



Appeal Decision

Site Visit made on 5 March 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/Z4718/W/20/3264398

Lands Farm, Cliffe Lane, Gomersal, Cleckheaton BD19 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jennifer Bean against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/90652/E, dated 25 February 2020, was refused by notice dated 10 November 2020.
 - The development proposed is described as “alterations and extension to existing dis-used agricultural building to form one dwelling”.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations and extension to existing dis-used agricultural building to form one dwelling at Lands Farm, Cliffe Lane, Gomersal, Cleckheaton BD19 4EU in accordance with the terms of the application, Ref 2020/62/90652/E, dated 25 February 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The original proposal included an upward extension of the building. Amended plans were submitted during the course of the application showing the removal of this upward extension. The Council have confirmed that formal consultation was undertaken on these amended plans and these were the plans that a decision was made upon. Both parties have also confirmed the drawing numbers and dates for the amended plans.
3. It is noted that submitted plan drawing number 011 titled “Proposed & Existing Rear Elevation” has not been amended and does show the upward extension. I have sought the views from the main parties on this matter. Both parties have confirmed that this is an error and an amended plan showing the removal of the upward extension on this elevation should have been submitted. The Council have also confirmed that, irrespective of this plan drawing number 011, a decision was reached on the basis that the upward extension does not form part of the proposal. I have therefore assessed the appeal on the basis that the upward extension is not part of the proposed development. I do not consider that any parties have been unduly prejudiced by my approach on this matter.

Main Issues

4. The main issues are:
 - (i) Whether the proposal would preserve or enhance the setting of nearby listed building and the effect of the proposal on the character and appearance of the area;

- (ii) The effect of the proposal on highway safety with regards to parking and access;
- (iii) The effect of the proposal on the living conditions of occupiers of surrounding properties and future occupiers of the proposal regarding privacy; and
- (iv) Whether the proposal is inappropriate development in the Green Belt and its effect on openness.

Reasons

Listed building, character and appearance

5. The appeal property sits within a group of buildings that are primarily in residential use. The Grade II listed building known as Lands Farm is located to the east of the appeal site.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. It has been described that the proposal would introduce a tenth property into the existing cluster of buildings that also has a working farm. The proposed development would be sensitively designed and would not appear as an incongruous feature within the immediate setting. Due to its location with regards to the listed building and the position of existing properties, the proposal would not be highly visible from the listed building. In the context of the listed buildings setting, the proposal would therefore not have an adverse effect and the special conservation interest of the heritage asset would be preserved.
8. The proposal would include the conversion of an existing building with minimal alterations. The proposed additions of stone walling to create amenity space, refuse storage as well as parking would be relatively small scale and not appear overly intrusive and not be an overdevelopment of the site or the wider locality. The proposal would relate well to existing properties and not appear as an unusual arrangement within the surrounding built form.
9. Accordingly, the proposal would preserve the setting of the nearby listed building and would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policy LP24 of the Kirklees Local Plan 2019 (KLP) and the Framework which seeks development to promote good design and preserve heritage assets.

Highway safety

10. The proposal would be accessed by the existing road (noted as being over 120 metres in length) which connects with Cliffe Lane, that has been described as not having a bus route. This access road is unadopted with no formal lighting

or drainage being only partly hard surfaced and also used by agricultural machinery. Although it is single vehicle width in some places, visibility is good and there are sections where two vehicles can pass each other.

11. The proposal is for a one bedroom property which would increase traffic, including visitors to the property and delivery vehicles. Due to the scale of the development though, I do consider that the increase in traffic would be minimal. The intensification of vehicle use on the access road resulting from the proposed property would not cause any significant conflict with other vehicles or agricultural machinery.
12. The proposal would result in the loss of a small section of the access road area to make way for the proposed amenity space, refuse area and parking. Given the size and width of the access road immediately surrounding the site, passing vehicles would not be obstructed nor would the proposal restrict vehicles from being able to turn.
13. It has been described that there is a lack of existing parking provision and also questioned how many parking spaces need to be required for the existing neighbouring properties as well as a request for clarification on the number of dwellings permitted from an unadopted access. I note that the Council's Highways Section are satisfied with the existing and proposed level of parking provision, the effects on neighbouring parking and not raised any objections to another residential property being accessed from the unadopted road. Due to the size of the proposal, sufficient parking would be provided for future occupants and the location of the parking, amenity space and refuse storage would not adversely compromise the existing parking arrangements for neighbouring properties. Concerns have been raised regarding the occupants of 1 Lands Fold (No 1) having to park on a gradient as a result of the proposal. The topography of the land in the area is not extreme and I do not consider that residents would be adversely affected by parking on the gradient.
14. The proposal would not have a harmful effect on highway safety with regards to parking and access. The proposal would be in accordance with Policy LP24 of the KLP and the Framework which seeks development to promote good design and prevent unacceptable impacts on highways safety.

Living conditions

15. The proposal would not include any openings that would directly face neighbouring properties in close proximity. Due to the position of the proposed window and door openings, there would be no overlooking onto adjacent properties that would adversely compromise living conditions of neighbouring occupiers.
16. The proposed amenity space is adjacent to the access road and passer-by's would have some opportunity to overlook the amenity area. This arrangement is not necessarily unusual in close knit groups of buildings that have been converted from farm buildings. It is noted that Lands Farm to the east has a similar arrangement with the garden visible from the access road. Boundary treatment of stone walling is proposed which would offer some level of privacy screening. I therefore consider that future occupiers of the property would have adequate amenity space and not be adversely compromised in terms of privacy.

17. From my observations at the site visit and from the evidence submitted, the proposed amenity space would not directly overlook any neighbouring garden areas or into any neighbouring windows of habitable rooms. The proposal, including the erection of the boundary stone wall, would therefore not result in the loss of privacy to the occupiers of neighbouring properties. There are concerns that the proposal would reduce the driveway to No 1 and restrict access however, from the information before me sufficient access would be retained and this would not detrimentally compromise the living conditions of the occupiers of No 1.
18. The proposal would not have a harmful effect on the living conditions of occupiers of existing neighbouring properties and future occupiers of the proposal with regards to privacy. The proposal would be in accordance with Policy LP24 of the KLP and the Framework which seeks development to ensure that they provide a high standard of amenity for future and neighbouring occupiers.

Whether inappropriate development and openness

19. Policy LP60 of the KLP relates to development in the Green Belt. The Framework also states in paragraph 145 that Council's should regard the construction of new buildings as inappropriate in Green Belt, unless the development falls within the exceptions list. This list includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
20. The development proposes minimal alterations to the existing building. The proposed amenity space, refuse storage and parking are not large scale features and would be proportionate additions that would not be over and above the size of the original building. The proposal would therefore not be inappropriate development in the Green Belt and would not conflict with Policy LP60 of the KLP and paragraph 145 of the Framework.
21. Concerns have been raised with regards to effects of the proposal on openness with specific reference to domestic paraphernalia. Given the scale of the proposal and its location, the development would not be highly visible from the wider locality. Nevertheless, the exception in paragraph 145 of the Framework, in which this proposal falls within, does not require an assessment on openness to be made.

Other Matters

22. I have had regard to the Council's statement of case and letters from local residents including reference to other applications¹. Insufficient information has been provided on these schemes and I cannot be sure that they are directly comparable to the appeal scheme, particularly with regards to design, scale, amenity space and parking. In any case, I have determined this appeal on its own merits.

Conditions

23. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. To encourage

¹ Local Planning Authority References: 2010/90586; 2012/92128; 2012/93048; 2016/90339; 2018/91433; 2019/90384.

sustainable modes of transport a condition is necessary for the installation of an electric vehicle recharging point. In the interests of protecting the living conditions of neighbouring occupiers and the Green Belt it is reasonable to impose conditions on boundary treatment and removal of some permitted development rights.

24. To provide certainty on what development has been allowed, it necessary to attach a condition in relation to the upward extension. I received written confirmation from both main parties on the acceptance of this condition.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 001A (date received by Local Planning Authority (LPA) 27/02/2020); Floor Plan as Existing 002 (date received by LPA 27/02/2020); Elevations as Existing 1 of 3 003 (date received by LPA 27/02/2020); Elevations as Existing 2 of 3 004 (date received by LPA 27/02/2020); Elevations as Existing 3 of 3 005; Site Plan as Proposed 006C (date received by LPA 24/07/2020); Floor Plans as Proposed 007B (date received by LPA 24/07/2020); Elevations as Proposed 1 of 3 008A (date received by LPA 24/07/2020); Elevations as Proposed 2 of 3 009A (date received by LPA 24/07/2020); Elevations as Proposed 3 of 3 010A (date received by LPA 24/07/2020); Proposed and Existing Rear Elevations 011 (date received by LPA 27/02/2020).
- 3) Notwithstanding the details shown on the approved plans, the upward extension does not form part of this permission and shall not be constructed.
- 4) Before the dwelling hereby approved is occupied, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Classes A (extensions), B (additions to the roof), D (porches) and Class E (outbuildings) of Schedule 2, Part 1 shall be erected.
- 7) Before the dwelling hereby approved is occupied, the stone wall boundary shown on plan ref 007B shall be erected and retained thereafter.