitive uses but also the land form within the allocation

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and the presence of significant groups of trees. Some buffer zones will require no special treatment when development takes place within the allocation, but within others it will be appropriate to create screening through measures such as earth moulding or tree planting. Such measures will be secured by planning conditions or legal agreements.

10.20 The treatment of buffer zones will provide opportunities to enhance visual amenity, wildlife value and possibly local recreation opportunities. For example, site drainage arrangements may enable ponds to be created within buffer zones which together with planting could create a valuable natural habitat. It may also be possible to permit public access to the area; this would, however, have to be balanced against the need for security of business premises.

10.21 Some operational uses may be acceptable within buffer zones provided that they would not be detrimental to the amenity of occupiers of neighbouring land. Parking is likely to be acceptable where it can be effectively screened and kept at a sufficient distance from the site boundary to prevent disturbance to occupiers of adjoining land. While buffer zones are intended to be kept free of industrial buildings the construction of small buildings to accommodate facilities for the benefit of employees, for example, providing for childcare, or sporting activities with associated pitches, may not prejudice the function of buffer zones.

B3 BUFFER ZONES WITHIN AREAS ALLOCATED FOR BUSINESS AND INDUSTRY ARE IDENTIFIED ON THE PROPOSALS MAP. PROPOSALS FOR DEVELOPMENT WITHIN ALLOCATED AREAS SHOULD ENSURE THAT IDENTIFIED BUFFER ZONES ARE KEPT FREE OF INDUSTRIAL BUILDINGS AND SHOULD PROVIDE FOR TREE PLANTING OR OTHER MEANS OF SCREENING WITHIN THE BUFFER ZONE. DRAINAGE WORKS, CAR PARKING AND FACILITIES FOR EMPLOYEES WILL BE PERMITTED ONLY WHERE THE AMENITY OF OCCUPIERS OF NEIGHBOURING LAND AND THE VISUAL AMENITY OF THE SURROUNDING AREA WOULD NOT BE PREJUDICED. ALL PROPOSALS AFFECTING BUFFER ZONES SHOULD HAVE REGARD TO VISUAL AMENITY AND WILDLIFE CONSERVATION.

10.22 It is the Council's practice to prepare development briefs for important sites such as areas allocated for business and industry. Briefs are intended to provide the necessary guidance to ensure satisfactory development in accordance with the plan's policies. Where a brief is prepared development proposals will be expected to accord with terms of that brief.

10.23 It is inevitable that proposals for the development of business and industrial uses will come forward on sites other than those allocated in the plan. Such proposals will be evaluated against the terms of policy D2 unless they involve the extension of existing business premises in which case policy B5 will apply.

PREMISES AND SITES WITH ESTABLISHED USE, OR LAST USED, FOR BUSINESS AND INDUSTRY

- 10.24 Premises and sites accommodating industry, warehousing and a range of activities such as vehicle repairs, haulage and other services to industry, tend to be concentrated in the inner urban areas and along the river valleys, but there are also groups of such premises throughout the built-up area. Many of these premises are of 19th century origin, some having been adapted to accommodate new processes.
- 10.25 If business activity, and consequently employment levels, are to be sustained it is important that the stock of business premises is maintained at a level commensurate with likely demand. However, bearing in mind the predominance of older premises in the existing stock unsuited to many modern business requirements it is improbable that demand will ever reach a level which equates with the total volume of the current stock. In these circumstances it is not appropriate to resist all proposals to change the use of business premises or for their conversion or redevelopment for alternative uses. Some such proposals may contribute to economic regeneration simply because they will bring investment or new jobs to an area in decline. Others may facilitate the relocation of the business currently occupying the site and enable jobs provided by that business to be safeguarded or increased. However, it will be important that the new use proposed is compatible with surrounding uses. Some uses, for example, day nurseries, training or sports facilities or car parking, would benefit those resident or employed in the locality, but it may not always be appropriate to permit the establishment of new uses in locations adjoining established businesses. For example, the introduction of housing may mean that future investment to expand and intensify the use of adjacent business premises would be precluded because there would be unacceptable consequences for the neighbouring residents. In effect the housing use would turn the established business into a potential "bad neighbour".
- 10.26 The replacement of business and industrial uses by other uses may also contribute to environmental regeneration, for example, where the new use would have less adverse impact on local amenity, and particularly residential amenity, where there would be fewer heavy goods vehicle movements and therefore an improvement in local road safety; or where an alternative use would enable an industrial building of architectural or historic interest to be retained and brought into beneficial use.

B4 PROPOSALS INVOLVING THE CHANGE OF USE OF PREMISES AND SITES WITH ESTABLISHED USE, OR LAST USED, FOR BUSINESS AND INDUSTRY WILL BE CONSIDERED HAVING REGARD TO:

- i THE SUITABILITY OF THE LAND AND PREMISES FOR CONTINUED BUSINESS AND INDUSTRIAL USE;**
- ii THE AVAILABILITY OF BUSINESS AND INDUSTRIAL PREMISES OF EQUIVALENT QUALITY;**

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- iii **THE NUMBER OF JOBS LIKELY TO BE CREATED OR MAINTAINED;**
- iv **THE COMPATIBILITY OF THE PROPOSED USE WITH SURROUNDING USES;**
- v **THE EFFECT ON THE FUTURE OPERATIONAL FLEXIBILITY OF ANY NEIGHBOURING BUSINESSES:**
- vi **THE EFFECT ON ANY BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST;**
- vii **THE EFFECT ON LOCAL AMENITY;**
- viii **THE EFFECT ON THE LOCAL HIGHWAY NETWORK; AND**
- ix **THE POTENTIAL FOR THE SITE TO BE SERVED BY RAIL OR WATER FOR THE TRANSPORT OF FREIGHT.**

10.27 Many industrial areas exhibit severe environmental problems associated with obsolete and unused buildings, cleared sites, lack of space for heavy goods vehicles to manoeuvre, load and unload, lack of parking and disturbance to residents of neighbouring housing. These areas are included within the Regeneration Areas defined on the proposals map, with a view to directing resources for environmental improvements to them. Resources will be made available to secure the rehabilitation of buildings, the improvement of roads and access arrangements, the provision of parking and other improvements such as landscaping in order to upgrade such areas and encourage further investment which should secure existing employment and provide additional jobs.

EXTENSIONS TO BUSINESS PREMISES

10.28 As the requirements of businesses change or their activities grow the need to extend their premises can arise. It is desirable to accommodate such extensions in the expectation that employment levels will be safeguarded or possibly increased as a result. However, such extensions may give rise to disturbance for the occupiers of neighbouring property or to adverse visual impact, and may also have adverse implications for highway safety. In such cases a balance will need to be struck between the benefits of accommodating the expanded business operation and adverse consequences for amenity and safety.

B5 PROPOSALS FOR THE EXTENSION OF BUSINESS PREMISES WILL BE PERMITTED PROVIDED THE AMENITY OF OCCUPIERS OF NEIGHBOURING PROPERTIES, VISUAL AMENITY AND HIGHWAY SAFETY ARE SAFEGUARDED.

OFFICES

10.29 As noted in para 10.8, B1 uses include offices except those which fall into Class A2. Office development is therefore by definition permissible on land allocated for business uses unless exceptional circumstances can be demonstrated which justify restricting the scope of B1 uses to research and development and industrial processes only, thereby excluding office use. This course of action might be successfully defended in large business centres where offices might be expected effectively to drive out industry to the detriment of local employment diversity. However, there is no evidence that such problems are likely to occur in Kirklees and therefore the plan does not propose restrictions on the scope of B1 uses.

10.30 The changes to the General Development Order (now General Permitted Development Order), which followed the introduction of the B1 use class, mean that B1 uses can generally be established in existing industrial premises without the need for planning permission. However, any resulting alterations to buildings may require permission. There has been considerable market interest in creating office accommodation by conversion of older industrial buildings of notable quality together with sympathetic redevelopment in areas with an identifiable industrial heritage in many cities and towns in the UK. Such conversions and redevelopment have potential to stimulate the regeneration of older industrial areas. It is therefore appropriate to encourage the establishment of B1 uses in older industrial areas, and particularly in areas close to town centres which are likely to benefit from the additional trade and economic activity generated nearby.

B6 PROPOSALS FOR THE CONVERSION OF BUILDINGS AND REDEVELOPMENT IN OLDER INDUSTRIAL AREAS TO ACCOMMODATE CLASS B1 USES WILL NORMALLY BE PERMITTED.

10.31 Office uses have traditionally been encouraged in town centres and local centres because they are accessible and contain a stock of office accommodation and range of uses providing services to office users. Town and local centres remain attractive locations for many firms and organisations requiring office accommodation. Office use is the most appropriate use for many town centre buildings and especially upper floors. Where buildings are not capable of conversion sympathetic redevelopment will be appropriate. However, the intrusion of B1 uses into shopping frontages would disrupt the continuity of shopping and service uses associated with shopping activity, to the detriment of convenience and amenity. Only if there is clear evidence of a lack of demand for shopping for service premises will it be appropriate to consider permitting the establishment of B1 uses within a shopping frontage.

~~**B7 WITHIN TOWN AND LOCAL CENTRES THE ESTABLISHMENT OF CLASS B1 USES WILL BE PERMITTED EXCEPT WHERE THE CONTINUITY OF SHOPPING FRONTAGES WOULD BE INTERRUPTED.**~~

This policy was not saved because the issues it refers to are covered in UDP Policy S11 and Planning Policy Statement 6: Planning for Town Centres, the relevant text of which follows:¹

ASSESSING PROPOSED DEVELOPMENTS

- 3.3 *The key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications. This Chapter sets out only the additional detail relevant to the consideration of planning applications, and should be read in conjunction with Chapter 2.*
- 3.4 *In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:*
- a) *the need for development (paragraphs 3.8–3.11);*
 - b) *that the development is of an appropriate scale (paragraph 3.12);*
 - c) *that there are no more central sites for the development (paragraphs 3.13–3.19);*
 - d) *that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
 - e) *that locations are accessible (paragraphs 3.24–3.27).*
- 3.5 *Subject to the policies set out below, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.*
- 3.6 *In considering planning applications for the development of sites proposed to be allocated in an emerging development plan document, or for the development on unallocated sites within a proposed extension to a primary shopping area or town centre in such a document, the weight to be attached to the proposal will depend on the stage the development plan document has reached. Where an adopted development plan document allocates no new sites for development local planning authorities and applicants should take a positive attitude towards early engagement to discuss if any sites exist which may be suitable, viable or available, having regard to this policy statement.*
- 3.7 *The level of detail and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.*

¹ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

a) Assessing the Need for Development

3.8 *It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.*

3.9 *Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up to-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below.*

i) Quantitative Need

3.10 *A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan document, updated as required, and in the case of retail development should relate directly to the class of goods to be sold from the development ('business-based' cases will not be appropriate). The need for additional floorspace should normally be assessed no more than five years ahead, as sites in the centre may become available within that period. Assessing need beyond this time period might pre-empt future options for investment in centres, except where large town centre schemes are proposed and where a longer time period may be appropriate to allow for site assembly. The catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.*

ii) Qualitative Need

3.11 *In addition to considering the quantitative need for additional retail or leisure floorspace, local planning authorities should consider whether there are qualitative considerations, as described in Chapter 2, that might provide additional justification for the development.*

b) Securing the Appropriate Scale of Development

3.12 *An indicative upper limit for the scale of a development (usually defined in terms of gross floorspace) which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. Where this is not the case, or where a development plan document is out-of-date, the factors to be considered in determining the appropriate scale of development in a centre are those set out in paragraphs 2.41–2.43.*

c) Applying the Sequential Approach to Site Selection

3.13 *The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date*

development plan document (see also paragraph 3.29). The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve.

- 3.14 *In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.44.*
- 3.15 *In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:*
- *the scale of their development;*
 - *the format of their development;*
 - *car parking provision; and*
 - *the scope for disaggregation (see paragraphs 3.17–3.18).*
- 3.16 *The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. However, local planning authorities should be realistic in considering whether sites are suitable, viable and available (see paragraph 3.19). Local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation, such as where a retailer would be required to provide a significantly reduced range of products. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.*
- 3.17 *As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.*
- 3.18 *A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is*

not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.

3.19 Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of:

- Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application the local planning authority should take this into account in their assessment of the application; and*
- Suitability: with due regard to the requirements to demonstrate flexibility (paragraphs 3.15–3.18), the sites are not suitable for the type of development proposed; and*
- Viability: the development would not be viable on these sites.*

d) Assessing Impact

3.20 Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.

3.21 In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. The identification of need does not necessarily indicate that there will be no negative impact.

3.22 In particular, local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:

- the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;*
- the likely effect on future public or private sector investment needed to*

safeguard the vitality and viability of the centre or centres;

- *the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and, where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);*
- *changes to the range of services provided by centres that could be affected;*
- *likely impact on the number of vacant properties in the primary shopping area;*
- *potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and*
- *the implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre (see also paragraph 2.24).*

3.23 *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*

e) Ensuring Locations are Accessible

3.24 *In considering proposed new developments, local planning authorities should consider:*

i) The need for accessibility by a choice of means of transport

3.25 *Developments should be accessible by a choice of means of transport, including public transport, walking, cycling, and the car (taking full account of customers' likely travel patterns). In determining whether developments are or will become genuinely accessible, local authorities should assess the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges). Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. Distances should be measured as actual walking distance rather than as a straight line.*

3.26 *Local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access,*

traffic management and parking.

ii) The impact on car use, traffic and congestion

3.27 In assessing new developments, local planning authorities should consider:

- whether the proposal would have an impact on the overall distance travelled by car; and*
- the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.*

Consider Local Issues and Material Considerations

3.28 As set out in Chapter 2, above, material considerations to be taken into account in assessing planning applications may include:

- physical regeneration;*
- employment¹⁵;*
- economic growth; and*
- social inclusion.*

Extensions to Existing Development

3.29 Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.

Ancillary Uses

3.30 Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail

element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.

Using Conditions Effectively

3.31 *Local planning authorities should consider using planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. When appropriate, conditions should be used to:*

- *prevent developments from being sub-divided into a large number of smaller shops or units;*
- *ensure that ancillary elements remain ancillary to the main development;*
- *limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted (including for example through the addition of mezzanine floors); and*
- *limit the range of goods sold, and to control the mix of convenience and comparison goods.*

3.32 *Conditions can also be used by local authorities in seeking to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise, local authorities should consider alternatives to a complete ban, such as embodying codes of practice into planning agreements relating to the number of vehicles and noise standards.*

10.32 There is a well established trend for the incursion of B1 uses, almost entirely office uses, into some residential areas through the conversion of large houses, especially those with large gardens, and other buildings such as schools. Pressure for such changes of use is especially likely where residential areas containing large houses of some architectural quality adjoin town centres or principal roads. This is perhaps the main area of office market interest in Kirklees and there are likely to be economic gains if the trend continues, not only in terms of job gains but also in terms of diversification of the economic base.

10.33 While B1 uses are by definition acceptable within residential areas in terms of specific amenity considerations, alterations to buildings and their surroundings which may be required to accommodate the office use (for example, to provide adequate parking facilities) and the changes in vehicle and pedestrian activity likely to result from the change of use, may be such as to prejudice visual amenity and the established character of the area. This will be of particular concern within conservation areas and where listed buildings are involved.² As older, larger houses tend to be expensive to maintain it is

² See also policy H14

important to promote confidence that the visual amenity and character of the areas in which they are situated will not be adversely affected by changes of use. Such confidence will encourage the upkeep and maintenance of houses for continued residential occupation. However, it should also be recognised that a proposal for office use which would lead to a high standard of building refurbishment and incorporate unobtrusive parking areas and access arrangements could also contribute to that confidence. Environmental considerations of this nature also need to be weighed against the economic benefits arising from office conversion noted in paragraph 10.32.

- 10.34 The change of use to offices of larger houses capable of conversion, or already converted, to provide smaller, cheaper units of residential accommodation, is likely to be undesirable where there is a demonstrable shortage of affordable housing. However, where a residential property is in a poor state of repair, has been vacant for a long period, or has been on the market for a considerable period without attracting a reasonable offer, this consideration can be set aside because there will be little prospect of maintaining residential use.

~~**B8 PROPOSALS FOR THE CHANGE OF USE OF PROPERTY IN RESIDENTIAL AREAS TO CLASS B1 USES WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE IMPACT ON VISUAL AMENITY OF PARKING AND ACCESS ARRANGEMENTS AND ALTERATIONS TO BUILDINGS. PROPOSALS AFFECTING LISTED BUILDINGS OR BUILDINGS IN CONSERVATION AREAS SHOULD RESPECT THE CHARACTER AND SETTING OF THE BUILDING;**~~
- ~~**ii THE EFFECT OF THE PROPOSED USE ON THE AMENITY OF LOCAL RESIDENTS AND THE ESTABLISHED RESIDENTIAL CHARACTER OF THE SURROUNDING AREA; AND**~~
- ~~**iii THE CONSEQUENCES OF ANY PROPOSED LOSS OF RESIDENTIAL ACCOMMODATION FOR THE LOCAL AVAILABILITY OF AFFORDABLE HOUSING.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies D2 (chapter 2) and BE1 and BE5 (chapter 4).

- 10.35 Where a change of use to B1 use is permitted in residential areas there may be subsequent proposals to extend the property to accommodate increased activity. Such proposals will be considered under the terms of policy B5. It will be important that any such extensions are in harmony with the host building in terms of scale and proportion and do not give rise to detriment to the amenity of neighbouring residential property.

[POLICY B9 DELETED]

- 10.36 Specific areas where change of use to B1 use will be acceptable are identified for Huddersfield town centre.³

WORKING FROM HOME

- 10.37 Many small scale businesses and some types of job are based in the home which is used as the "office", business address and base for any vehicle used for the business or job. Business premises are not needed and the activity involved is such that there is not likely to be any detriment to neighbours.

- 10.38 Home based businesses provide valuable employment opportunities. However it is important that any proposals to establish home based businesses will not introduce activity which will exceed what can be tolerated in a residential area.

~~**B10 PROPOSALS TO USE PART OF A DWELLING, OR A BUILDING ANCILLARY TO A DWELLING, FOR BUSINESS PURPOSES WILL BE PERMITTED PROVIDED THAT:**~~

- ~~i THE RESIDENTIAL USE WILL REMAIN THE MAIN USE OF THE PROPERTY;~~
- ~~ii THERE WILL BE NO DETRIMENT TO THE AMENITY OF ADJACENT DWELLINGS OR TO HIGHWAY SAFETY FROM THE PARKING OF VEHICLES OR THE COLLECTION OR DELIVERY OF MATERIALS;~~
- ~~iii THERE WILL BE NO OPERATION OF NOISY MACHINERY OR OUTSIDE WORKING OR STORAGE; AND~~
- ~~iv THE RESIDENTIAL APPEARANCE OF THE PROPERTY IS RETAINED.~~

This policy was not saved because the issues it refers to are covered in UDP Policies D2 (chapter 2) and BE1 and BE5 (chapter 4).

- 10.39 Unless there is some certainty about how a home based business will operate it will be appropriate initially to grant planning permission for a temporary period only so that the nature of the use can be assessed normally one year, unless the Council can be satisfied that a longer period, or a full time permission can be justified. Where a proposal is to enable an individual to pursue a business based on a particular profession or skill, it may be inappropriate to allow a subsequent occupier to continue the business and a personal planning permission may be justified.
- 10.40 A potential home-based business is the control of private hire vehicles. As most private hire business is likely to be carried out during unsocial hours specific additional

³ See policy TC10

restrictions on this activity are necessary to protect residential amenity. (See Policies EP13 – EP14 and paragraphs 5.33 – 5.35 on Telecommunication Equipment in Domestic Situations).

B11 PROPOSALS TO USE PART OF A DWELLING AS A BASE FOR A PRIVATE HIRE VEHICLE WILL NORMALLY BE PERMITTED PROVIDED THAT:

- i NO MORE THAN ONE VEHICLE WILL BE OPERATED FROM THE PREMISES;**
- ii ANY RADIO EQUIPMENT REQUIRED IS NOT DETRIMENTAL TO THE AMENITY OF ADJACENT DWELLINGS; AND**
- iii HIRERS WILL NOT BE PERMITTED TO CALL OR WAIT AT THE PREMISES.**

10.41 Childminding is a widespread home-based business. In many cases, planning permission will not be required, provided that the use does not detract from the character or use of the house as a dwelling. Childminding complying with the Department of Health's standard recommend ratios would be unlikely to require planning permission, provided that the use employs only one person. Where two or more childminders work from the same premises, the number of children who may be registered there could result in a material change of use occurring which would require planning permission. In cases, this will be acceptable, but conditions may be required to ensure that the use does not detract from the amenity of any adjacent occupiers.

B12 WHERE PLANNING PERMISSION IS REQUIRED PROPOSALS FOR THE USE OF RESIDENTIAL PREMISES FOR THE PURPOSE OF CHILDMINDING WILL BE CONSIDERED TAKING INTO ACCOUNT:

- i THE EFFECT ON THE RESIDENTIAL CHARACTER OF THE PREMISES, AND ON ANY ADJACENT PROPERTY;**
- ii THE PROVISION OF FACILITIES WITHIN THE SITE FOR CHILDREN'S PLAY, WHICH SHOULD NOT BE DETRIMENTAL TO THE AMENITY OF ADJACENT DWELLINGS; AND**
- iii THE ADEQUACY OF CAR PARKING FACILITIES WITHIN THE SITE, AND THE IMPACT OF THE PROPOSAL ON THE LOCAL HIGHWAY NETWORK IN RESPECT OF INCREASED TRAFFIC GENERATION AND SHORT TERM ON STREET CAR PARKING.**

TOURISM

10.42 Tourism is a significant element in the local economy and it can make a positive contribution to regeneration. To take advantage of the benefits, that tourism can bring facilities are needed in Kirklees which complement provision in surrounding areas and

encourage visitors to stay overnight in the District. This has to be balanced against the often competing requirements of local residents and the likelihood of environmental damage if visitors are attracted in excessive numbers.

~~B13 PROPOSALS FOR NEW TOURIST FACILITIES WILL BE CONSIDERED HAVING REGARD TO THEIR IMPACT ON RESIDENTIAL AND VISUAL AMENITY, WILDLIFE AND HIGHWAY SAFETY.~~

This policy was not saved because it conflicts with national policy in PPS7, the relevant text of which is as follows: ⁴

PPS7 (paragraphs 35 - 36)

Tourist and visitor facilities

35. *The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:*
- (i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;*
- (ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.*
36. *Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.*

10.43 The scale of the tourist industry is largely influenced by the scale of provision of overnight accommodation. Bedspaces in Kirklees hotels increased by 95% between 1984 and 1990. Enquiries about site availability indicate that there is a continuing demand for

⁴ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

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the provision of major hotels (with over 50 bedrooms). These hotels serve business travellers as well as tourists. The requirements of the business traveller largely determine the location of demand for major hotels. The main requirement is proximity to motorways and principal roads. Town centres and local centres, where hotel development would assist regeneration, may be of interest to hotel operators.

10.44 Major hotels frequently provide facilities for conferences as do the Council, the University and other organisations with appropriate premises. Conferences are important in attracting visitors to the District and the provision of new conference facilities should increase numbers of visitors and thereby increase hotel occupancy and expenditure in the local economy. Similar considerations apply to the location of major hotels and purpose built conference facilities.

B14 PROPOSALS FOR MAJOR HOTELS AND CONFERENCE FACILITIES WILL NORMALLY BE PERMITTED:

- i IN TOWN CENTRES AND LOCAL CENTRES;**
- ii ON LAND ALLOCATED FOR BUSINESS AND INDUSTRY;**
- iii WITHIN ESTABLISHED BUSINESS AREAS; AND**
- iv IN OTHER LOCATIONS ACCESSIBLE FROM THE STRATEGIC HIGHWAY NETWORK, BUT NOT WITHIN GREEN BELT, URBAN GREENSPACE OR PROVISIONAL OPEN LAND.**

PROVIDED THAT THE AMENITY OF OCCUPIERS OF ADJOINING LAND, VISUAL AMENITY AND HIGHWAY SAFETY CAN BE SAFEGUARDED.

10.45 Small hotels and guest houses make a significant contribution to tourist activity and an increase in such accommodation will help to increase overnight stays. Proposals to establish small hotels and guest houses are likely to vary in location and nature and each case will need to be judged on its merits. However, all proposals will need to be satisfactory in terms of their likely effect on highway safety and residential amenity and their visual impact.

~~**B15 PROPOSALS TO ESTABLISH SMALL HOTELS AND GUEST HOUSES WILL BE CONSIDERED HAVING REGARD TO THEIR IMPACT ON HIGHWAY SAFETY AND RESIDENTIAL AND VISUAL AMENITY.**~~

This policy was not saved because it adds little to standard Development Control considerations.

10.46 Overnight accommodation is also provided at touring caravan and tent sites which are usually located in attractive countryside. Further provision for caravanning and camping will help to increase tourist activity. It will be appropriate to give such proposals

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favourable consideration provided they are located and designed in such a way as to accommodate highway safety requirements, to minimise visual intrusion and to avoid significant impact on residential amenity. However, proposals for sites in the green belt will be considered in terms of green belt policy and particularly the need to maintain its open character.

~~**B16 PROPOSALS FOR TOURING CARAVAN AND TENT SITES WILL BE CONSIDERED HAVING REGARD TO THEIR IMPACT ON HIGHWAY SAFETY, AND RESIDENTIAL AND VISUAL AMENITY.**~~

This policy was not saved because it adds little to standard Development Control considerations:

AGRICULTURE

- 10.47 Agriculture is a significant land use in Kirklees but most farming is marginal. Only 15% of all farms are larger than 40 hectares and many of the smaller farms are operated on a part time basis. Agricultural land quality tends to be poor with 60% in grades 4 and 5 (the lowest categories). Although farming provides employment for only a small proportion of the District's workforce, the retention of agricultural activity is important. It maintains job opportunities in the more rural parts of the District, underpins the smaller village communities and prevents visual decay in the landscape which tends to arise when farming practices are reduced or abandoned.
- 10.48 Almost all farmland in Kirklees is within the green belt where there is a presumption against development. However, agriculture is an appropriate use in the green belt and therefore development for agriculture purposes should generally be acceptable. In some cases it does not require planning permission. The changing character of farming is bringing about changes in the nature of the buildings required. As farms are sub-divided and increasingly used for part-time farming there is a tendency for more buildings to be required, in particular for livestock accommodation. The desirability of accommodating the needs of agriculture has to be tempered by consideration of the consequences for the landscape.
- 10.49 It is likely that planning permission will be required for most agricultural buildings of any significance on holdings of less than 5 hectares. However, dwellings will always need permission regardless of the size of the holding. Wherever possible, the reuse of existing buildings will be preferable to the erection of new ones.
- 10.50 Some agricultural development, whilst 'permitted' by the General Permitted Development Order, has to be submitted to the Council so that a decision may be taken as to whether the details of the proposal should receive full consideration. Where this is the case appropriate policies will apply.
- 10.51 In order to minimise its impact on the countryside, new development should be located close to existing buildings or, in the case of dwellings, on the edge of any adjacent

settlement. Exceptions may be made in the interests of good farming practice, but only where landscape consideration can be satisfied.

~~**B17 NEW AGRICULTURAL BUILDINGS SHOULD BE LOCATED WITHIN OR CLOSE TO AN EXISTING GROUP OF AGRICULTURAL BUILDINGS OR, IN THE CASE OF A DWELLING, WITHIN CLOSE PROXIMITY TO ANY EXISTING DWELLINGS. DEVELOPMENT ON ISOLATED SITES WILL BE ACCEPTABLE IF THERE ARE DEMONSTRABLE OPERATIONAL REASONS FOR THE CHOICE OF LOCATION AND THERE IS NO DETRIMENTAL EFFECT ON THE LANDSCAPE.**~~

This policy was not saved because the issues it refers to are covered in national policy in PPS7. The majority of the countryside in Kirklees is defined as being within the green belt and therefore the content of PPG2 should also apply. The most relevant sections are set out as follows: ⁵

PPG2 (paragraphs 3.4-3.5, & 3.7-3.9)

New buildings

3.4 *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*

- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
- *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
- *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.*

⁵ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

3.5 *Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.*

Re-use of buildings

3.7 *With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.*

3.8 *The re-use of buildings inside a Green Belt is not inappropriate development providing:*

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings.

(Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

3.9 *If a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8, or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes³. Evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use.*

Annex D

Re-Use Of Buildings - Additional Advice

Agricultural buildings

D1 *It is important to discourage abuse of permitted development rights. Local planning authorities should examine particularly carefully applications for re-use made within four years of the substantial completion of agricultural buildings erected under the General Development Order. This should alert them to the possibility that, when it was substantially completed, the building was in breach of planning control because there was no genuine agricultural justification.*

D2 *When granting permission for the use of agricultural buildings for non-agricultural purposes, local planning authorities should consider whether proliferation of farm buildings constructed under permitted development rights could have a seriously detrimental effect on the openness of the Green Belt. If so, they should consider whether it would be reasonable to attach a condition withdrawing these rights for new farm buildings in respect of that particular agricultural unit or holding. Such a condition should be used with great care, and must fairly and reasonably relate to the proposed development. While a restriction on additions to a particular group of farm buildings without specific permission might be reasonable, a restriction which sought to cover the whole of a large holding in connection with the re-use of a single building might well be unreasonable. Authorities should, where appropriate, include in their local plans a policy indicating the factors that they would take into account. If permitted development rights have been withdrawn, very special circumstances would need to be established for a new agricultural building to be permitted.*

Listed buildings

D4 *If a building is listed, listed building consent may be needed for its conversion as well as planning permission (see PPG15).*

PPS7 (paragraphs 17-21 & 30-31)

Re-use of buildings in the countryside

17. *The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.*

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;*
- specific local economic and social needs and opportunities;*

- *settlement patterns and accessibility to service centres, markets and housing;*
- *the suitability of different types of buildings, and of different scales, for re-use;*
- *the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

- 18.** *Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.*

Replacement of buildings in the countryside

- 19.** *The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Local planning authorities should set out in their LDDs the criteria they will apply to the replacement of countryside buildings. These should take account of the considerations set out in paragraph 17 that apply to the conversion and reuse for economic purposes of existing buildings in the countryside. Authorities should also set out the circumstances where replacement would not be acceptable and clarify the permissible scale of replacement buildings.*
- 20.** *The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of this PPS.*

Nationally designated areas

- 21.** *Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks, where they should also be given great weight in planning policies and development control decisions. As well as reflecting these priorities, planning policies in LDDs and where appropriate, RSS, should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate*

housing to meet identified local needs.

Farm diversification

(The research report, The Implementation of National Planning Policy Guidance (PPG7) in Relation to the Diversification of Farm Businesses, published in October 2001 by the former DTLR and now available from the Office of the Deputy Prime Minister, sets out a number of recommendations for local planning authorities, and contains some examples of 'good practice'.)

- 30.** *Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:*
- (i) set out in their LDDs the criteria to be applied to planning applications for farm diversification projects;*
 - (ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas; and*
 - (iii) where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. (Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission).*
- 31.** *A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should:*
- (i) encourage the re-use or replacement of existing buildings where feasible, having regard to paragraphs 17-21; and*
 - (ii) have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.*

10.52 The impact of new buildings in the countryside can be reduced by careful siting, design and use of materials. New buildings will therefore need to be designed to reflect the appearance of existing traditional buildings. The quality of the landscape will also be a material consideration. Development proposed within areas of high landscape value will be expected to incorporate sensitive design and materials specifications.⁶

⁶ See policy NE8

~~B18 PROPOSALS FOR AGRICULTURAL BUILDINGS OR DWELLINGS, OR EXTENSION TO THEM SHOULD:~~

- ~~i REFLECT THE SCALE, DESIGN AND CONSTRUCTION MATERIALS OF ANY ADJACENT BUILDINGS;~~
- ~~ii NOT DETRACT FROM THE LANDSCAPE CHARACTER OF THE AREA; AND~~
- ~~iii BE OF A HIGH STANDARD OF DESIGN AND MATERIALS OF CONSTRUCTION IN AREAS OF HIGH LANDSCAPE VALUE.~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ⁷

PPG2 (paragraphs 3.4-3.6 & 3.8)

New buildings

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- agriculture and forestry (unless permitted development rights have been withdrawn - see paragraph D2 of Annex D);*
 - essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
 - limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
 - limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
 - limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1 (1 See also the transitional provision of paragraph C14 regarding redundant hospital sites and paragraph C17 regarding higher and further education establishments not identified in adopted local plans).*
- 3.5** *Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such*

⁷ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

3.6 *Provided that it does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate in Green Belts. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.*

3.8 *The re-use of buildings inside a Green Belt is not inappropriate development providing:*

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;*
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);*
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and*
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings². (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).*

² *If a planning application is submitted for the re-use of a building which the local planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.*

PPS7 (paragraphs 1 & 12)

1. *(vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.*

Design and the character of rural settlements

12. *Many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its*

location, having regard to the policies on design contained in PPS1 and supported in By Design2. Planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting and help to make country towns and villages better places for people to live and work.

- 10.53 Proposals for new agricultural buildings or extensions within conservation areas or affecting listed buildings or their settings will be considered under policies BE2 and 3 and BE5- 10 as appropriate. Where permission is required for structures such as silos close to a listed building, or within a conservation area, these are only likely to be acceptable if they can be sited unobtrusively or effectively screened.
- 10.54 There is a presumption against the development of new dwellings in the green belt but exceptions can be made where a dwelling is a long-term requirement of a sustainable agricultural business. However, the onus to justify why planning permission should be granted is placed on the applicant.

~~**B19 APPLICATIONS FOR NEW DWELLINGS FOR AGRICULTURAL WORKERS WILL BE CONSIDERED WITH SPECIAL REGARD TO:**~~

- ~~i THE FUNCTIONAL NEED FOR ADDITIONAL PERSONNEL TO BE READILY AVAILABLE AT MOST TIMES;~~
- ~~ii THE AVAILABILITY OF EXISTING DWELLINGS ON THE HOLDING OR IN THE LOCALITY, OR EXISTING BUILDINGS WHICH COULD REASONABLY BE CONVERTED TO PROVIDE APPROPRIATE ACCOMMODATION; AND~~
- ~~iii THE NECESSITY TO LOCATE THE DWELLING ON THE HOLDING, AND THE AVAILABILITY OF ACCOMMODATION OR SUITABLE BUILDING LAND IN NEARBY SETTLEMENTS.~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ⁸

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- agriculture and forestry (unless permitted development rights have been*

⁸ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

withdrawn – see paragraph D2 of Annex D);

- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);

- limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);

- limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or

- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1

PPS7

10. *Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.*

PPS7 - Annex A AGRICULTURAL, FORESTRY AND OTHER OCCUPATIONAL DWELLINGS

1. *Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.*
2. *It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be*

important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

Permanent agricultural dwellings

3. *New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:*
 - (i) there is a clearly established existing functional need (see paragraph 4 below);*
 - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
 - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);*
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
 - (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.*
4. *A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:*
 - (i) in case animals or agricultural processes require essential care at short notice;*
 - (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.*
5. *In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.*
6. *The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.*

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

7. *If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.*
8. *New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.*
9. *Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.*
10. *Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).*
11. *Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.*

Temporary agricultural dwellings

12. *If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:*
 - (i) *clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication*

- of intentions);*
- (ii) functional need (see paragraph 4 of this Annex);*
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.*

13. *If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.*

Forestry dwellings

14. *Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.*

Other occupational dwellings

15. *There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.*

Occupancy conditions

16. *Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning*

permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.

17. *Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.*

Information and appraisals

18. *Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.*

10.55 Several factors will need to be assessed to determine whether an agricultural business is likely to be sustainable. Not all of these factors will be planning matters. However, without clear evidence that the business requiring the dwelling is likely to be successful over the long term there will be insufficient justification for the granting of planning permission. It is likely that an independent analysis including a financial test of the long term sustainability of the business for which the proposed dwelling is required, supporting the need for an additional dwelling, would provide an adequate basis in most circumstances to justify the principle of an additional dwelling.

10.56 In the case of a proposed business, it is reasonable that initially only a temporary planning permission should be granted for residential accommodation. This will allow the enterprise to be developed but will not give rise to a permanent dwelling in the green belt in advance of the establishment of the business requiring it. Only planning permission for a mobile home will be appropriate, until it can be shown that a sustainable

long-term business has been established. Where the proposal is located within the green belt, policy D8 will apply.

~~**B20 WHERE IT CAN BE CLEARLY SHOWN THAT RESIDENTIAL ACCOMMODATION IS REQUIRED TO ESTABLISH AN AGRICULTURAL BUSINESS, AND WHERE THERE WOULD BE NO OTHER JUSTIFICATION FOR SUCH ACCOMMODATION, CONSIDERATION WILL BE GIVEN ONLY TO THE GRANT OF PLANNING PERMISSION FOR THE SITING OF A MOBILE HOME FOR A MAXIMUM OF THREE YEARS. THE SITUATION WOULD BE REASSESSED DURING OR AT THE END OF THIS PERIOD TO DETERMINE THE FUTURE SUSTAINABILITY OF THE BUSINESS, AND WHETHER JUSTIFICATION EXISTED FOR THE GRANTING OF PLANNING PERMISSION FOR A PERMANENT DWELLING ON THE SITE.**~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ⁹

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
 - *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
 - *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
 - *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
 - *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.*

PPS7

10. *Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated*

⁹ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

*new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.*

PPS7 - Annex A
AGRICULTURAL, FORESTRY AND OTHER
OCCUPATIONAL DWELLINGS

1. *Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.*
2. *It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.*

Permanent agricultural dwellings

3. *New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:*
 - (i) there is a clearly established existing functional need (see paragraph 4 below);*
 - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
 - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);*
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

(v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4. *A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:*

(i) in case animals or agricultural processes require essential care at short notice;

(ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

5. *In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.*

6. *The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.*

7. *If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.*

8. *New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.*

9. *Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the*

requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

10. *Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).*
11. *Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.*

Temporary agricultural dwellings

12. *If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:*
 - (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);*
 - (ii) functional need (see paragraph 4 of this Annex);*
 - (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
 - (v) other normal planning requirements, e.g. on siting and access, are satisfied.*
13. *If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.*

Forestry dwellings

14. *Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.*

Other occupational dwellings

15. *There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.*

Occupancy conditions

16. *Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.*
17. *Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.*

Information and appraisals

18. *Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.*

- 10.57 Whilst good design and construction materials will be necessary for new agricultural workers' dwellings, special regard will need to be paid to the size and quality of the proposed accommodation to ensure that it relates realistically to the agricultural needs of the unit. Proposals for dwellings which are unusually large in relation to the agricultural needs of the holding, or unusually expensive to construct in relation to the likely long term income of the unit, will not normally be permitted.

~~**B21 PLANNING APPLICATIONS FOR NEW AGRICULTURAL DWELLINGS WILL BE DETERMINED HAVING REGARD TO THE SIZE AND STANDARD OF THE DWELLING, WHICH SHOULD BE COMMENSURATE WITH THE ESTABLISHED FUNCTIONAL REQUIREMENT OF THE HOLDING.**~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ¹⁰

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
 - *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
 - *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*

¹⁰ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

- limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.

PPS7 – Annex A

9. *Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.*

- 10.58 It is reasonable to ensure that both the proposed dwelling and any existing dwellings within the holding are retained for agricultural occupancy and that there will be no future sub-division of the holding. This will prevent further demand for dwellings in the green belt either because an existing dwelling has ceased to be available for an agricultural worker or because separate businesses have been created each with a need for residential accommodation. This will be achieved by the use of occupancy conditions, or, where appropriate, by legal agreement between the Council and the applicant.

~~**B22 PLANNING PERMISSION FOR NEW AGRICULTURAL DWELLINGS WILL BE GRANTED SUBJECT TO A CONDITION WHICH REQUIRES THE OCCUPANCY OF THE DWELLING TO BE IN CONNECTION WITH AGRICULTURE. THE CONDITION MAY BE EXTENDED TO OTHER DWELLINGS ON THE HOLDING UNDER THE CONTROL OF THE APPLICANT IF THEY ARE NOT ALREADY SUBJECT TO SUCH RESTRICTION.**~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ¹¹

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*

¹¹ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
- *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
- *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.*

PPS7 – Annex A
Occupancy conditions

16. *Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.*
17. *Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.*

DIVERSIFICATION OF THE RURAL ECONOMY

- 10.59 Agricultural incomes and employment have declined and alternative local employment opportunities tend to be very limited. Diversification from agriculture, involving the incorporation of new enterprises alongside or in place of agricultural businesses and providing substitute employment opportunities and possibly also resulting in an increase in available jobs, is therefore a desirable process. Government policy (in PPG7) is to encourage this process but within the green belt, which covers virtually all the agricultural land in Kirklees, it must be constrained by the need to control development strictly.
- 10.60 It will be preferable that any development proposed in connection with diversification is contained within existing buildings, particularly reusing agricultural buildings. Only if such re-use of existing buildings cannot be achieved will it be acceptable to increase the built accommodation which should be achieved by extensions to existing buildings. If the existing farm buildings are located within small settlements a new building may be accepted if its location would satisfy the terms under which infill can be permitted.¹²
- 10.61 In view of the need to maintain the open character of the green belt and safeguard, and where possible enhance, visual amenity it will be important that development proposed to secure diversification can be accommodated without detriment to existing character and visual amenity. Where proposals could secure improvements to environmental quality there will be a benefit which will weigh in their favour.

~~**B23 PROPOSALS INVOLVING DEVELOPMENT INTENDED TO ACCOMMODATE NEW BUSINESS USES WITHIN EXISTING FARM HOLDINGS WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE SITING AND SCALE OF ANY BUILDING EXTENSIONS OR NEW BUILDINGS;**~~
- ~~**ii THE IMPACT ON THE CHARACTER OF THE SURROUNDING AREA;**~~
- ~~**iii THE EFFECT ON VISUAL AND RESIDENTIAL AMENITY; AND**~~
- ~~**iv HIGHWAY SAFETY.**~~

¹² See policies D11 – D13

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

This policy was not saved because the issues it refers to are covered in PPS7, the relevant text of which follows: ¹³

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;*
- specific local economic and social needs and opportunities;*
- settlement patterns and accessibility to service centres, markets and housing;*
- the suitability of different types of buildings, and of different scales, for re-use;*
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

¹³ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.