



Appeal Decision

Site visit made on 4 November 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/Z4718/W/25/3363177

Barn adjacent 14 Lower Holme, Holme Lane, Lower Holme, Slaithwaite HD7 5XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr W Iredale against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2022/62/93888/W.
 - The development proposed is change of use and alterations to convert barn to form dwelling (listed building).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for planning permission for the change of use of a barn to a dwelling. The barn is grade II listed and a separate application for listed building consent was submitted to the Council. No appeal has been lodged in relation to the listed building consent application. Accordingly, my consideration in this appeal is purely in relation to the Council's refusal of the planning application.
3. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - Whether the proposed development would provide future occupiers of the proposed dwelling with acceptable living conditions with particular reference to internal living space, external amenity space, privacy, outlook and natural light;
 - Whether the proposed development would preserve the Grade II listed building, known as Barn Adjoining Number 14, or any features of special architectural or historic interest which it possesses;
 - The effects of the proposed development on the living conditions of the occupiers of Number 14 Lower Holme with particular reference to overlooking of external amenity space; and
 - The effects of the proposed development on users of the Public Right of Way (PRoW).

Reasons

Living conditions – future occupiers

5. The proposed dwelling would be arranged with a large open plan living, kitchen and dining area. This would provide a spacious main living area. However, the layout with the two small windows and three roof lights is such that the future occupiers would have little outlook and natural light within this space. The impact from this on the living conditions within the space, and the feeling of being hemmed in, would be exacerbated by the introduction of the two mezzanine floors for the bedrooms, which would mean parts of the living area would have somewhat low floor to ceiling heights.
6. At the mezzanine level the head height would be constrained in both bedrooms with little space either side of the bed before the head height reduces to 1.5m. This would result in a constrained internal living space within the bedrooms.
7. Externally, there would be amenity space sufficient for occupiers to sit. However, there would be no private external amenity space due to the PRow passing through the space. This would limit how future occupiers could use the space and therefore its contribution to the overall quality of the living conditions associated with the property.
8. It is not unusual for PRows to pass through gardens in rural locations or for views into properties to be possible from PRows. However, my concerns are not the principle of this, but the combination of the PRow passing through the open and modest external amenity space restricting its use for the occupiers.
9. The Technical Housing Standards – Nationally Described Space Standards (NDSS) sets out requirements for the Gross Internal (floor) Area (GIA) of new dwellings and key dimensions for parts of the home, including bedrooms, storage and floor to ceiling height. Although the Kirklees Local Plan (LP) does not include policies relating to the NDSS they are referenced in Principle 16 of the Kirklees Housebuilders Design Guide Supplementary Planning Document (SPD) in relation to new homes and are a material consideration. In this regard, the proposal would accord with the overall GIA for a two-bedroom dwelling but not the size of the bedrooms or floor to ceiling height. This reinforces my concerns set out above in this main issue.
10. I have in any case reached my own conclusions on the scheme, and it is the combination of the above elements of the design that leads me to conclude future occupiers would not have acceptable living conditions rather than the shortfall against specific standards within the NDSS. I recognise that the building is constrained by its size, form and location. However, I have no firm evidence that the proposed use, design and layout are the only means of repurposing the building. This limits the weight I afford this matter.
11. I therefore find that the proposal would not provide acceptable living conditions for future residents of the proposed development with particular reference to internal living space, external amenity space, privacy, outlook and natural light. Accordingly, I find conflict with the requirements of Policy LP24 of the LP, paragraph 135 of the National Planning Policy Framework (the Framework) and the guidance within Principle 16 and 17 of the SPD, when taken together and in so far as they relate to this main issue. These seek, amongst other things, that

developments provide a high standard of amenity for future and neighbouring occupiers.

Listed building

Significance/special interest

12. The listed building relates to a single storey seventeenth century barn built from coursed rubble with a stone slate roof. Its eastern elevation contains all but one of the openings on the building which are different in size and irregularly placed along the elevation. Internally it has an open plan layout, and the roof structure is a striking feature with the two King post trusses being original elements of the building.
13. From the evidence available to me, the special interest/significance of the listed building, insofar as it relates to this appeal, is largely derived from the barn's age and historic use, its simple linear open plan form, striking roof trusses, traditional construction techniques and materials, simple vernacular, solid to void ratio and irregular pattern of openings. These make important contributions to its aesthetic and historical values despite the barns vacant use and structural condition.

Appeal proposals and effects

14. There would be harm from the changes to the floor plan and circulation, including from the formation of some smaller rooms such as bathrooms, the entrance areas and staircases and mezzanine bedrooms. Even with the open plan living space at the ground floor, this subdivision of the space would erode the contribution that the open plan layout makes to the special interest of the barn.
15. As part of the appeal the appellant has provided an updated Structural Inspection Report, and a specialist timber report. The proposal would involve extensive alterations including, amongst other things, a new blockwork inner leaf, which would help provide structural support to the external walls. The timber report indicates that the primary trusses are in an unsafe condition, and the roof structure is at risk of collapse. In this regard, temporary supports have been introduced to relieve loadings on the structure. The proposal suggests that these primary trusses would be repaired and reinstated back into the building as an aesthetic feature.
16. However, it is unclear from the evidence before me whether any alternative measures have been investigated and discounted that may enable the trusses to be repaired in situ, thus potentially minimising the disturbance, and the extent of harm from their removal. Given the high degree of architectural and historical significance of the roof trusses and their structural condition this weighs against the appeal scheme.
17. The existing and proposed floor plans and external elevations are drawn at 1:100 scale. There are more detailed drawings of the windows and doors. However, there are no detailed drawings at a more in-depth scale comprehensively showing the full extent of the development proposed, such as the steel framed structure for the mezzanine floors, full details of how the original stone sets found in part of the existing floor of the barn would be reused, details of the glazing in the roof trusses and how it would be installed. This casts doubt as to what I would be granting were I minded to allow the appeal.

18. The appellant has provided evidence of how the structural engineer has worked on listed buildings previously and I have no reason to question this. However, the Conservation Accreditation Register for Engineers (CARE) accreditation is specifically recognised, amongst others, by Historic England. As such, an investigation and reporting from such a CARE accredited engineer would have carried more weight. Nonetheless, the experience of the engineer, or lack of accreditation, does not alter my judgment that, notwithstanding the other documents and information provided within the submission, that there is not the appropriate level of detail before me to provide the clear and convincing justification for the changes proposed.
19. The rooflights proposed are 'conservation style'. However, I do not have full details of the rooflights, including cross sections of how they would sit within the slopes with the stone slate and whether they would sit flush or protrude above the roof slopes or the extent of exposed flashing. Even so, the number of roof lights proposed on the eastern elevation of the barn would impart a more overtly residential and domestic character. In this regard, the erosion of the distinctive unbroken roof and the high solid to void ratio would also harm part of the special interest and agrarian character of the building. The Council's delegated report indicates that this matter could be addressed by way of a condition. However, given my findings in relation to access to natural light and the associated impact on living conditions such details should be considered prior to the grant of any consent.
20. I am mindful that any change of use of the building to a residential use will result in change. Moreover, there are positive heritage impacts from the repair of the listed building and securing its long-term future use. Such matters are supported by national and local planning policies and guidance. I recognise that the building is redundant and, in parts, in a perilous state and must be made good and found a use as soon as possible. It is therefore understandable that there is support locally for the scheme.
21. There are also clearly well thought out and sensitive aspects of the design, such as the retention and reuse of the existing openings and the general light touch approach to the external appearance of the walls of the listed building following repairs. However, the proposal taken as a whole would involve extensive alterations which would recast the building in an overtly residential guise that would diminish its authentic agrarian character.
22. I therefore find that, even with its positive elements, the proposal would fail to preserve the special interest of the Grade II listed building. As a result, the expectations of the Act have not been met, and the proposal would harm the significance of this designated heritage asset.

Public Benefits

23. Paragraph 212 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

24. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage asset, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
25. In this instance, as the harm would be mostly related to the roof and internal features, and considering the heritage benefits as well the harm would be 'less than substantial' and at the lower end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.
26. The main heritage benefit would be the conservation of the building following the proposed repairs, including some of the sensitive adaptation work to accommodate the change of use. The building is vacant, and the proposal would secure its long-term conservation with an efficient use. Such matters are supported by national and local planning policies and guidance.
27. The scheme would provide social benefits from a dwelling. This would boost the supply of housing. There would also be economic benefits too from the spending of future occupiers in the local area, as well as from the conversion of the building. This would stimulate employment, the commissioning of services, and the retention of building craft skills. However, I am also mindful that future occupiers of the dwelling would not have acceptable living conditions overall when considering internal living space, external amenity space, privacy, outlook and natural light. Taken together, these limit the social and economic benefits from the scheme. The absence of harm in relation to other considerations are matters that weigh neither for nor against the proposal and do not constitute public benefits.
28. The Planning Practice Guidance advises¹ that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. In this regard, there is no detailed evidence that a more sensitive scheme could not maintain any assumed returns or make the proposals unviable. As such, from the evidence before me I cannot conclude that the proposed scheme, the layout and the extent of alterations proposed, are necessary to make the scheme viable. Accordingly, clear and convincing justification for the harm that would occur to the significance of the designated heritage asset because of the proposal, has not been provided.
29. Drawing the above together, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the great weight that I attach to the harm I have identified. Accordingly, the proposal would be contrary to the requirements of the Act, the Framework and Policies LP24 and LP35 of the LP, when taken together and in so far as they relate to this main issue. These say, amongst other things, that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

¹ Paragraph: 015 Reference ID: 18a-015-20190723

Living conditions – No 14 Lower Holme

30. The proposed mezzanine would have roof lights at a low level enabling future occupiers to look out through them. The angle of the roof would restrict some of the overlooking toward No 14 Lower Holme (No 14) and its front external amenity space, which was partly being used for parking of vehicles during my site visit. The extent of overlooking would be increased by a small degree if the rooflights were open.
31. However, it is not unusual for a certain degree of overlooking from first floor windows between residential properties. Moreover, there would be no overlooking of the private garden space to the south of the property associated with No 14. Overall, given the nature of the overlooking that would be possible to the external space I am satisfied that this would not lead to an unacceptable degree of overlooking.
32. I therefore find that the proposed development would have an acceptable effect on the living conditions of the occupiers of No 14 Lower Holme with particular reference to overlooking of external amenity space. As such, I find no conflict with the requirements of Policy LP24 of the LP, the provisions of Chapter 12 of the Framework, or Principle 6 of the SPD, when taken together and in so far as they relate to this main issue. These say, amongst other things, that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

PRoW

33. It is not unusual for PRoWs to pass through gardens in rural areas such as this. Whilst the garden is modest, there would be space for bins and seats to be placed externally without restricting the use of the PRoW. Moreover, any future occupiers would be aware of the right of way and the need to keep it free and available. I am not therefore persuaded that the risk of domestic paraphernalia restricting its use would be high. Moreover, any possible future pressure to alter the right of way is hypothetical and a matter that I give limited weight to.
34. I therefore find that the proposal would not have an unacceptable effect on users of the PRoW. The Council have referred to Policy LP23 of the LP in its reason for refusal. This refers to the Core walking and cycling network. However, the PRoW in question is not defined as part of the core walking and cycling network as shown on the Council's Policies Map. This policy has not therefore been determinative in my assessment.

Conclusion

35. The proposed development would conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR