

**CALDERDALE METROPOLITAN BOROUGH COUNCIL****PLANNING COMMITTEE****WARDS AFFECTED: MORE THAN THREE**

**Date of meeting: 11 July 2023**

**Chief Officer: Director of Regeneration and Strategy.**

**1. SUBJECT OF REPORT**

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

**2. INTRODUCTION**

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

### **3. IMPLICATIONS ARISING FROM REPORT**

#### **3.1 Planning Policies**

These are set out separately in each individual application report.

#### **3.2 Sustainability**

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

#### **3.3 Equal Opportunities**

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

#### **3.4 Finance**

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

**FOR FURTHER INFORMATION ON THIS REPORT CONTACT:**

Richard Seaman  
Corporate Lead  
For Planning Services

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**DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:**

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

**DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:**

[www.calderdale.gov.uk](http://www.calderdale.gov.uk).

**You can access the Council's website at the Council's Customer First offices and Council Libraries.**

### List of Applications at Committee 11 July 2023

<b>Time &amp; No.</b>	<b>App No.</b>	<b>Location</b>	<b>Proposal</b>	<b>Ward</b>	<b>Page No.</b>
14.00	22/00395/FUL	The Shaw South New Road Mankinholes Todmorden Calderdale	Change of use of land for the siting of three shepherd huts for the purposes of glamping and associated parking and turning, cycle and bin storage, footpaths and landscaping	Calder	5 - 23
14.00	23/00227/COU	6 Dean Houses Dean House Lane Luddenden Sowerby Bridge Calderdale	Change of use from agricultural land to garden area including the construction of a raised terrace (Retrospective) (Resubmission of Planning Application ref: 22/00625/COU)	Luddendenfoot	24 - 36
14.00	22/01083/FUL	Land Adjacent To Bryan Road Elland Calderdale	10 Executive New Build Dwellings	Elland	37 - 50

Time Not Before: 14.00 - 01

Application No: **22/00395/FUL**

Ward: **Calder**

Area Team: **North Team**

Proposal:

**Change of use of land for the siting of three shepherd huts for the purposes of glamping and associated parking and turning, cycle and bin storage, footpaths and landscaping**

Location:

**The Shaw South New Road Mankinholes Todmorden Calderdale  
OL14 6HP**



Applicant:

**Mr Chris Dewhirst**

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

No

Departure from Development Plan:

No

## **Consultations:**

Environmental Health Services - Pollution Section (E)  
Todmorden Town Council  
Tree Officer  
Highways Section  
Tree Officer  
Flood Risk Manager  
Todmorden Town Council  
Environmental Health Services - Pollution Section (E)  
Todmorden Town Council  
Highways Section  
Flood Risk Manager

## **Description of Site and Proposal**

Mankinholes is a hill top village approximately 3.2 km to the south east of Todmorden and 8km west of Hebden Bridge.

The site is located adjacent to the Lumbutts and Mankinholes Conservation Area and is accessed from New Road which is to the west of the site. It is located to the north of an agricultural building owned by Cross Farm and to the south and east of an existing storage building belonging to the applicant. The site is surrounded by fields which forms part of the characteristic of the Conservation Area. Originally the proposal extended further north and south but the development has now been reduced in scale and is located closer to the applicant's storage building to reduce the impact of the proposal on the setting of the Conservation Area and nearby listed building at Shaw Cottage and also, the visual amenity of the Area Around Todmorden and Special Landscape Area.

The proposal is for the Change of use of land for the siting of three shepherd huts for the purposes of glamping and associated parking and turning, cycle and bin storage, footpaths and landscaping.

**The application has been brought to Planning Committee due to the sensitivity of the proposal.**

The application is accompanied by

- Design and Access Statement
- Arboricultural Report
- Bat Assessment
- Lighting Scheme
- Critical Drainage Information

## **Relevant Planning History**

There is no relevant planning history at the site.

## **Key Policy Context:**

<b>Local Plan Designation/Allocation</b>	Area Around Todmorden Special Landscape Area Landscape Character Area Calderdale Wildlife Habitat Network
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<b>Local Plan Policies</b>	<b>GB2</b> Development in the Area Around Todmorden <b>GN4</b> Special Landscape Areas <b>GN4</b> Landscape Character Areas <b>EE2</b> Economic Activity Outside the Main Urban Areas <b>SD1</b> Presumption in Favour of Sustainable Development <b>BT1</b> High quality, inclusive design <b>BT2</b> Privacy, Daylighting and Amenity Space <b>HE1</b> The Historic Environment <b>EN1</b> Pollution Control <b>IM4</b> Sustainable Travel <b>IM5</b> Ensuring Development Supports Sustainable Travel Annex A Car & bicycle parking standards <b>BT4</b> The Design and Layout of Highways and Accesses <b>CC1</b> Climate Change <b>CC2</b> Flood Risk Management (Managing Flood Risk in New Development) <b>CC3</b> Water Resource Management <b>GN3</b> Natural Environment <b>GN4</b> Landscape <b>GN5</b> Trees
<b>National Planning Policy Framework Paragraphs</b>	<b>6 Building a strong, competitive economy</b> <b>8 Promoting healthy and safe communities</b> <b>9 Promoting sustainable transport</b> <b>12 Achieving well-designed places</b> <b>15 Conserving and enhancing the natural environment</b> <b>16 Conserving and enhancing the historic environment</b>
<b>Other relevant planning Constraints</b>	Bat Alert Area Non Mains Sewerage (connecting to mains) Critical Drainage Area
<b>Other Material Planning Considerations</b>	Climate Emergency Declaration (Jan 2019)

### **Publicity/ Representations:**

The application was publicised by site notice and press notice and more recently the application has been re-advertised with site notices and neighbour letters following the change of description and the change to the red line. One objector has since withdrawn their objection and there are now ten letters of objection, two letters of representation and five letters of support including one from the applicant responding to neighbours comments that have been received.

## **Summary of points raised:**

### **Objection**

- Increase in traffic and no pavements.
- Impact negatively on character of area.
- Noise pollution.
- Light pollution.
- Effect on wildlife.
- Surface water concerns.
- Apart from the local pubs for food there are no local shops/cafes and so a car is required for access and unless they are frequently using their cars they would not contribute to the economy.
- Given water shortage and electricity costs hot tubs are not environmentally friendly (the hot tubs have been removed from the application).
- Other application in the vicinity if one gets approved it will open up the floodgates (each assessed on their own merits).
- Highways safety concerns as access to site is via a narrow road.
- Concerns over damage to connecting roads that access the site.
- No consideration for people who live in the vicinity.
- Will the charging points be for campervans?
- No access for those with disabilities.

### **Support**

- Visit Calderdale team, supports this application in principle, if there is no negative impact on any essential matters with regard to highways, flooding, noise, sewage provision and drainage.
- There are good leisure drivers both within walking distance of the site (i.e., nearby food and drink businesses such as Top Brink inn and the Shepherd's Rest) and by a short car journey away in Todmorden town centre.
- Calderdale currently only has two glamping accommodations, one of which is a 'pop-up' and therefore not available all year round, so this development could be a welcome addition to Calderdale's high-quality accommodation offer, especially given the growing popularity of 'glamping'.
- The relatively close proximity to Todmorden railway station and bus routes could serve to encourage use of public transport during a visitor's stay.
- There are many good walking and cycling routes in close proximity too that will help to attract potential visitors to the proposed accommodation. The proposed cycle storage is a very worthwhile part of the application, as are the proposed EV charging points for cars.
- Whilst there are several other existing accommodation providers in relatively close proximity to the proposed development (i.e., Two Hoots Guesthouse, The Cottage self-catering, both less than a kilometre away) the development should not impact negatively on accommodation providers in the area as it is generally accepted that Todmorden would benefit from additional high-quality accommodation. Since the COVID 19 pandemic Calderdale has lost several accommodation providers, so additional high quality bed spaces would help to raise our bed stock and accommodation offer back to pre COVID-19 levels.
- Research shows: that staying visitors spend on average over twice more per person than day visitors.
- With multiplier effects, the value of Calderdale's visitor economy in 2020 is estimated to be just under £138 million, directly supporting 2151 jobs within Calderdale.



- Therefore, increasing the opportunity for more visitors to enjoy a high-quality overnight stay in Calderdale is good for the local economy and Calderdale's good reputation as a visitor destination. \*Source: The Economic Impact of Tourism on Calderdale 2020.
- Lived on the closest residential estate to the proposed development however it's still some distance away so don't consider noise and light pollution an issue.
- A site like this would not be busy 24/7, 12 months of the year and should be welcoming visitors to the area like Hebden Bridge does and not turning people away.
- How can someone object to something which is being considered environmentally friendly when planning has been granted over the years for more and more houses on this hillside and does not blend into the surroundings.
- Fantastic idea, Todmorden needs this kind of accommodation
- Development will attract couples to spend weekends in peace and quiet

### Representations

- Following amended plans and helpful statement from applicant would like to withdraw objection.
- Good time to address concerns of trees falling on boundary as they are of low quality.
- Clarification required about the hedge planting as this follows the line of trees.
- No objection subject to boundary treatment- (Applicant has confirmed they have discussed the boundary treatment with the neighbour)

### Parish/Town Council Comments

The development is located within the boundaries of Todmorden Town Council. Todmorden Town Council originally made the following comments:

*"No comment."*

Following the above comment, the Town Council were re-consulted and made the following comments:

*"No comment as still awaiting information from Highways about access issues"*

Following the re-advertisement of the application with a change of description and amended red line Todmorden Town Council were re-consulted and made the following comments:

*"Supported subject to conditions around flood prevention"*

### Assessment of Proposal

#### Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...designated heritage assets*] or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **This is reflected in Policy SD1 of the CLP.**

The framework indicates that development should be restricted if it is in a protected area or is an asset of particular importance. In this case, the site does not lie within a protected area where the framework indicates that development should be restricted and so the presumption in favour of development applies.

Section 6 of the NPPF seeks to support a prosperous rural economy and highlights that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account, both local business needs and wider opportunities for development.

Paragraph 84 of the NPPF also says that decisions should enable the sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism and leisure developments which respect the character of the countryside. Development should be sensitive to its surroundings, should not have an unacceptable impact on local roads and should exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

**The Area Around Todmorden in the Calderdale Local Plan is beyond the designated Green Belt but is a ‘countryside’ designation reflecting the largely undeveloped swathes of upland around the town of Todmorden which sits in the valley below.**

**Within the Area Around Todmorden development proposals which are considered appropriate will generally be supported providing they do not have a negative impact upon the openness or character of the countryside or upon the Special Protection Area (SPA) or Special Area of Conservation (SAC). The types of appropriate development are:**

- a. Uses necessary for agriculture, forestry or equestrian activity or other social and economic uses which have a functional need to locate in the countryside;**
- b. Uses which support sustainable growth and diversification of the rural economy including for tourism;**
- c. Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan**
- d. The re-use and adaptation of existing buildings;**

- e. The extension or alteration of existing buildings providing that it does not result in a disproportionate addition over and above the size of the original building;**
- f. Sport and recreation uses appropriate to a rural area which do not conflict with other land uses; and**
- g. Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:**

- 1. not have a greater impact on the openness of the countryside than the existing development; or
- 2. not cause substantial harm to the openness of the countryside, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the Borough.

II. Development which is appropriate should not detract from the visual amenity of the open countryside or lead to traffic, amenity, environmental or other problems which cannot be effectively mitigated.

Policy EE2 discusses economic activity outside the main urban areas and goes on to say

*“...In order to allow for their continued operation and for the provision of new premises on a small scale in areas outside the main urban settlements, development will be permitted provided that proposals meet the requirements of:*

- a. Policy GB1 - Green Belt; or*
- b. Policy GB2 - Area Around Todmorden; and/or*
- c. Any other relevant policies in the Local Plan*

*II. Proposals will not be supported which have an adverse impact on areas of environmental sensitivity or are not located in a sustainable location.”*

The proposal is for the change of use of land for the siting of three shepherd huts for the purposes of glamping and associated parking and turning, cycle and bin storage, footpaths and landscaping.

Originally the proposal included four units which were based on a decked area with hot tubs. They were more spread out and were to be located further north and south of the site. This location was considered to encroach and impact on the open countryside and also impact on the setting of the adjacent Conservation Area and listed buildings and as such was not acceptable. After discussions with the case officer and Conservation Officer, the proposal has now been moved much closer to the existing storage building and the four units with their decking and hot tubs have been replaced with much more simple accommodation in the form of three shepherds' huts. A parking area with access east off New Road is proposed to the south of the existing storage building. Permeable surfacing is proposed along with electric charging points to be used for visitors' cars. Paths again finished in permeable surfacing will be provided to access the shepherds' huts.

The shepherds' huts comprise of open plan kitchen/living accommodation and bedroom with a separate bathroom. Each will be raised approximately 1m off the floor and measure 7.25m x 2.79m and have an overall roof height of 2.985m. The huts will be timber clad and have a corrugated metal roof. A separate permeable path will access each hut.

Bin and secure cycle storage are located to the east of the existing storage building and as such would be screened from the road. However, it is considered that the bin storage area located in this position may affect the amenity of hut 1 and as such the applicant has been made aware of this and has agreed to relocate it. In order to provide the parking area, the development would result in the loss one tree. Given the number of trees around the site, the loss of the one tree is not considered to have a significant impact on the visual amenity of the site. A hedge is proposed to be planted and

species enhancement will be conditioned. The hedge will be conditioned to include a mixed hedgerow of native species.

Although not in a particularly sustainable location, this type of development is required to be in a rural location as the location in the countryside is what attracts visitors.

Appeal decision APP/A4710/W/20/3246395 and dated 31<sup>st</sup> July 2020 at Rough Hey Farm, Hob Lane, Norland refers particularly in paragraph 17 to this matter.

*“17... Additionally, I find that the rural location of the site would likely be a fundamental part of its attraction for tourist, providing an escape from urban environment, where it is reasonable to suppose that tourists on a rural holiday may be more prepared to contemplate walking, or indeed cycling the relatively short distance to visit surrounding areas or attractions. This would accord with the Framework, which recognises in decision making that opportunities to promote sustainable transport will vary between rural and urban areas.”*

Concerns have also been raised about connecting roads and a bridge that has to be crossed some distance from the site that is in a poor state of repair. The bridge is outside the development site and is only one of a few ways to access the site.

The Design and Access Statement advises:

*“...The glamping units would be rented out on a per-nightly basis. Patrons would likely be couples, with young families to be considered. Party groups will not be permitted by the operator. The site would be operated as a typical (year-round) holiday let, but with much fewer guests, meaningless noise and disruption to neighbouring properties and road users etc. The site will also be marketed as a peaceful and relaxing retreat, which again should mean noise from guests is not a consideration. The site will operate with strict rules of conduct, which will include an exclusion for any forms of unacceptable or anti-social behaviour. All guests will be made aware of their countryside code responsibilities and their duty of care for the safety of other users of the local highways and byways. There is no intention to use the shepherd huts for long term lease / permanent residences. Such a small-scale development and the compact footprint of the units would not be suited to this in any case..”*

The applicant has stated:

*“It's our belief that being on a bus route that passes once per hour is perfectly fine and we envisage many of our guests to be outdoor type people more interested in walking and exploring the local area than travelling by car. We will be actively encouraging the use of public transport and cycling (provision of bike storage & free issue bikes for duration of stay) to reduce car travel by the guests. Marketing will be directed at walkers and tourists wanting to live the outdoor life but in comfort and who will invest in the local area.”*

Given the above the proposal is considered to satisfy CLP policies GB2 and EE2 and the development would be acceptable in principle subject to satisfying other relevant policies set out below.

### **Visual Amenity, Layout, Design & Materials**

Policy GN4 Landscape Special Landscape sets out that:

*“...Proposals for development within or affecting the Special Landscape Area (SLA) or its setting should be carefully designed to ensure they are in keeping with their location in the*

*SLA in terms of density, height, massing, scale, form, siting and materials. II. Proposals for development within or affecting the Special Landscape Area (SLA) will only be supported if the proposal:*

- a. Does not adversely affect the scenic quality of the SLA. Consideration should be taken to protecting important and distinctive views, and protecting remoteness and tranquillity.*
- b. Does not adversely affect opportunities for access and recreation; and*
- c. Protects and enhances landscape quality, sense of place and local distinctiveness, including retention and enhancement of features and habitats of significant landscape, historic, ecological and wildlife importance.”*

With regard to ‘Landscape Character Areas’ the site is located within the Calder Terrace Area.

*“This LCA covers a large part of Calderdale, rising up either side of the main Calder Valley (LCA F2) and forming a transition to the adjacent upland moorland (LCA A1). The LCA is fragmented due to the presence of river valleys cutting through it.”*

In terms of the land use and field patterns the landscape character consists of (amongst other things):

*“...A varied field pattern, consisting of a patchwork of regular and irregular pasture fields ranging from small scale to a larger scale representing a later phase of moorland enclosure.*

- A dense network of gritstone walls enclosing the landscape’s fields – these provide shelter and habitat for wildlife and are also of considerable historical/cultural interest...”*

In terms of cultural heritage:

*“...The LCA contains parts of and contributes to setting of Warley, Luddenden, Lumbutts and Mankinholes and Todmorden Conservation Areas...”*

The road pattern includes:

*“...A network of narrow winding lanes connecting the farmsteads and settlements, particularly on the higher ground...”*

Policy GN4 of the CLP goes on to say:

*“New development should be designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated. For each Landscape Character Area, planning permission will only be granted if the proposed development would:*

- II. a. Make adequate provision as far as is practicable for the retention of features and habitats of significant landscape, historic, geological and wildlife importance;*
- b. Where possible, enhance the character and qualities of the landscape area through appropriate design and management;*
- c. Reflect and enhance local distinctiveness and diversity; and*
- d. Provide appropriate landscape mitigation proportionate in scale and design, and/or suitable off-site enhancements.”*

NPPF Section 15 Conserving and enhancing the natural environment states in paragraph 174:

*“The planning system should contribute to and enhance the natural and local environment by (amongst other things):*

- *Protecting and enhancing valued landscapes ...*

RCUDP policy BT1 discusses the need for high quality, inclusive design and establishes that developments will ensure high quality, inclusive design and demonstrate a holistic approach to design quality.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities....”*

The proposed design, material, layout and measurements are set out under ‘Principle of Development’ above. The proposal includes areas for parking. These are identified on the layout plan.

The supporting information advises that the installation process of the units is low impact, with no heavy machinery required. The units for the glamping site will be manufactured off-site which reduces waste and improves the quality of the product. Due to the nature of the units, these will sit above ground level on a steel chassis meaning there will be less impact on the land.

Given the reduction in the number of units and the change in the layout and design, the proposal is now considered to accord with policies BT1 and GN4 of the CLP.

### **Residential Amenity**

CLP policy BT2 which discusses privacy, daylighting and amenity space and establishes that :

*“Development proposals should not result in a significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents or other occupants and should provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.”*

The nearest third-party dwelling would be The Shaw North at over 40m away and Heatherlow to the south-east at over 70m away. The Grade II listed properties at Shaw Cottage, and Shaw East and West would be 85m away although the garden boundary would be approximately 27m away. There are trees located along the boundary and a proposed hedgerow is to be planted around the boundary as shown on the layout plan.

Policy EN1 discusses Pollution Control and sets out that

*“The Council will seek to reduce the amount of new development that may reasonably be expected to cause pollution or be exposed to pollution. When determining planning applications, consideration will be given to the following issues: (amongst other things (my words)*

*a. The likelihood of light, noise, smell, vibration or other emissions that pose an unacceptable risk to the amenity of the local area;...*

*...Development which does not incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level will not be permitted.”*

Concerns have been raised regarding potential noise and light issues from the development.

The supporting Design and Access Statements states:

*“Guests will reach the units by foot from the parking area, using footpaths. All associated footpaths will also be permeable; formed using suitable level build-up and compacted stone chippings. Low-level solar-powered lighting bollards with motion detectors will be provided to the tracks for safety when walking at night. Low level and motion detectors are proposed to minimise effects on local wildlife and not to cause disruption to neighbours. The lights will stand at around 400mm high and have a light splay of around 5 metres, meaning impacts on surroundings will be negligible.”*

The Councils Assistant Director of Neighbourhoods (Environmental Health) has made the following comments regarding sewage and mains services along with potential light pollution|:

*“I have no objection to the proposed development as submitted. It has been established that the development is small scale and connecting to mains services (sewage and water). The lighting scheme submitted is acceptable.”*

Concerns regarding noise due to the close proximity to the host dwelling are to be managed on site by the applicant. Furthermore, a condition regarding the restriction of noise for this type of development would be difficult to enforce, given the occupiers of the applicant's dwelling could entertain in their garden where a certain amount of noise would be expected, as could other third-party dwellings.

The applicant has commented that they would implement a curfew to discourage noise and only allow single and not group bookings to again deter any non-social behaviour linking into the commitment to a curfew.

There would also be no facilities for children i.e., swings etc, again to prevent any noise disruption.

They have advised that the shepherd's huts would be single bedroom targeted at the high-end couple's market and not parties.

The applicant has stated:

*“With respect to our immediate neighbours more than happy to erect any necessary fencing or shielding, but as stated above we would actively encourage and have policies in place to attract guest that wouldn't make this an issue. As a neighbour to the site myself this would be actively policed.”*

Subject to a condition that the development is constructed in accordance with the lighting scheme, the proposal would satisfy CLP policies BT2 and EN1 and paragraph 185 of the NPPF which discusses noise and light mitigation.

### **Heritage assets**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building, or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that in exercising functions with respect to any buildings or other land in a conservation area, special

attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The requirements of Sections 66 and 72 are set out legislation and as such they are legal duties rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

In addition, paragraph 197 of the NPPF states that:-

*“In determining applications, local planning authorities should take account of:*  
*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness”*

Paragraph 202 of the NPPF states:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Policy HE1 Historic Environment I states:

*“Development proposals should conserve, and where appropriate, enhance, the historic environment especially those elements which make a particularly important contribution to the identity, sense of place and local distinctiveness of Calderdale...”*

Below are relevant sections of the Lumbutts and Mankinholes Conservation Area appraisal which discusses the villages and their setting.

*“...The Lumbutts and Mankinholes Conservation Area was designated on 3<sup>rd</sup> December 1980. It includes the two separate settlements together with the open areas between and around the villages....*



*...The existing boundary of the Lumbutts and Mankinholes Conservation Area was drawn to include the buildings of the villages together with the landscape in which they are set...*

*“...The character of the Conservation Area is derived from the individual buildings to be found there, their collective development and arrangement, and the varied types of open spaces surrounding them. In trying to assess the area’s special character, it is necessary to consider the context within each of the settlements and also in relation to the setting of the villages in the landscape. This is particularly important in settlements set on the shoulder of a valley, like Lumbutts and Mankinholes. The boundary of the Conservation Area has therefore been drawn to include all the buildings within the villages, together with some of the surrounding areas of open land and the packhorse route...”*

*“...Individual buildings and farmsteads are dotted throughout the area, many now mainly in residential use including a number of former barns now converted into housing. Agriculture still appears to be a significant user of land with some more diversified uses existing alongside. There are properties in use as Bed & Breakfast establishments and the Shepherd’s Rest public house at the far western edge of the Conservation Area.”*

As can be seen from above the Conservation Area is not just the villages but includes the open fields as part of its established character and significance.

The Council's Conservation Officer was consulted on the proposal regarding the impact the proposal would have on the setting of the Conservation Area and also the setting of the listed buildings at Shaw Cottage, and Shaw East and West given the gardens extended to the boundary of the proposed site. Originally the proposal was considered to impact on the open nature of the fields, which provide part of the setting of the Conservation Area. Given the reduction in sprawl and re-location of the huts and the reduction in number and with the proposals being moved closer to the existing storage building and away from the boundary of the listed buildings, the development is now considered to minimise the impact on the Conservation Area’s setting and also the setting of the listed buildings.

In terms of harm, the proposal would result in some harm which would be less than substantial but would be minor. The public benefits that the proposals would have on the local economy, rural diversification and bringing visitors to the area, is considered to outweigh the minor harm the development would have on the Conservation Area and setting of the listed buildings.

The proposals would now accord with policy HE1 and paragraphs 195, 197, 199 and 202 of Section 16 of the NPPF.

### **Highway Considerations**

CLP policy BT4 discusses the design and layout of highways and accesses.

Annex A of the emerging Local Plan sets out car & bicycle parking standards with IM5 ensuring development supports sustainable travel.

CLP policy IM4 states that:

*“Decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and travel modes. This will be achieved by a range of mechanisms that mitigate the impacts of car use and promote the use of other forms of transport with lower environmental impacts...”*

Paragraphs g and j of IM4 are also relevant as they seek to encourage cycle usage and the provision of electric charging points.

The Assistant Director (Strategic Infrastructure) Highways were consulted on the original plans and provided the following comments:

*“The site is in a remote, rural location. There is a bus service within walking distance, although these are infrequent with no evening services and limited services at the weekend.*

*There are also no local facilities within walking distance such as a convenience store. The nearest pub is over a kilometre distance on foot on an unlit road with no footway.*

*This is contrary to both the RCUDP and NPPF.*

*It is appreciated that this type of accommodation is usually located in rural or semi-rural location. However the site is not in considered to be in a sustainable location and guests would be reliant on a car for most if not all their journeys.*

*The visibility at the existing gates access that is proposed to form the proposed egress onto New Road is acceptable given the existing access is wide enough to facilitate an adequate visibility splay onto the highway..”*

The proposals have now been moved closer to the existing building and the number of units reduced. Following a discussion regarding the sustainability of the location site and reference to the appeal decision as set out above under the ‘Principle of Development’, the ADSI agree that it would be difficult to sustain an objection on the unsustainable location.

Following re-consultation due to the amended red line and description the following further comments were received:

*“Apart from the comments already made regarding the site being in an unsustainable location, there are no highway objections to the additional plans as submitted.”*

Paragraph 112 (e) of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

With regard to concerns raised about electric hook ups for campervans the applicant has stated:

*“The electrical charge points (EV Charge Points) are for electric / hybrid cars to encourage environmentally friendly travel. They are not electrical hook ups (EHU) for campervans / caravans.”*

Sufficient parking on site is provided and access to the site has been shown. A bin storage area which is to be relocated, electric charging points and cycle storage area have been shown and will be conditioned if approved to be constructed prior to the first use of the development.

Although the site would be approximately 1km by road to the Top Brink public House using Mankinholes Bank, it would be closer at 700m if public rights of way were used.

Given the above the proposal would satisfy CLP policies BT4, IM4, IM5 and Annex A and paragraph 112e of the NPPF.

## **Flooding, Drainage and Private Water Supply**

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP policy CC2 discusses flood risk management and includes areas which fall within critical drainage areas.

CLP policy CC3 discusses water resource management which includes amongst other things:

*“...Ensuring new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity;...”*

The site lies within a Critical Drainage Area and as such a Surface Water Flood Risk Assessment has been submitted.

The Council's Flood Risk Manager has been consulted and has commented that given the small scale of the development and that the site is in an area identified on the Environment Agency Surface Water Flood Maps as being low risk, the details submitted for the Critical Drainage allocation are acceptable. However, further details regarding the permeable surfacing proposed and percolation tests have been requested in order that drainage is acceptable on the site and that there would be no run-off onto the highway.

The following comments have been received:

*“It is noted that the proposals are to have surface water into adjacent gravel border beddings to each pod/camp, proposed access roads are shown to be permeable and free draining. Construction details of the access roads are required to confirm free drainage, furthermore percolation tests are required to confirm the site ground conditions are suitable for infiltration.*

*An assessment of downslope flows is required to prevent additional runoff from the site or treatment soakaway affecting downstream properties or roads.*

### **SUGGESTED CONDITIONS**

*1. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.*

Subject to the above condition regarding details to be submitted, the proposal would satisfy CLP policies CC2 and CC3.

## **Wildlife Conservation, Trees and Landscape**

Policy GN3 Natural Environment seeks amongst other things to:

*...achieve better management of Calderdale's natural environment by requiring developments to:*

- a. *Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments;...*

The site falls within a bat alert area and Wildlife Habitat Network. As the development involves the loss of a tree a bat assessment has been submitted. It is not considered that a bat report is necessary, but details of species enhancement will be conditioned.

The Council's Wildlife Biodiversity officer was verbally consulted and commented given the scale and type of development a BNG assessment was not required to be submitted. The planting of the hedge and the provision of species enhancement would be satisfactory.

In terms of species enhancement, they have requested that one long life bat box is provided attached to a tree.

CLP polices GN4 discuss landscape and GN5 discusses trees.

Trees around the boundary of the field are covered by a tree preservation order 89/00393/C. An arboricultural report along with photographs and method of protection of remaining trees has been provided. The proposal involves the loss of one tree at the entrance of the site.

The Council's tree officer has been consulted and made the following comments:

*"Having read the tree report and visited the site I have no reason to disagree with the findings of the report in relation to the overall condition of the trees. The application requires the removal of one tree (T2) to form the entrance. The tree is in a reasonable condition although deadwood was noted within the crown. Although it forms part of a prominent line of trees its loss will not have a detrimental impact on the overall amenity of the area. Replacement planting could be undertaken within the site and this would be good management as the trees around the boundary are all of a similar age and could go into decline at the same time. The other trees do not appear to be directly affected by the proposals and as per report will be protected during works as per BS8837:2012. I would not therefore object to the proposal subject to replacement planting within the site"*

Following the re-advertisement of the application due to the reduction in number of units and also the red line, the tree officer was re-consulted.

*"Following my visit nothing appears to have changed in relation to the trees and in view of the proposal change from 4 units to 3 my previous comments remain unchanged. It is assumed the tree works plan submitted (AEL-18574-TWP) for 4 units remains unchanged."*

Although the tree plan still shows the original scheme the actual works to trees has not changed. As set out above the proposal also involves the planting of a hedge around the field boundary. A condition for the hedge to be mixed and of a native species will also be included.

Subject to a condition relating to the bat box and the implementation of planting on site and the protection of remaining trees that are close to the development site, the proposal accords with policy GN3 of the Local Plan and section 15 of the NPPF.

## **Planning Balance**

As set out above the site is located in the Area Around Todmorden which allows for this type of development and as such the principle of the development is acceptable. The site is also located adjacent the Lumbutts and Mankinholes Conservation Area where the open fields adjacent the site contribute to the setting. The applicant has worked with the LPA to amend the proposals so that any minor harm is minimised to the Conservation Area's setting along with the setting of the nearby listed buildings. The amended location and proposed landscaping also help to reduce the impact on the Special Landscape Area.

Concerns over additional traffic have been taken on board but it is recognised that this type of development is purposely located in a countryside setting as this is what attracts visitors to the area. There are three ways to approach the site and therefore not all traffic will be via Shaw Wood Road. An access to the site exists and suitable off-road parking is available. Other means of sustainable transport will be promoted. Subject to conditions there would be no environmental, drainage, wildlife or conservation issues.

The loss of a one tree at the site is not considered to have a significant impact on the visual amenity of street scene or bat roosting potential given the existing number of trees surrounding the field and area and subject to the provision of a bat box.

On balance although there would be some minor harm to the setting of the Conservation Area and listed buildings, this would be limited given the distance of the development from the Conservation Area and listed buildings and the reduced numbers and re-siting of the units. Given the benefits of the provision of a proposal that seeks to encourage tourism which in turn will help the economy of the local area, it is considered that the proposals would outweigh the limited harm in terms of any additional traffic and impact on the setting of the Conservation Area, listed buildings and countryside setting.

## **CONCLUSION**

**The proposal is considered to be acceptable subject to conditions. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the sections above and there are no material considerations to outweigh the presumption in favour of such development.**

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date: 15<sup>th</sup> June 2023

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## **2 Further Information**

Should you have any queries in respect of this application report, please contact in the first instance:-

Gillian Boulton (Case Officer) on 01422 392232

Ruth Hardingham (Lead Officer)

## **Conditions**

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Notwithstanding the details shown on the approved plans, no drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
3. Prior to development being first brought into use, the secure cycle storage shall be provided in accordance with the details shown on the approved plan and shall be so retained thereafter.
4. Before it is first brought into use, the development hereby permitted shall be constructed of facing and roofing materials as identified on the approved plans and so retained thereafter.
5. Notwithstanding any details shown on the approved plans, details of a bin storage area for use by the visitors to the development, shall be submitted to and approved in writing by the Local Planning Authority. The bin storage area shall be constructed in accordance with the details so approved and shall thereafter be retained.
6. The lighting shall be installed in accordance with the submitted details and shall be so retained thereafter.
7. Prior to the development first being brought into use the Electric Charge Points identified on the approved plan shall be installed in accordance with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1, and shall be so retained thereafter.
8. Prior to the development being first brought into use, a single long lasting bat roosting feature constructed of woodcrete, ecostyrocete or similar material shall be installed on a tree at a height of at least 3m and facing South-west or South. The bat roosting feature shall be installed in accordance with these details and retained thereafter.
9. Notwithstanding any details relating to the number and design of the glamping units, the development shall be carried out in accordance with the details identified on the tree landscape plan AEL 18574 -TPP REV A, tree protection plan AEL 18574 -TPP REV A, and tree works plan AEL 18574-TWP REV A, for the protection of existing trees and the proposed new planting. The proposed new hedgerow shall include a variety of native species, details of which shall first be submitted to and approved in writing by the Local Planning Authority. The hedgerow shall be planted in accordance with the details so approved.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner; and shall be so retained thereafter, unless any trees or plants within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased. These shall be replaced in the next planting season with others of similar size and species, (unless otherwise agreed in writing by the Local Planning Authority) and these replacements shall be so retained thereafter.

## **Reasons**

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
  2. To ensure proper drainage of the site and to ensure compliance with policies CC2 and CC3 of the Calderdale Local Plan.
  3. In the interests of sustainable development and to ensure compliance with policies IM4, IM5 and Annex A of the Calderdale Local Plan.
  4. To ensure the use of appropriate materials and colour finish and in the interests of visual amenity and to ensure compliance with policies GB2, GN4, HE1 and BT1 of the Calderdale Local Plan.
  5. In the interests of amenity and to ensure compliance with GB2, BT1 and EN3 of the Calderdale Local Plan.
  6. In the interests of amenity and to ensure compliance with policy EN1 of the Calderdale Local Plan and paragraph 185 of the NPPF.
  7. In the interests of sustainability and to ensure compliance with policy IM4 J of the Calderdale Local Plan, and paragraph 112(e) of the National Planning Policy Framework.
  8. In order to comply with policy GN3 of the Calderdale Local Plan and section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework 2021
  9. In the interests of visual amenity and to ensure compliance with policies GN4 and GN5 of the Calderdale Local Plan.
  10. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with policies GN4 and GN5 of the Calderdale Local Plan.
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Time Not Before: 14.00 - 02

Application No: **23/00227/COU**

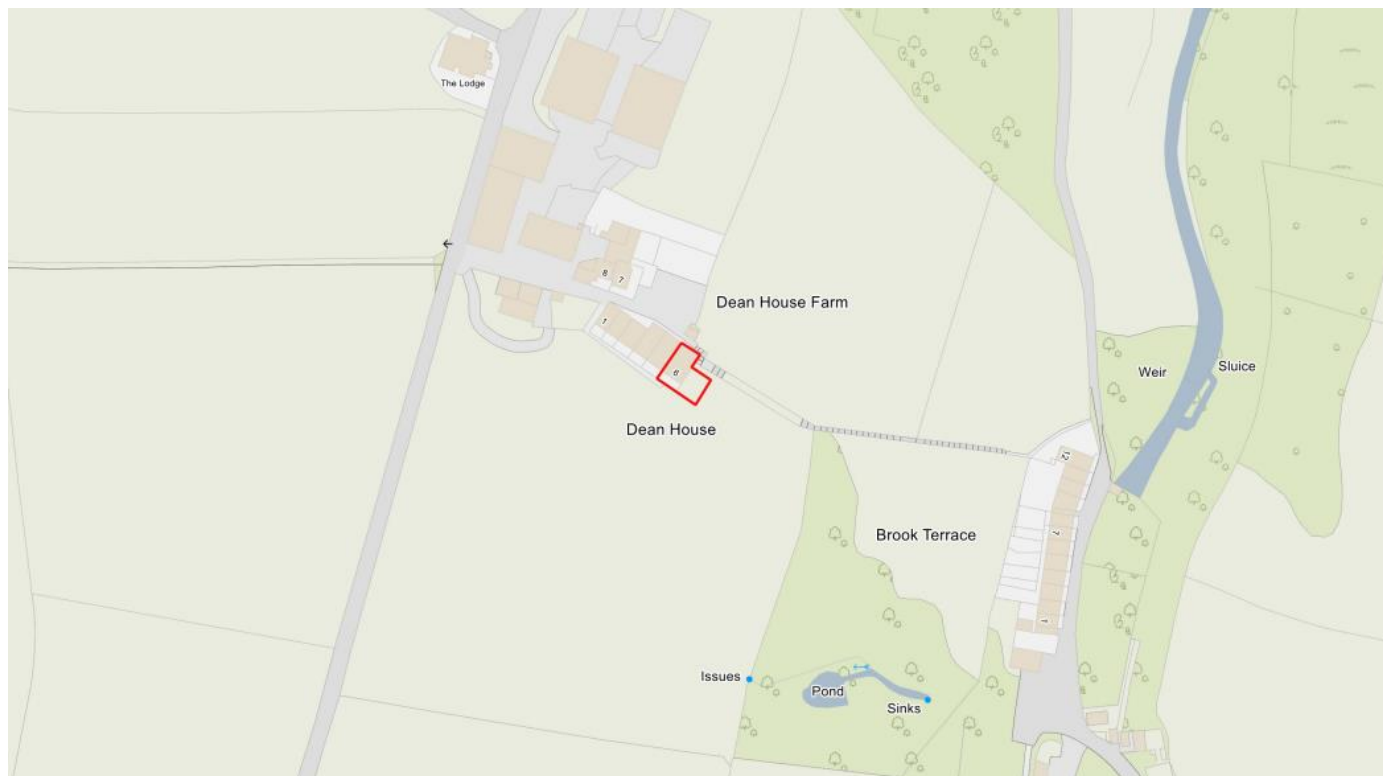
Ward: **Luddendenfoot**  
Area Team: **North Team**

Proposal:

**Change of use from agricultural land to garden area including the construction of a raised terrace (Retrospective) (Resubmission of Planning Application ref: 22/00625/COU)**

Location:

**6 Dean Houses Dean House Lane Luddenden Sowerby Bridge Calderdale HX2 6TP**



Applicant:

**Mr S Main**

Recommendation: **REFUSE**

Parish Council Representations:

N/A

Representations:

No

Departure from Development Plan:

No

**Consultations:**

Highways Section



## **Description of Site and Proposal**

The site is located approximately 700m north of Luddenden Village. Properties 1-3 and 7, 8 and 9 Dean House Farm to the north-west of the site are listed. The site is located to the end of a row of cottages with access through the farmyard. Public footpath 05/225 runs along the north of the site and continue in an easterly direction.

Planning permission is sought for the Change of use from agricultural land to garden area including the construction of a raised terrace (Retrospective)

**The application is brought to Planning Committee at the request of Councillor Scott Patient.**

## **Supporting Information**

The proposal is supported by the following documents:

- Planning and Heritage Statement
- Very Special Circumstances

## **Relevant Planning History**

An enforcement file is pending consideration regarding the works included as part of this application 21/60060/ENF. If the application is refused then further investigation will be carried out.

Application 22/00625/COU for the Change of use from agricultural land to garden area including the construction of a raised terrace (Retrospective) was refused on the 25<sup>th</sup> November 2022

## **Key Policy Context:**

<b>Local Plan Designation/Allocation</b>	Green Belt Special Landscape Area Landscape Character
<b>Calderdale Local Plan Policies</b>	<b>GB1</b> Green Belt <b>GN4</b> Special Landscape Areas <b>SD1</b> Presumption in Favour of Sustainable Development <b>HE1</b> Historic Environment <b>BT1</b> High quality, inclusive design <b>BT2</b> Privacy, Daylighting and Amenity Space <b>EN3</b> Environmental Protection <b>IM4</b> Sustainable Travel <b>IM5</b> Ensuring Development Supports Sustainable Travel <b>BT4</b> The Design and Layout of Highways and Accesses <b>CC1</b> Climate Change <b>CC3</b> Water Resource Management <b>GN3</b> Natural Environment <b>MS2</b> Mineral Safeguarding Areas

<b>National Planning Policy Framework Paragraphs</b>	<b>12. Achieving well-designed places</b> <b>13. Protecting Green Belt Land</b> <b>14. Meeting the challenge of climate change, flooding and coastal change</b> <b>15. Conserving and enhancing the natural environment</b> <b>16. Conserving and enhancing the historic environment</b>
<b>Other relevant planning Constraints</b>	<b>Bat Alert Area</b> <b>Sandstone Mineral Safeguarding Area</b> <b>Surface Coal Mineral Safeguarding Area</b> <b>Within 50m of a listed building</b> <b>Adjacent public footpath 05/225</b>
<b>Other Material Planning Considerations</b>	<b>Climate Emergency Declaration (Jan 2019)</b> <b>Emerging Local Plan</b>

### **Publicity/ Representations:**

The application was publicised by site notice and press notice and 6 neighbour notification letters.

Six letters of support and three letters of objection have been received including one letter of support from Councillor Patient.

### **Summary of Points Raised**

#### **Support**

- Family home needs a larger garden
- No impact on neighbouring houses
- Proposal looks aesthetically pleasing
- Been in place since last year and doesn't impact on neighbouring properties
- Much needed outside space
- In keeping with existing houses
- Does not overlook anyone
- Secluded from rest of houses
- Does not detract from views
- Works have been carried out sympathetically
- Proposal backs on to farmers field and the raised retaining wall means that their cattle can't eat anything toxic from the garden
- They need the garden as they have children
- Wall in keeping with the rest of the terrace
- Safe place for children to play
- Saving a child's life is a special circumstance
- Permission would not be granted nowadays without a larger garden
- Unobtrusive and thoughtfully designed
- Reduces noise for neighbouring properties from children playing as they don't have to play in the small front garden
- Will blend in more overtime

## **Object**

- Current government advice sets out 5 purposes including at no 3 'to assist in safeguarding the countryside from encroachment.
- Cannot be considered as 'very special circumstances' but opportunistic and inappropriate in the Green Belt.
- Not incidental to the enjoyment of the existing dwelling, but could be the foundations for a new dwelling,
- Tons of concrete have been poured into the Green Belt as a foundation for the wall.
- Supporting statement says construction is 77sq metres but in reality it is much larger being approx 10 metres deep and 11 metres wide ie 110 sq metres.
- The Civic Trust objects as the extension does not enhance the setting, breaches the rules, and encroaches in a bad way on the Green Belt, spoiling the look of the Victorian and earlier terrace at Deanhouses.
- The development in question is in the curtilage of a hamlet of cottages and farm buildings which includes listed buildings.
- Out of proportion lump of cement and unnatural looking stones
- Dean House cottages is made up of a curtilage of 3 Grade 11 listed cottages built in 1660. This is much marred by the 'lawned area' now attached to 6 Dean Houses towering some 13 feet above the hillside and its uncompromising appearance and jutting out at an almost equal distance down towards the valley.
- In breach of Green Belt rules
- Impacts on openness
- Eyesore

## **Ward Councillor Comments**

Councillor Scott Patient requests that the application is referred to Planning Committee if the recommendation is to permit and makes the following comments:

*"I'd just say that the space that has built has not disrupted the openness of the surrounding green space. It has been designed for low key family use, as outdoor amenity and is a very modest amount of extra land. There is sufficient public good, to outweigh any perceived harms to the fields and will benefit any future owners of the property.*

*Just adding my request for this to go to planning committee if officers are minded to refuse."*

## **Parish/Town Council Comments**

The development is located outside the boundaries of a parish council.

## **Assessment of Proposal**

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency

with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [for example...Green Belt]) or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **3 This is reflected in Policy SD1 of the CLP.**

The framework indicates that development should be restricted if it is in the Green Belt if there is a clear reason for refusal and if so the presumption in favour of development does not apply.

According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

In relation to inappropriate development, the NPPF states that:

*“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’”*

CLP policy GB1 which discusses development in the Green Belt states that:

*I. Within the Green Belt, the construction of new buildings is inappropriate development except in the following circumstances (amongst other things) :*

- c 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...”*

II. Other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are (amongst other things):

*b engineering operations*

*e material changes in the use of the land....”*

*III. Uses other than those identified will constitute inappropriate development and will not be supported except in very special circumstances to be demonstrated by the applicant. Development which is not inappropriate should not detract from the visual amenity of the Green Belt by reason of siting, materials or design or lead to traffic, amenity, environmental or other problems which cannot be effectively mitigated.*

CLP policy GB1 reflects the relevant paragraphs 149c and 150b of section 13 of the NPPF.

The proposal is for the change of use of land from agriculture in order to facilitate a raised terrace to form an extension to the garden. The above criteria under paragraph 149 are aimed at extensions within an existing curtilage. Although engineering works have been carried out this has also involved a change of use of land and the construction of an extension to form a raised terrace and as these impacts on the openness of the green belt and conflicts with the purposes of including land within it; the proposal is considered inappropriate development in the Green Belt.

The proposed works and change of use do not fall under any of the remaining criterion set out in paragraphs I and II of CLP policy GB1 or 149 and 150 of Section 13 of the NPPF.

As such the proposal is inappropriate development and by definition is harmful to the Green Belt.

The proposal would conflict with the Green Belt purpose as it would encroach into the Green Belt and would also impact on the openness of the Green Belt through the introduction of a domestic use and the associated structures, raised terrace, walling and domestic paraphernalia.

As set out above in paragraph 148 of the NPPF:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’”*

### **Very Special Circumstances**

A Planning Statement and a document headed ‘Similar applications on Neighbouring Houses’ supports the application and sets out the need of the garden identifying the small scale garden that existed with the property and other properties in the locality that have had approval for extended gardens.

There is now no specific policy for new gardens in the Green Belt set out within the Calderdale Local Plan. The policy refers only to the listed criterion under policy GB1 and paragraphs 149 and 150 of the NPPF.

The Planning Statement identifies that the garden is small scale representing 77sqm, it does not form an irregular edge as it extends to the south of the site and the proposal is bounded by a stone wall and timber post and rail fence, furthermore, the site is not in a Conservation area and given the location, the statement ascertains that the setting of the listed buildings would not be affected. The

statement also considers the proposal is not considered to affect the wildlife corridor nor would it require a diversion of the PROW 05/225. The site is no longer identified as a wildlife corridor in the CLP.

The Statement goes on to say that there would be no BE2 issues, and the proposal would not result in a significant loss of agricultural land. Policy BE2 has now been replaced by BT2 in the CLP.

The applicant has asked that the need for the garden is considered due to the limited existing garden close to a car park, and that the garden has provided a safe place for their children to play away from tractors and livestock. They have also previously advised that they have treated the wall with 'Liquid Weather' to allow it to weather and reduce the impact.

The examples given with regard to extensions of gardens are all over 13 years ago when there was a policy for gardens in the Replacement Calderdale Unitary Development Plan. However, as can be seen these were for simple fenced off areas with no large extension sited on them. Permitted development rights would have also been removed to restrict structures and outbuildings. Furthermore, each application is assessed on its own merits.

The proposed garden extension is not a simple fenced off area of land it involves the construction of a raised terrace, and it extends both to the south west of the site and the south east and as such does extend into the agricultural field creating an irregular edge. Although natural stone has been used, it is randomly coursed and as such is not in keeping with the rest of the terraced properties. It is noted that it has been treated but this does not overcome the random coursing which is out of character with the area. Thus the resultant development is harmful to the openness of the green belt.

In terms of other harm, the proposal would harm on the setting of the nearby listed buildings but as required in the NPPF there is inadequate justification for the harm and no public benefit. Furthermore, the design, location and scale would impact on the character of the area and the visual amenity of the Special Landscape Area.

The applicant's need for a safe, larger garden is taken into consideration but this does not outweigh the harm to the green belt by reason of inappropriateness; the harmful impact on the openness of the Green Belt and other harm caused to the Special Landscape and the setting of the listed buildings. The applicant may move on in the future, but the raised terrace would remain. The NPPF and policy GB1 advise that there has to be **very** special circumstances provided to outweigh the harm to the Green Belt. The creation of a larger garden is not considered to be **very** special circumstances.

Given the above, the principle of development is not considered to be acceptable and no very special circumstances have been provided that would outweigh the harm the development would have on the openness of the Green Belt and Special Landscape Area.

Given this, the proposal would be contrary to CLP policy GB1 and the criteria set out in Section 13 of the NPPF.

### **Visual Amenity, Layout, Design and Materials**

Policy GN4 - Landscape - Special Landscape Area sets out that:

*"...Proposals for development within or affecting the Special Landscape Area (SLA) or its setting should be carefully designed to ensure they are in keeping with their location in the SLA in terms of density, height, massing, scale, form, siting and materials. II. Proposals for development within or affecting the Special Landscape Area (SLA) will only be supported if the proposal:*

- a. Does not adversely affect the scenic quality of the SLA. Consideration should be taken to protecting important and distinctive views, and protecting remoteness and tranquillity.*
- b. Does not adversely affect opportunities for access and recreation; and*
- c. Protects and enhances landscape quality, sense of place and local distinctiveness, including retention and enhancement of features and habitats of significant landscape, historic, ecological and wildlife importance.”*

With regard to ‘Landscape Character Areas’, the site is located within the Luddenden Dean Area which is identified as:

*“... a secluded densely wooded side valley of the River Calder, associated with Luddenden Brook which runs north-south from the Dean Head reservoirs at Warley Moor to Luddenden Foot. The LCA is wholly contained within Calderdale District.”*

In terms of the Land use and field patterns

- “• In the north of the LCA, the primary land use is pasture for sheep grazing, arranged into small to medium scale, regular fields bounded by a mixture of gritstone walls and post and wire fencing.*
- Towards Luddenden, fields become larger and interspersed with occasional arable fields.*
- There are also some smallholdings, with horses and pigs being kept.”*

Given the above the paragraph below is also relevant.

*“New development should be designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated. For each Landscape Character Area, planning permission will only be granted if the proposed development would:*

- II. a Make adequate provision as far as is practicable for the retention of features and habitats of significant landscape, historic, geological and wildlife importance;*
- b. Where possible, enhance the character and qualities of the landscape area through appropriate design and management;*
- c. Reflect and enhance local distinctiveness and diversity; and*
- d. Provide appropriate landscape mitigation proportionate in scale and design, and/or suitable off-site enhancements.”*

NPPF Section 15 Conserving and enhancing the natural environment states in paragraph 174:

*“The planning system should contribute to and enhance the natural and local environment by (amongst other things):*

- Protecting and enhancing valued landscapes ...*

RCUDP policy BT1 discusses the need for high quality, inclusive design and establishes that developments will ensure high quality, inclusive design and demonstrate a holistic approach to design quality.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities....”*

The development involves the construction of a raised garden area which includes a 2m high stone wall with timber post and rail fence at a height of 1.2m above. However, the development would extend 8.2m by 9.4m and as such would be prominent and quite imposing in its setting both in close up views when seen by users of the PROW 05/225 and in the wider setting from Dean House Lane. Although natural stone has been used it is random coursed and not in keeping with the rest of the row of properties making it more noticeable in the open countryside.

The proposal would therefore be contrary to CLP policies BT1 and GN4 and sections 12 and 15 of the NPPF.

### **Impact on heritage assets**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest.

Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA's statutory duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

The requirements of Section 66 is set out legislation and as such is a legal duty rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Dean House Farm and 1-3 Dean Houses are grade II listed buildings in close proximity to the proposal. Their significance stems from their vernacular architecture and their setting within the open countryside. Views across the fields towards the listed building are important contributors to their significance.

Paragraph 200 of the NPPF is specific to the notion of harm to a designated heritage asset and states - **“Any** harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require **clear and convincing justification.....”**.



Paragraph 202 of the NPPF is specific to instances where there is considered to be less than substantial harm to the significance of a designated heritage asset, and requires any such harm to be weighed against the public benefits of the proposal. It is considered in this case that such public benefits have not been demonstrated.

CLP policy HE1 discusses the historic environment and in particular states:

- II “Applications for development which are likely to affect the significance of a heritage asset (whether designated or not), including its setting, will be required to include appropriate understanding of the significance of the heritage assets affected. Where it is necessary to understand the impact of the proposals upon the heritage asset, this should be accompanied by a Heritage Impact Assessment, or in the case of archaeological remains, an appropriate archaeological assessment*
- III. Development proposals will be expected to conserve heritage assets in a manner appropriate to their significance. Harm to a designated heritage asset (or a Class II archaeological site) will only be permitted where this is outweighed by the public benefits of the proposal. Substantial harm to or the total loss of the significance of the most important designated heritage assets will only be permitted in wholly exceptional circumstances where there is a clearly defined significant public benefit which outweighs the harm.”*

As set out above the development involves the construction of a raised garden area which includes a 2m high stone wall with timber post and rail fence at a height of 1.2m above. However, the development would extend 8.2m by 9.4m.

It is considered in this case that there is a level of harm to the settings of the listed buildings, created by the location, siting, scale and design in relation to the nearby listed buildings. Furthermore, the development is visually intrusive and would have a detrimental impact on the settings of the listed buildings albeit limited and less than substantial in the terms of the NPPF. The justification for the development is neither clear nor convincing. Given this the requirements of paragraph 200 of the NPPF are not met.

The proposal would therefore be contrary to CLP policy HE1 and Section 16 of the NPPF.

### **Residential Amenity**

CLP policy BT2 which discusses privacy, daylighting and amenity space and establishes that :

*“Development proposals should not result in a significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents or other occupants and should provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.”*

Annex 2 sets out distances considered to be acceptable between dwellings.

Given the location of the development there are no concerns with overlooking and the development would not impact on the amenity space of neighbouring properties.

The proposal is therefore considered to satisfy Annex 2 of policy BT2.

## **Highway and Movement**

**RCUDP policy BT4 seeks to secure highways and accesses whose design and layout ensure the safe and free flow of traffic in the interests of highway safety and to provide an attractive environment.**

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and has commented:

*“There are no highway objections to this application as submitted which is unlikely to have any negative effect upon vehicle/pedestrian movement or parking within the curtilage or the highway network in general..”*

Although the PROW runs adjacent the site there would be no obstruction to it although the development would have some impact due to the height of it being so close.

The development is considered to satisfy policy BT4 of the RCUDP.

## **Flooding and Drainage**

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP policy CC2 discusses flood risk management and includes areas which fall within critical drainage areas.

CLP policy CC3 discusses water resource management

Applicants will need to demonstrate that adequate surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

The proposed development would have permeable surfacing and given the limited size and being an extension to an existing dwelling, there is not considered to be any concerns regarding additional surface water run-off.

The proposal would therefore be acceptable to satisfy CLP policies CC2 and CC3 and Section 14 of the NPPF.

## **Wildlife Conservation, Trees and Landscape**

Policy GN3 Natural Environment seeks amongst other things to:

*...achieve better management of Calderdale’s natural environment by requiring developments to:*

- b. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments;...”*

The proposal is in a bat alert area but as the development is retrospective and is for an extension to an existing dwelling with no works proposed to a roof, there would be no harm to any bats in the area.

However, species enhancement should be included as part of the development. Given the lack of information provided regarding this, if approved a condition requiring details of species enhancement measures to be submitted would be included.

Subject to the above condition the proposal accords with policy GN3 of the Local Plan and section 15 of the NPPF.

### **Ground Conditions**

Policy MS2 discusses mineral safeguarding areas. The site falls on land identified as a Sandstone Mineral Safeguarding Area and a Surface Coal Mineral Safeguarding Area.

However, under the relevant criteria even if it was found that sandstone was present the site is not suitable for the extraction given that it would cause unacceptable impact on neighbouring uses and local amenity.

The proposal is considered to satisfy the objectives set out in CLP policy MS2.

### **The Planning Balance**

The site is in the Green Belt and the Special Landscape Area. The scale of the development as an extension to a house is quite large and the raised terrace would impact on the streetscene and visual amenity of the open countryside. The development would encroach into the Green Belt and impact on the openness. The use of natural stone is welcomed although the coursing is not in keeping with the existing properties and as such would have a detrimental impact to the visual amenity of the Special Landscape Area and the setting of the listed buildings. The proposal includes permeable surfacing and there would be no overlooking concerns. Although close to the PROW the development would not result in a diversion being required. There are no highway, environmental health or wildlife concerns subject to condition but the proposal would affect the setting of the nearby listed buildings although this would be limited harm.

For the above reasons the development cannot be supported.

### **CONCLUSION**

**The proposal is not considered to be acceptable. The recommendation to refuse planning permission has been made because the development is not in accordance with policies GB1 (Green Belt), GN4 (Special Landscape Areas), HE1 (Historic Environment) and BT1 (High quality, inclusive design) and paragraphs 126, 138, 147, 148, 149, 150, 174, 200 and 202 of the National Planning Policy Framework, nor have there been any material considerations to indicate that an exception should be made in this case.**

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date 24<sup>th</sup> May 2023

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### **Further Information**

Should you have any queries in respect of this application report, please contact in the first instance:-

Gillian Boulton (Case Officer) on 01422 392232

Or

Ruth Hardingham (Lead Officer)

## **Reasons**

1. The site lies within the approved Green Belt in the Calderdale Local Plan wherein there is a presumption against development for purposes other than those categories specified in policy GB1 (Green Belt) and paragraphs 149 and 150 of Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework in order to assist in safeguarding the countryside from encroachment; and to retain the openness of the Green Belt. The proposal would not fall under any of the criterion listed within the categories set out in the above paragraphs and as such would be by definition, harmful to the Green Belt. The proposal would encroach into the Green Belt due to its scale and location, creating an irregular edge to the existing row of properties. Furthermore, there would be other harm with regard to the design, materials and scale resulting in harm to the visual amenity of the Special Landscape Area and setting of the listed buildings and no very special circumstances have been established which justify an exception being made. The proposal would therefore be contrary to policy GB1 (Green Belt) of the Calderdale Local Plan and section 13 (Protecting Green Belt Land) of the National Planning Policy Framework.
2. The site lies within a Special Landscape Area on the Replacement Calderdale Unitary Development Plan and the proposal would, in the opinion of the Local Planning Authority, adversely affect the special character and appearance of the area particularly by reason of the design, location scale and materials resulting in an incongruous feature in the open countryside which would be out of character with the existing properties. For these reasons, the proposal would be contrary to Policy GN4 (Special Landscape Areas), and BT1 (High quality, inclusive design) of the Calderdale Local Plan and paragraphs 126 and 174 of the National Planning Policy Framework.
3. The proposed development would have a detrimental impact on the settings of the listed buildings albeit less than substantial in the terms of the National Planning Policy Framework (NPPF). Paragraph 202 of the NPPF is specific to instances where there is considered to be less than substantial harm to the significance of a designated heritage asset, and requires any such harm to be weighed against the public benefits of the proposal. It is considered in this case that such public benefits have not been demonstrated.

Furthermore, the justification for the development is neither clear nor convincing as there is already a garden that serves the property. Given this the requirements of paragraph 200 of the NPPF are not met. The proposal is therefore contrary to Policy HE1 (Historic Environment) of the Calderdale Local Plan and paragraphs 200 and 202 of the NPPF.

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Time Not Before: 14.00 - 03

Application No: **22/01083/FUL**

Ward: **Elland**

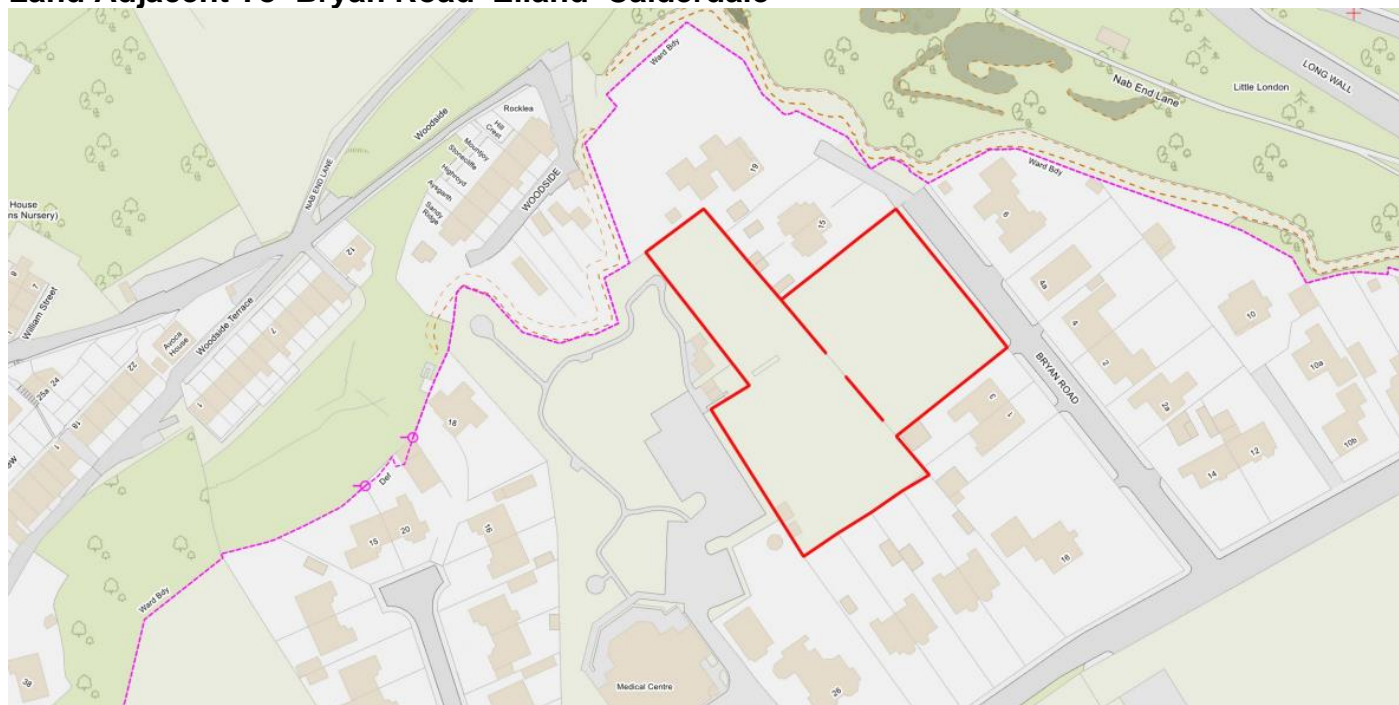
Area Team: **South Team**

Proposal:

**10 Executive New Build Dwellings**

Location:

**Land Adjacent To Bryan Road Elland Calderdale**



Applicant:

**RYMH Ltd**

Recommendation: **MINDFUL TO PERMIT SUBJECT TO LEGAL AGREEMENT**

Parish Council Representations: N/A

Representations: No

Departure from Development Plan: No

Consultations:

Education Services

Green Spaces And Street Scene

Lead Local Flood Authority

Highways Section

Countryside Services (E)

Environmental Health Services - Pollution Section (E)

West Yorkshire Police ALO

Green Spaces And Street Scene

Highways Section

## **Description of Site and Proposal**

The site is 0.70ha parcel of land located on Bryan Road. The parcel of land is enclosed by a stone wall and brick walls to most of the boundaries. Part of the site used to form the large open garden to the rear of 18-24 Hullenedge Road in Elland. The land fronting onto Bryan Road is located between 3 and 15 Bran Road. The immediate area consists of large dwellings within large plots. There is a mix of housing types from detached bungalows, large, detached houses and large semi-detached dwellings.

Part of the site is adjacent Overgate Hospice with associated gardens. There is an extant planning permission (19/00051/FUL) for the demolition of Springwood House and associated ancillary buildings. Construction of new 16 bed in patient unit and central shared entrance linking this to the existing hospice building. Provision of additional parking. Small extension to existing laundry. Addition of dormer windows to existing building at Overgate. The nearest plot to the Hospice site is plot 7, which due to its design and height has the potential to impact on the proposed extension at Overgate as both the hospice extension and plot 7 are near the boundary of the site.

**Planning permission is sought for 10 executive new build dwellings.**

The application is accompanied by the following supporting documents:

- Design and access statement
- Heritage statement
- Air quality assessment

**The application has been referred to Planning Committee due to the sensitivity of the proposal.**

## **Relevant Planning History**

An application for the proposed residential development (outline) was refused under delegated powers on 12<sup>th</sup> January 2004 (application number 03/02102/OUT).

An application for change of use from open land to domestic curtilage was refused under delegated powers on 27<sup>th</sup> April 2004 (application number 04/00453/COU).

An application for proposed residential development (outline) was permitted at planning committee on 30<sup>th</sup> September 2004 (application number 04/01600/OUT).

An application for residential development of five dwellings (reserved matters pursuant to outline permission 04/01600/OUT) was permitted under delegated powers on 30<sup>th</sup> November 2007 (application number 07/01317/RES).

### Key Policy Context:

<b>Calderdale Local Plan Designation</b>	No formal designation
<b>Calderdale Local Plan policies</b>	<b>GN6</b> Protection and Provision of Open Space, Sports and Recreational Facilities <b>HS1</b> Non-allocated sites <b>BT1</b> High Quality Inclusive Design <b>BT2</b> Privacy, Daylight and Amenity Space <b>BT3</b> Landscaping <b>BT5</b> Designing out Crime <b>BT4</b> The Design and Layout of Highways and Accesses <b>IM5</b> Ensuring Development Supports Sustainable Travel – Annex A Car & Bicycle parking standards <b>CC3</b> Water Resource Management <b>CC2</b> Flood Risk Management (Managing Flood Risk in New Development - Protection from Flood Risk <b>EN3</b> Environmental Protection
<b>National Planning Policy Framework</b>	<b>5.</b> Delivering a sufficient supply of homes <b>9.</b> Promoting sustainable transport <b>12.</b> Achieving well-designed places <b>15</b> Conserving and enhancing natural environment
<b>Other Constraints</b>	<b>Bat alert Area</b> <b>British Coal – Low Risk</b>
<b>Other material planning considerations</b>	<b>Climate Emergency Declaration (Jan 2019)</b>

### Publicity/ Representations:

The application was publicised with press notice, site notice and fifteen neighbour notification letters.

Fifteen letters of objection were received.

### Summary of Points: (Objection)

- Plots 9 and 10 are 6 feet from my garden fence – they will be cut back to provide a bigger garden for those plots. They will then overlook my property.
- Bungalow would be more suited to the area.
- Loss of sunlight at the back of my house.
- Increase in traffic and problems.
- No mention of fencing around the houses.
- Proposed houses are too close to existing houses.
- Original design of five bungalows would have been perfect for the site.
- Object to plot 7 in relation to its relationship to Overgate Hospice and what will be the proposed extension to the Hospice.
- The previous permission of five bungalows would have mitigated any overlooking concerns and would have been much more sensitive to the Hospice.
- Over development of the site.
- Not enough parking within the site they will end up parking on Bryan Road.

- Over development of the site.
- Overbearing on existing properties.
- Loss of privacy.
- All existing trees and shrubs have already been removed from the site.
- Over development of the site.

### **Parish/Town Council Comments**

The development is not located within the boundaries of a Parish Council.

### **Assessment of Proposal**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) then sets out the Government's planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development, which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...land designated as Green Belt.*] or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This is reflected in Policy SD1 of the CLP.

### **Principle of Development**

The application site is a non-allocated site and CLP Policy HS1 is applicable. This policy states "Proposals for residential development (including those for the renewal of a previous planning permission) on a non-allocated site or building for conversion will be supported, provided that:

- a) The proposal complements the strategic objectives of the Local Plan;
- b) The proposal complements the strategic objectives of the Local Plan;
- c) The demands generated from the proposed housing can be accommodated by existing infrastructure;
- d) There are no physical and environmental constraints on development of the site which cannot be mitigated;
- e) If the proposed development falls within Flood Risk Zones 2 or 3, it passes the flood risk Sequential Test, and where necessary, the Exception Test;
- f) The development creates no unacceptable environmental, amenity, traffic, safety, or other problems;
- g) The development conserves or enhances heritage assets and will not harm those elements which contribute to their significance, including their settings;
- h) The site does not have any recognised value for nature conservation; and



- i) The proposal complies with other relevant Local Plan policies.

The detailed policy criteria are considered under the relevant sections elsewhere in this report.

Furthermore, Officers consider that the application site is located in a sustainable location, close to a main road with a regular bus service into the town centre with access to all amenities and schools.

### **Layout, Design, Materials and Landscaping**

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Section 12 of the NPPF paragraph 126 states:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...*

Paragraph 130 of the NPPF confirms that planning decisions should, amongst other matters, ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed layout shows large, detached dwellings in a cul-de-sac type arrangement with plots 5-10 having an internal access road to access the properties. Plots 1-4 will take access directly off Bryan Road.

There are five house types proposed. The materials proposed for the development are specified as being natural stone and ashlar for the walling and natural blue slate for the roof. Whilst natural stone and blue slate are acceptable and in keeping with the surrounding area, ashlar stone is not used in the immediate area and would thereby be at odds with the immediate area. As such, a condition is proposed requiring details of the walling and roofing material to ensure it is in keeping with the surrounding area.

The proposed house types are as listed below:

House type 5 (plots 5, 6 and 8) shows a 2 ½ storey dwelling having an entrance hall, wc, lounge and open plan kitchen/dining/living room on the ground floor, three bedrooms and family bathroom on the first floor and master en-suite and study within the roofspace.

House type 1 (plots 1 and 4) shows a 2 ½ storey dwelling having an entrance hall, wc, lounge, and open plan kitchen/dining/living room on the ground floor, three bedrooms and family bathroom on the first floor and master en-suite and further bedroom within the roofspace.

House type 2 (plots 2 and 3) shows a 2 ½ storey dwelling having an entrance hall, wc, lounge, and open plan kitchen/dining/living room on the ground floor, three bedrooms and family bathroom on the first floor and master en-suite and further bedroom within the roofspace.

House type 3 (plots 5, 6 and 8) shows a 2 ½ storey dwelling having an entrance hall, wc, lounge, media room and open plan kitchen/dining/living room and utility room on the ground floor, three bedrooms and family bathroom on the first floor and two en-suite bedrooms and laundry room within the roofspace.

House type 4 (plots 7) shows a 1 ½ storey dormer type bungalow having an entrance hall, open plan kitchen/dining and garden room, study, bedroom and lounge on the ground floor, and three bedrooms and family bathroom within the roofspace.

House type 5 (plots 9 and 10) shows a 2 ½ storey dwelling having an entrance hall, wc, lounge, and open plan kitchen/dining/living room on the ground floor, three bedrooms and family bathroom on the first floor and master en-suite and study within the roofspace.

Officers consider that the proposed dwellings would provide reasonably sized family homes and each dwelling would have sufficient parking.

Concerns have been raised from objections that the proposed dwellings would not be in keeping with the character of the immediate local area. Whilst there are a mix of properties in the vicinity which include large bungalows, large semi-detached dwellings and large detached dwellings in large gardens, Officers consider that it could be argued that the size of the dwellings are in keeping with the area. However, Officers do acknowledge that the proposed plot sizes are compact in comparison with the larger gardens of the surrounding houses.

Objectors have also been raised in relation to the proposed design and mass of plot 7, this was also a concern of the Local Planning Authority. Officer raised concerns that the proposed dwelling in the initial plans was an overdevelopment of the plot. Further discussions with the applicant took place and the applicant agreed to reduce the overall height of the dwelling on plot 7 from two and a half storeys to one and a half storeys. Officers agree that the amendments to the height of the dwelling on balance

Officers consider that a suitable landscaping scheme and boundary treatments can be conditions to any consent granted.

Given the above subject to appropriate planning conditions, the proposal is considered to be comply with Policy BT1 of the CLP and guidance as set out in the NPPF.

### **Residential Amenity**

Policy BT2 of Calderdale Local Plan states, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A of the former and Annex 2 of the latter set out guidelines to help assess whether such impacts will arise.

There are 10 plots proposed within the application site which Officers consider to be reasonably distanced on the site to prevent any privacy and amenity issues within the site.

Plots 9 and 10 are the nearest plots to 19 Bryan Road.

Plot 9 is adjacent (to the rear) of 15 and 17 Bryan Road.

Plot 4 is adjacent 3 Bryan Road.

Plots 5 and 6 are located at the rear of 18-24 Hullen Edge Lane.

Plot 7 is the nearest dwelling to Overgate's extension.

Plot 1 (house type 1) is the first plot fronting onto Bryan Road. The side elevation of this plot has a blank side elevation with 15 Bryan Road. Therefore, there are no amenity issues.

Plot 2 (house type 2) sits to the north of the proposed access road into the site. It has a blank side elevation facing plot 1 and has two windows in its side elevation to the access road which serve a secondary dining room window at ground floor level and bathroom window at first floor level. Therefore, there are no amenity issues.

Plot 3 (house type 2) sits to the south of the proposed access road into the site. It has a blank side elevation facing plot 4 and has two windows in its side elevation to the access road which serve a secondary dining room window at ground floor level and bathroom window at first floor level. Therefore, there are no amenity issues.

Plot 4 (house type 1) is the fourth plot fronting onto Bryan Road. The side elevation of this plot has a blank side elevation with 3 Bryan Road. Therefore, there are no amenity issues.

Plots 5 & Plot 6 (house type 3) has main windows on the rear which are separated from 18 – 24 Hullenedge Lane by a boundary hedge. These properties are over 39m from the rear elevation of plots 5 and 6 and as such the distance is considered acceptable. The agent is proposing a 1.8m timber fence between the new dwellings and the existing dwellings. Therefore, there are no amenity issues.

Plot 7 (house type 4) is the nearest dwelling which has a rear elevation facing the Overgate Hospice site. As mentioned earlier in the report the original height of the dwelling proposed was significantly high and would have been overbearing on the Hospice proposed extension. Whilst it is acknowledged that the Overgate Hospice site is at a higher level than the application site, the sensitivity surrounding the Hospice Site is a material consideration when assessing the privacy and amenity of the proposed dwelling and adjacent site. As mentioned earlier amended plans have been sought by Officer and have since been received which show a reduction in height to form a one and a half storey dormer type bungalow. The main dormers on plot 7 are on the front elevation and only rooflights are shown on the rear elevation. On balance Officers considered that the reduction in height of plot 7 has minimized any detrimental impact to the adjacent hospice site.

Plot 8 (house type 3) is located directly behind plots 1 and 2 and to the front of plots 9 and 10. It is the same house type as plots 5 and 6 but without the attached garage to the side. Plot 8 proposes a blank side elevation and is over 21m from the rear elevations of plots 1 and 2 and as such the distance is considered acceptable.

Plots 9 and 10 (house type 5) are positioned side by side of each other. Plot 10 has a blank side elevation and is the nearest dwelling to 15 and 17 Bryan Road. The distance of those properties to plot 10 is over 15m. The distance required under annex 2 is 12m (main to side) and therefore the distance is considered acceptable.

To the rear of plots 9 and 10 is a large, detached bungalow at an approximate distance of 17m. These plots due to their proposed height and an objection from the occupier of the bungalow, have now been moved forward within the application site to prevent any overlooking and overbearing impact on the bungalow. Officers note that there is also a substantial high hedge which separates plots 9 and 10 from the detached bungalow, which needs to be reduced in width to allow some garden space for the new dwellings. As such, the distance is considered acceptable.

It is considered that the dwellings have been located within the application site so as not to impact on the privacy and amenity of each plot and any other third-party dwellings. Therefore, given the above the proposal is considered to satisfy CLP policy BT2.

### **Crime Prevention**

Calderdale Local Plan Policy BT5 sets out criteria for designing out crime.

The West Yorkshire Police Architectural Liaison Officer was consulted on the application and has commented that:

*I have studied the plans and have no objections to the proposals. However, I recommend the site should be built to "secured by design" standards to keep the calls for service to a minimum. The main method used by an offender to break into a dwelling, particularly in new builds, is by the lock snapping method. Therefore, please note the standard of locks that I require fitting to ALL external doors. The guidelines can be found in Homes 2016 document at [www.securedbydesign.com](http://www.securedbydesign.com).*

A condition has been added requesting the above. As such, the proposal is considered to be comply with Policy BT5 of the CLP.

### **Highway Considerations**

Calderdale Local Plan Policy BT4 requires that the design and layout of highways and accessed ensure the safe and free flow of traffic; allow access by emergency, refuse and service vehicles; provide convenient and safe pedestrian routes and connectivity; incorporate traffic calming, and speed management and reduction; provide an attractive environment; and help reduce opportunities for crime.

Annex A of the emerging Local Plan sets out car & bicycle parking standards with IM5 ensuring development supports sustainable travel.

CLP policy IM4 states that:

*"Decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and travel modes. This will be achieved by a range of mechanisms that mitigate the impacts of car use and promote the use of other forms of transport with lower environmental impacts..."*

Paragraphs g and j of IM4 are also relevant as they seek to encourage cycle usage and the provision of electric charging points.

Paragraph 112 e of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles. In accordance with this, a condition is proposed requiring the installation of a suitable facility to permit the recharge of an electrical battery powered vehicle that may be used in connection with that dwelling.

### **The proposed access to the application site would be taken off Bryan Road.**

The Assistant Director (Strategic Infrastructure) – Highways was consulted on the application and initially made the following comments: -

**"There are no highway objections in principle to this application as submitted subject to the additional detailing requested."**

**Amendments have been sought through an amended plan and Highways Officers have confirmed that they have no objections subject to planning conditions including submission of a construction site management, details of cycle storage, boundary treatments, surfaced and drained parking, and EV charging.**

**Objections have been raised in relation to highways safety, additional traffic and parking concerns however Highways have raised no highways safety concerns.**

Therefore, given the above subject to the suggested planning conditions being attached to any consent granted the proposal is therefore considered to comply with Policies BT4 and IM4 of the CLP and guidance as set out in the NPPF.

### **Flooding and Drainage**

Calderdale Local Plan Policy CC3 establishes that the Council will work to protect the quality and quantity of water resources including groundwater, that major developments should incorporate sustainable drainage systems unless clearly shown that they would be inappropriate, and development will only be permitted if it can be demonstrated that the required water supply and wastewater infrastructure is available or can be improved.

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

The applicant proposes both the foul sewage and surface water being disposed of by the mains sewer. With regards to drainage, the agent has not provided a surface water drainage assessment therefore full drainage details would be conditioned to any consent granted.

**Therefore, given the above subject to the inclusion of a condition requesting full drainage details, the proposal would comply with CLP Policies CC2 and CC3.**

### **Wildlife Conservation and Biodiversity Net Gain**

The NPPF also seeks to enhance the natural environment and indicates that opportunities to improve biodiversity should be integrated into development. The Calderdale Local Plan Policy GN3 requires that development follows the mitigation hierarchy and achieves measurable net gains in biodiversity.

The Council's Ecologist has provided comments on the application and has confirmed that having reviewed the *"Preliminary Ecological Appraisal, Biodiversity metric and Biodiversity Accounting Assessment prior to site clearance, the main habitats on site were neutral grassland and scrub, both habitats of medium distinctiveness. Trees (also medium distinctiveness) are also present and are proposed to be retained. As recommended by Defra guidance, the baseline value of the site has been assessed as if the habitats had not been removed."*

*The proposed site habitat creation is limited, with small areas of grassland and lengths of hedgerow in fragmented areas to be created across the site. The design also relies on privately owned gardens being vegetated and for several trees to be planted and reach maturity over a period of over 30 years. Even allowing for the above prescriptions the site development will overall in a slight Biodiversity Net LOSS as opposed to the required 10% Biodiversity Net Gain. There will be a loss of 100% of scrub and 89% of neutral grassland and, as pointed out in the Biodiversity Accounting Assessment, trading rules have not been met and off-Site compensatory habitat creation and/or enhancements measures are required. These requirements can be met through a payment of £25,000 x 0.72 = £18,000 to the LPA."*

The Council's Ecologist has confirmed that there are *no objections to this application providing the above payment is secured through a legal agreement and suggested conditions are attached to any consent granted.*

Therefore, subject to the suggest conditions and the financial contribution of £18,000 secured by way of a legal agreement, the proposal would be considered acceptable in relation to Policy GN3 of the CLP and guidance as set out in the NPPF.

### **Provision of Open Space**

Policy GN6 of the Calderdale Local Plan requires for all new residential developments to provide for the recreational needs of the prospective residents, by providing, laying out and maintaining recreational and amenity open space of a scale and kind reasonably related to the development within an agreed timescale or where on-site provision cannot be delivered, by way of a financial contribution to improving local off-site provision.

The Council's Open Space Officer has reviewed the application and confirmed that buffers of 240m, 400m, 600m and 1200m have been drawn round the development site to indicate the accessibility distances for the different open space typologies. The response from the Open Space Officer also confirms that given the small-scale nature of the development it is not considered practical to include onsite provision, however, does confirm that a financial contribution should be made to improve the open space amenities in the surrounding area, such as Hullen Edge Park and the response confirms that a financial off-site contribution of £29,184.

Officers consider that subject to this off-site contribution being secured through a legal agreement the proposals would comply with Policy GN6 of the CLP.

### **Infrastructure and other Needs**

Calderdale Local Plan Policy IM10 establishes that applications will be permitted where mechanisms are in place to ensure the impact of the development on infrastructure can be satisfactorily mitigated. In applying this policy regard will be given to the Council's Infrastructure Delivery Plan and any adopted Supplementary Planning Documents.

The Assistant Director – Education and Inclusion made the following comments: -

“There is a shortage of secondary places in the area and the projections indicate the numbers are set to increase. We therefore require a contribution of £37,234 towards secondary provision.”

In order to secure the education contribution a legal agreement would be required.

### **Land stability**

The site falls within an area with a low potential of historic coal mining activity. As such, the standing advice will be included as an informative. Given the above, the proposal would satisfy CLP Policy EN3 which discusses development on potentially unstable land.

### **CONCLUSION**

The proposal is considered to be acceptable subject to the conditions specified below and entering into a legal agreement to secure an education contribution of £37,234; an off-site contribution for Open Space of £29,184, and a contribution of £18,000 to secure an off-site Biodiversity Net Gain contribution. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date: 23<sup>rd</sup> June 2023

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### **Further Information**

Should you have any queries in respect of this application report, please contact in the first instance:-

Janine Branscombe (Case Officer) on 01422 392215

Or

Ruth Hardingham (Lead Officer)

### **Conditions**

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
3. Prior to the first occupation of the dwellings details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved details prior to occupation or use of any part of the development hereby approved.
4. Notwithstanding any details shown on the permitted plans, the facing of the development shall not begin until details of the proposed facing materials, including a sample panel on site, have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
5. Notwithstanding any details shown on the submitted plans, the roofing of the development shall not begin until details of the roofing material have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the roofing of the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.

6. In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of the dwellings, prior to the occupation of the dwellings, there shall be installed a facility to permit the recharge of an electrical battery-powered vehicle. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter
7. Prior to the first occupation of the development a scheme of landscaping the site, which shall include details of all existing trees and hedges on the land and details of any to be retained, shall submitted to and approved in writing by the Local Planning Authority.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner; and shall be so retained thereafter, unless any trees or plants within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased. These shall be replaced in the next planting season with others of similar size and species, (unless otherwise agreed in writing by the Local Planning Authority) and these replacements shall be so retained thereafter.
9. Prior to the completion of the walls three permanent bat roosting features constructed of concrete, woodcrete, ecostyrocete or similar material shall be installed within the fabric of three of the dwellings within 50cm of the SW facing roofline (but not directly above any windows). The bat roosting features shall be installed in accordance with these details and retained thereafter. Prior to the completion of the walls two permanent swift nesting features constructed of concrete, woodcrete, ecostyrocete or similar material shall be installed within the fabric of two of the dwellings within 50cm of the NW facing roofline (but not directly above any windows). The swift nesting features shall be installed in accordance with these details and shall be so retained thereafter.
10. All boundary walls or fences constructed during the development must contain 13x13cm holes at ground level to facilitate the free movement of hedgehogs.
11. No removal or management of any tall vegetation, including brambles, ivy, trees and shrubs, should be carried out between 1st March and 31st August inclusive unless a competent ecologist has undertaken a bird survey immediately before the vegetation has been cleared and provided written confirmation that no birds will be harmed or disturbed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation should be submitted to the Local Planning Authority.
12. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) Practical measures to avoid or reduce impacts during construction.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.



The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.

13. Prior to the installation of any boundary treatments details shall be submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in accordance with the approved details and shall thereafter be retained.
14. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Himalayan cotoneaster (*Cotoneaster simonsii*) and montbretia (*Crocasmia xrocosmiiflora*) on site. The measures shall be carried out strictly in accordance with the approved scheme.
15. Prior to the first occupation of each dwelling secure cycle storage facilities shall be provided in accordance with details of location and design that shall first have been submitted to approved in writing by the Local Planning Authority.
16. The use of the development hereby permitted shall not commence until the car park shown on the permitted plans has been provided, surfaced, sealed and marked out in accordance with the permitted plans and the car park shall thereafter be retained for that purpose for the occupiers of and visitors to the development.
17. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall include, but not be limited to, details of:
  - i) measures for how construction traffic can access the site safely and how potential traffic conflict can be minimised;
  - ii) the hours of operation and deliveries;
  - iii) measures for the prevention of mud and other material being deposited on the public highway, including full details of any equipment used to clean the wheels and chassis of vehicles, its location and means of drainage if any; and
  - iv) location of hardstanding areas, and internal haul roads.Development shall be carried out in accordance with the approved details, and any identified mitigation measures shall be implemented to the full written satisfaction of the local planning authority, before the construction works are commenced, and shall be retained as such for the duration of the construction works.

## **Reasons**

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. To ensure proper drainage of the site and to ensure compliance with Policies CC3 and CC4 of the Calderdale Local Plan.
3. In the interests of safety and security of the property and to ensure compliance with Policy BT5 of the Calderdale Local Plan.
4. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
5. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.

6. In the interests of sustainability and to ensure compliance with Paragraph 112 ( e) of Section 9 (Promoting sustainable transport), of the National Planning Policy Framework.
  7. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with Policies BT1, BT2 and BT3 of the Calderdale Local Plan.
  8. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with Policies BT1, BT2 and BT3 of the Calderdale Local Plan.
  9. In the interests of conservation and to protect the ecological species and in order to ensure compliance with policy GN3 of the Calderdale Local Plan.
  10. In the interests of conservation and to protect the ecological species and in order to ensure compliance with policy GN3 of the Calderdale Local Plan.
  11. In order to protect and enhance biodiversity and to ensure accordance with Policy GN3 of the Calderdale Local Plan and section 15 of the National Planning Policy Framework.
  12. In order to protect and enhance biodiversity and to ensure accordance with Policy GN3 of the Calderdale Local Plan and section 15 of the National Planning Policy Framework.
  13. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
  14. In order to protect and enhance biodiversity and to ensure accordance with Policy GN3 of the Calderdale Local Plan and section 15 of the National Planning Policy Framework.
  15. In the interests of the sustainability of the development and in order to ensure compliance with Policy IM5 and Annex A of the Calderdale Local Plan.
  16. To ensure that provision for vehicle parking clear of the highway is available for users of and visitors to the development in the interests of highway safety and to ensure compliance with policies BT4 and Annex A of the Calderdale Local Plan.
  17. To safeguard residential amenity, prevent highway safety issues due to mud or other materials on the road, and to reduce congestion and mitigate any obstruction to the flow of traffic on the highways network.
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