

**7. FULL APPLICATION - CREATION OF VEHICULAR ACCESS FROM WOODHEAD ROAD. PARKING FOR ONE VEHICLE WHEN REQUIRED AND NEW DRY-STONE BOUNDARY WALL. REMOVAL OF BARB WIRE FENCING AND LEVELLING OF GROUND AT THE MISTAL BARN, 343 WOODHEAD ROAD, HOLME. NP/K/0421/0383 - JK**

**APPLICANT: MRS RACHAEL HODGSON**

**1. Summary**

2. Retrospective consent is sought for the change of use of a section of former woodland to additional residential curtilage associated with this converted barn and the creation of a second vehicular access and parking area off the main A6024 Woodhead Road.
3. There are no concerns about the visual impact of the access works upon the setting the barn or the street scene.
4. The main issue is highway safety. The access has inadequate visibility sight lines for emerging vehicles, a steep gradient off the highway, lack of on-site turning space or space to pull clear of the highway before opening the gate.
5. The application is therefore recommended for refusal on highway safety grounds.

**6. Site and Surroundings**

7. The Mistal Barn is a private dwelling located at 343 Woodhead Road some 400m west of Holme village. The property is a converted barn which is attached to the western end of the adjacent house, 341 Woodhead Road. The property is L-shaped in footprint, constructed from natural stone with a hipped stone slate roof and timber windows and doors. The north elevation, which is plainly detailed, backs directly onto the rear of the narrow footway to the busy A6024 Woodhead Road.
8. To the south the principal elevation is dominated by the projecting gable end of the rear wing which overlooks the garden. Due to falling site levels, this southern side is at a lower level than the road. There is also a detached small stone outhouse in the rear garden space and what would appear to be an unauthorised extension of residential curtilage into the adjoining field.
9. The West elevation of the converted barn forms the return leg of the L shape and extends back from the road incorporating the rear projecting gable. This elevation is also plainly detailed. A narrow side passage used to run down the side of this elevation and the boundary wall to the adjacent woodland to give pedestrian access to the rear of the house. However, the applicants purchased part of the adjacent woodland and moved the boundary wall back to create space at the side of the house within which they have formed a new vehicular access and car parking area.
10. This forms a second access and parking facility as the property already benefits from the approved access, parking and turning area created to the east of the property when the barn was converted. That approved space also includes garaging and a safe pedestrian route away from the road to the rear of the dwelling.
11. There is a further residential property situated to the East of the approved parking and turning area with open countryside situated beyond that to the village in the east. To the south and across the road north of the site is open countryside. To the west, immediately adjacent to the new access and parking area all is an area of woodland beyond which is a further dwelling.

## **12. Proposal**

13. Although the application description is 'Creation of vehicular access' the work had already been completed by the time the application was made and hence the application is seeking retrospective planning permission for the change of use of this land and to retain the vehicular access, parking area and groundworks.
14. The application description also states 'parking for one vehicle when required' however the site provides parking for two vehicles.

## **15. RECOMMENDATION:**

### **16. That the application be REFUSED for the following reason;**

**Highway safety grounds – Emerging visibility for drivers is obstructed by the house, boundary walling and street furniture such that the minimum emerging visibility splays are not achievable. Furthermore, the lack of a dropped kerb, the steep gradient of the access, inadequate on-site turning space and lack of space to pull off the highway before opening the gate means that continued use of the access would be prejudicial to both Highway safety and for those users of the access. Consequently, retention would be contrary to policies DMT3 and DMT8 and the NPPF.**

## **17. Key Issues**

18. The impact of the access and parking area upon the character, appearance and setting of the barn conversion and local street scape.
19. Whether the access would meet the required highway safety requirements in terms of geometry, gradient and emerging visibility to be safe for all highway users and occupiers.

## **20. History**

21. 2006 – Approval under NP/K/1005/0999 for 'extensions and remodelling of 2 dwellings and addition of new car barn'.
22. 2018 – Approval for rear extension to the dwelling NP/K/1018/0927. Lapsed.
23. 2019 – Work is stated to have commenced on 1<sup>st</sup> March upon the construction of the access and parking area.

## **24. Consultations**

### **25. Kirklees MBC Highway Authority**

26. Initial response – *"Given the above nature of the application, we have no comments to make.*
27. Officers therefore went back to KMBC requesting a specific comment on the highway safety implications of the development and received the following updated response – *"given the nature of this application it is not appropriate for us to comment upon. However, I would like to provide the following advisory comments: -*

28. *Given that Woodhead Road has a speed limit of 30mph. The required visibility tangent of the proposed drive should be  $x= 2.4$  by  $y=45m$ . Furthermore, a sight stopping distance/forward visibility to the driveway from both directions of Woodhead Road should be a minimum of 45m;*
29. *Further to a desktop review, the required visibility tangent and sight stopping distance is not achievable given the existing alignment of the road and highway features;*
30. *It is advised that a road safety audit should be carried to see if any mitigation could be provided or relaxation be applied given it is a driveway and not a formal junction."*
31. The applicant has indicated to officers that she would seek such an audit in time for the committee as she considers the access to be safe. At the time of drafting the report none had been received.
32. Kirklees MBC Planning – No response.
33. Holme Valley Parish Council – Support

#### **34. Representations**

35. There are four letters in support of the application making the following summarised points where they are material to the application itself;
- (i) The woodland is not damaged by the application and views of it are not affected.
  - (ii) Wide access splays are not necessary, a driver can see the road in both directions.
  - (iii) This part of Woodhead Road can be busy with cars travelling fairly fast despite the speed limit in place.
  - (iv) Parking cars directly on the road is a risk when loading and unloading small children.
  - (v) It is also difficult to gain access safely to the grazing at the rear of the property with large animals such as horses without suitable off-road parking.
  - (vi) It is far better for our business to not have cars parked on the road. Our children and local children need the roads/pavements to be clear when walking to the primary school, visiting friends and Holme village. When cars are parked it makes it dangerous for young families, elderly, disabled, pushchairs, walkers etc .
  - (vii) The access has not been a problem for a number of years.
  - (viii) We have planning approval for an extension to the property which will provide us with residence. We are in our mid 70s and presently help with our young grandchildren, being able to get them in the car safely by backing into the driveway is paramount to us....it is much safer to be off the road and near to the house....not only vehicular access but also for our livestock as we have Horses, ducks and chickens and this provides a way through to the pasture at the back of the house. There are no problems with visibility and we have been using the access for many years. We wish to commence building in the near future and the approval of this access would be a benefit to ourselves and immediate

family and livestock.

*Officer Note; Planning permission was granted for an extension to the house to provide additional living accommodation and is expressly conditioned not to be a separate unit of accommodation. Work never commenced and consent therefore appears to have lapsed in 2021.*

### **36. National Planning Policy Framework (NPPF)**

37. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
38. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.
39. The National Planning Policy Framework (NPPF) has been revised (2021). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
40. Paragraph 111. States that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

### **41. Main Development Plan Policies**

#### **42. Core Strategy**

43. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure National Park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
44. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
45. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements but allows for extensions to existing buildings in the open countryside outside of the natural zone
46. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.

47. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

48. Policy T7B states; Residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements.

#### **49. Development Management Policies**

50. DMC3 Siting, design, layout and landscaping

51. This states that:

A Where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

52. It goes on to state in B. that particular attention will be paid to a number of detailed design. Layout and landscaping consideration which include the following relevant matters (summarised)

53. siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape setting which contribute to the valued character and appearance of the area; and

54. the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality; and

55. access, utility services, vehicle parking, siting of services, refuse bins and cycle storage; and

56. visual context provided by the Landscape Strategy and Action Plan, strategic, local and other specific views including skylines; and

57. the principles embedded in the design related Supplementary Planning Documents and related technical guides.

58. Policy DMC13 Protecting trees, woodland or other landscape features put at risk by development

59. This states that:

A. Planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' or equivalent.

B. Trees and hedgerows, including ancient woodland and ancient and veteran trees, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Other than in exceptional circumstances development involving loss of these features will not be permitted.

C. Development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and/or other features as part of the development proposal.

D. Trees, woodlands and other landscape features should be protected during the course of the development

60. Policy DMT3 Access and design criteria

61. Where new transport related infrastructure is developed, it should be to the highest standards of environmental design and materials and in keeping with the valued characteristics of the National Park.

62. Development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.

63. Particular attention should be given to the need for the retention and where possible enhancement of hedges, walls and roadside trees. Where a proposal is for a new access to improve a substandard access, a condition will be applied requiring the substandard access to be closed up in an appropriate manner, which where possible enhances the streetscape.

64. Appropriate and sympathetic measures, including wild bridges or cut and cover tunnels, will be provided where transport infrastructure results in wildlife severance.

65. DMT8 Residential off-street parking

66. This states that;

67. Off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere. Full details of the appropriate range of parking provision for residential developments can be found within the Parking Standards at Appendix 9.

68. B. Off-street car parking space provided as part of a development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.

69. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas

70. Supplementary Planning Documents

71. The National Park Authority has a Transport Design Guide prepared this Supplementary Planning Document to provide guidance to supplement the policies in the Development Plan which seek to guide the design of transport infrastructure within the Peak District National Park.

72. In respect of access para 9.31 states that the geometry of the access should be determined by likely vehicle usage, and guidance is provided in the Government's Manual for Streets which sets out guidance for visibility splays and generally for a section of road like this these would be 2.4m set back by 43m minimum in either direction or longer if traffic speeds on average are higher despite the 30mph.

### **73. Assessment**

#### **74. Principle of Development**

75. When planning permission was granted for the creation of this house by conversion of the former barn it also granted permission for an access, space for off road manoeuvring, parking and garaging space. This is subject to a condition requiring the area to be maintained free from any obstruction to its use at all times for this dwelling along with similar provision for the adjacent house.

76. The property is therefore already served by a suitable safe access and adequate off-road parking and garaging in accordance with our policies. There is therefore no overriding need on highway safety grounds for a second access. Nevertheless, our policies DMT3 and DMT8 do allow in principle for new off-street parking but only where *'a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.'* And meets the normal high standard of design layout and landscaping required by Policy DMC3.

77. The key issue in the determination of this application is therefore firstly whether the access is safe and secondly the impact of the works to open up the access and parking area upon the setting of the barn conversion and the character and appearance of the street scene.

#### **78. Highway Safety Considerations**

79. Officers have a number of safety concerns about the formation and use of this access. Firstly, it has been created without dropped kerbs and crosses a very narrow footway before the driveway inclines down a steep gradient to the parking area. More importantly, there is inadequate manoeuvring space within the site to enable vehicles to turn before emerging back onto the highway.

80. Therefore, if having entered in forward gear, getting back onto the highway would involve a dangerous and difficult reversing manoeuvre onto the highway with the driver having no visibility of on-coming traffic.

81. As a result, it is more likely that the applicants reverse vehicles into the site. However, this involves stopping on this busy highway to then swing back into the site with an awkward reversing manoeuvre bumping over the raised kerb and then backing down the sloping drive. Furthermore, as the gate across the drive is set at the back of the footway so there is no space to pull clear of the highway in either scenario when the gate is shut resulting in further waiting time on the busy highway.

82. Having carried out the awkward manoeuvre of waiting and then turning on the highway to back into the site, upon re-emerging the driver's visibility of on-coming cars, particularly in the critical direction facing Holme is obstructed by the house and

particularly the raised stub walls either side of the pedestrian gate. The minimum splays are 2.4m x 45m to meet highways requirements which are simply not achievable.

83. In the other 'non-critical direction' visibility is obstructed by the woodland and its boundary wall as well as the presence of a telegraph pole (and frequent bin storage within the narrow footway) close to the access. Whilst it should be possible to have the telegraph pole relocated and perhaps reach agreement with the adjoining land owner over cutting back the trees alongside setting back the walling to improve visibility in one direction the other direction will always remain extremely poor. This is because even if the stub walling and pedestrian gate were moved back to behind or flush with the house wall, this would still leave the house itself remaining as an unmovable obstruction blocking visibility and any chance of achieving the required minimum visibility splays.
84. Consequently, officers can only conclude the proposal is not acceptable on highway safety grounds and is therefore contrary to policies T7B, DMT3, 8 and the NPPF para 111 and guidance within the PDNPA Transport Design Guide.

### **85. Design and Appearance**

86. The pedestrian access off the back of the footway at the corner of the house has been retained. This gives access to steps down to what was formerly the narrow side passage between the house and the boundary wall to the adjacent woodland. A new gate has been fitted flanked by two short sections of stub drystone walling sitting forward of the main wall of the barn which are around 1.2-3m tall and which therefore obstruct emerging visibility.
87. The former boundary wall between the side passage and the woodland has been relocated farther back from the house and the area cleared of trees to create space for the driveway which slopes quite steeply down from the road to space where the owner parks up to two vehicles.
88. The sloping section of the driveway (around the first 5m) is bound with tarmac with a line of setts bounding/marketing the transition between the back of the footpath and the edge of the drive/curtilage. The entrance is also fitted with a timber field style gate at the entrance flush with the back of the footway and there are no dropped kerbs at the roadside edge for the footway crossing.
89. The bottom section of flatter driveway forms the parking area and is surfaced with loose gravel. A gate off the bottom of this leads to the agricultural land beyond.
90. The two raised sections of flat-topped stone stub walling flanking the pedestrian gate, although formed in natural drystone walling, appear as overly prominent and somewhat incongruous gate posts in this location. A combination of their size, projection in front of the house and their flat-topped design does makes them appear somewhat out of place and not reflective of the local walling tradition.
91. Apart from the somewhat incongruous gate posts which could easily be rectified by relocating them back a short distance and topping them with traditional half round coping stones there are, on balance, no concerns about the visual impact of the access and driveway works upon either the character and setting of the barn conversion or the street scene. Nor are there any wider landscape impacts as the proposal is only visible along a short distance of the Woodhead Road

### **92. Amenity Impact**



93. The works are some distance from other residential property so there are no concerns about impacts upon any neighbouring amenity

**94. Impact upon trees/wildlife**

95. No tree report has been submitted. There has been a small loss of trees and habitat when the woodland was cut back to form the wider curtilage. It is not known how many trees were removed and given the work was done between March and September it likely caused some disturbance to wildlife when the work was carried out. Although this clearly has had a negative impact on this small section of woodland it represents only a small part of a much larger block which still remains.

96. The applicants own the adjoining land to the south so had the application been acceptable in other respects then compensatory planting/habitat creation to mitigate the loss of trees and impact upon biodiversity could have been sought.

**97. Environmental Management**

98. None is proposed given the nature of the application.

**99. Conclusion**

100. On balance, there are no concerns about the visual impact of the access works upon the setting the barn or the character of the street scene.

101. The main issue is highway safety. The access is unsafe to use because of inadequate visibility sight lines for emerging vehicles, the steep gradient off the highway and lack of dropped kerbs, on-site turning space or space to pull clear of the highway before opening the gate.

102. The application is therefore recommended for refusal on highway safety grounds contrary to adopted policies T7, DMT3, 8 the NPPF para 111 and our own Transport Design Guide SPD.

103. If the application is refused by the Planning Committee then enforcement action will need to be pursued to firstly ensure closure of the vehicular access and reinstatement of the roadside boundary walling as soon as practicable. As the additional land appears now to be owned by the applicant it would then be open to them to either reinstate the woodland or submit a fresh planning application and seek consent to retain the land as additional garden land with mitigation proposals to offset the lost trees and woodland habitat.

**104. Human Rights**

105. Any human rights issues have been considered and addressed in the preparation of this report.

106. List of Background Papers (not previously published)

107. Nil

108. Report author: John Keeley – North Area Planning Team Manager