# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

### Town and Country Planning Act 1990 (as amended) – SECTION 70

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

| | |
|---|---|
| Reference No: | **2023/62/92165/E** |
| Site Address: | land opposite, 6, Long Moor Lane, Shelley, Huddersfield, HD8 8LY |
| Description: | Demolition of existing outbuilding and erection of detached dwelling |
| Recommending Officer: | Nina Sayers |

**DECISION – Full Conditional Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 31-Oct-2025

# Officer Report

## Site Description

Land opposite, 6 Long Moor Lane, Shelley, Huddersfield, HD8 8LY

The application site relates to a plot of land set within open fields in Shelley. The site is accessible via an existing access which adjoins Long Moor Lane. It currently serves a 18.1x14m pitched roofed structure finished in steel cladding. The south-eastern elevation is open.

The site is located in the Green Belt as allocated on the Kirklees Local Plan.

## Description of Proposal

The application is seeking planning permission for the demolition of existing 'outbuilding' and erection of detached dwelling.

The existing structure on site would be demolished as part of the proposal. It must be noted that officers contest whether the structure is an 'outbuilding' as discussed in detail below.

The scheme proposes a 18.1x14m, single storey, pitched roofed dwelling on the same footprint as the existing building. It would be finished in natural stone walls under a natural stone slate roof. The property would serve a three-bedroom dwelling with associated living accommodation. Parking is proposed to the north of the building with a turning area to the east.

## History of negotiations/amendments received

Officers queried the existing use of the building with the agent and requested additional information be submitted to the council to demonstrate the existing use is lawful. The agent confirmed the site is currently used for industrial purposes but provided no additional supporting information.

## Relevant Planning History

92/00116 Erection of agricultural storage building. Conditional full permission

95/92968 Agricultural notification for the prior approval of details for formation of access road and erection of agricultural building and erection of agricultural building. Approved

2016/92562 Prior approval for proposed change of use of agricultural building to two dwellings. Refused

2016/93324 Prior approval for proposed change of use of agricultural building to one dwelling. Refused

2022/91085 Prior notification for change of use from agricultural building to one dwelling with associated building operations. Refused.

## Representations

This application was advertised via site notice and on the web. Final publicity expired on 31st October 2023.

1 representation was received in response to the publicity of this application as a general comment. They raised concerns regarding the proposed access and the number of 'near misses' that there have already been at this access.

Officers will respond to these comments in section 6 of this report.

## Consultation Responses

**KC Highways Development Management –** No objection subject to conditions.

**KC Environmental Health –** No objection subject to conditions.

**KC Ecology** – No objection subject to conditions.

**KC Policy** – Raised concerns regarding the principle of development in the Green Belt.

## Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

**Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development

- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Transport
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP57 – Extension, alteration or replacement of existing buildings

**Other Guidance Documents:**

- Housebuilders Design Guide SPD (2021)
- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards [NDSS]
- National Design Guide

**National Polices and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 15 – Conserving and enhancing the natural environment

**Assessment**

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Conclusion

1 - Principle of Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

*Housing Supply*

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), 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 (NPPF Footnote 7) ; 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."

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission "unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

*Green Belt*

The application site is located within the Green Belt as located on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development.

Paragraph 154 states that construction of new buildings in the Green Belt is regarded as inappropriate development with certain exceptions. Officers consider three of the exceptions which could be relevant to this application, sub-paragraphs d, g and h(iv):

> "d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; […]
> *g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.* […]
> *h)iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;"*

The proposal is for a new dwelling and the existing building is used for storage. The applicant outlines this is for industrial storage. Whilst officers query the lawful use of the site, as discussed in detail below, both officers and the applicant are in agreement that the current use is not residential and therefore sub-paragraph d is not applicable in this instance.

There was a previous application for a prior notification for change of use from agricultural building to one dwelling with associated building operations (2022/91085) which was refused as the existing structure was considered to not be of substantial construction to be considered for conversion. The officers report concludes:

> "*The building, as it currently stands, would not be capable to function as a converted dwelling without the significant degree of proposed building works, which include the construction of four exterior walls given none of the existing wall materials are capable of being used. The proposed works would be considered so extensive as to comprise rebuilding and therefore cannot be considered within the definition of "conversion".*

Therefore, sub-paragraph h(iv.) is not applicable to this application.

*Previously Developed Land – Paragraph 154(g)*

Regarding sub-paragraph g, the NPPF glossary defines previously developed land as:

> *"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). […] Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings[…]".*

Therefore, whether the existing use of the site is agricultural or not is essential to determining if the site comprises previously developed land. The applicant outlines the site is industrial in use and serves industrial storage. However, officers contest there is no planning history to regularise the industrial use at this site. Officers queried this with the agent, but no additional supporting information was submitted. Whilst the site was being used for storage when officers visited, it was not clear whether this is for industrial or agricultural purposes. Regardless of the current use, officers must consider the lawful use of the site. Officers therefore advised the applicant submitted a Lawful

Development Certificate to demonstrate that the use as industrial storage is lawful however they chose to progress with the application instead.

Officer must therefore take the planning history into consideration when considering the current lawful use of the site. The site was granted permission for the erection of an agricultural storage building in 1992 (92/00116). Since then, there has been no permissions granted for the conversion of this building. There have however been three applications, two in 2016 (2016/92562 and 2016/93324) and one in 2022 (2022/91085) for the change of use of an agricultural building to residential, all of which declared within the submitted application form that the existing use is agricultural. All of these applications were submitted within the last 10 years, which is the timescale which would need to be demonstrated for continuous use to be exempt from enforcement action. Therefore, officers consider the existing, lawful use of the site is agricultural and have not been provided with any evidence to counter this.

On this basis, the application does not constitute previously developed land and as such would not fall within exemption g of the paragraph 154 of the NPPF.

*Grey Belt – Paragraph 155*

Also relevant to this application is paragraph 155 of the NPPF which states:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
a) There is a demonstrable unmet need for the type of development proposed
b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
c) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”

The NPPF glossary defines Grey Belt as “land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.”

Paragraph 143 of the NPPF outlines the five purposes of the green belt:

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

As detailed above, the application site would not be considered previously developed land. Therefore, as assessment against the three purposes in paragraph 143 are necessary. Regarding 143(a), the application site is located within existing green fields and is not adjacent to other built development, there are a number of dwellings along Long Moor Lane however the dwelling would not be considered to be located within a settlement and would therefore be considered an isolated location.

The NPPG is clear that purpose a) “relates to the sprawl of large built up areas. Villages should not be considered large built up areas.” The NPPG goes on to state that purpose b) “relates to the merging of towns, not villages”. Similarly, the NPPG also states that purpose d) “relates to historic towns, not villages”. As the application site is not within a large built-up area, town or historic town, the site is considered to not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

*Purposes of the Green Belt – Paragraph 155a*

To comply with 155(a) of the NPPF, the development must not fundamentally undermine the purposes (taken together) outlined in paragraph 143 and therefore the development must also be assessed again 143(c) and (e).

Regarding 143(c), the application site is located within an isolated location within rural fields. The proposed development would utilise an existing developed site, which has existing boundary treatment enclosing the site and an existing site access off Long Moor Lane. The proposed dwelling would retain the same footprint, roof form and roof height as the existing agricultural building. Therefore, the proposal would not result in any additional encroachment into the surrounding countryside over and above the existing arrangements on site.

A residential use would inevitably result in some degree of domestication, additional domestic paraphernalia and hardstanding. The amenity space and parking would be located in close proximity to the dwelling and it is noted that the site has existing boundary treatment and is enclosed by trees and shrubbery, reducing its visual prominence in the landscape. Any future

outward expansion can also be effectively controlled through the removal of permitted development rights, preventing incremental sprawl over time. The proposed building would be finished in natural stone walls, under stone slate roofing with timber doors and windows which is in keeping with the agricultural character of the site. It is also noted that the front elevation has a barn style opening, in keeping with the rural character.

The application is not within an urban area so 143(e) is not relevant in this instance.

Taking the above into consideration, although the proposal would result in the domestication of the application site, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area, The proposal therefore satisfies Paragraph 155(a) of the NPPF.

*Demonstrable Unmet Need – Paragraph 155b*

This application is for residential development and as explained in footnote 56 of the NPPF, the lack of a five-year supply of deliverable housing sites is considered a demonstrable unmet need for housing. As explained in detail above, the Council's inability to demonstrate a five-year supply of housing land means this development complies with paragraph 155(b).

*Sustainable Location – Paragraph 155(c)*

Paragraph 155(c) requires an application site to be within a sustainable location. The application site is within walkable distance to Shelley (850m/15min walk) where there are regular bus connections to Huddersfield, Denby Dale and Clayton West. There are also regular buses from Abbey Road (1.2km/15min walk). The proposal is also in close proximity to Shepley Local Centre (2km/30min walk/4min drive) and Skelmanthorpe District Centre (3km/35min walk/4min drive).

There are a number of commercial units along Brook House Lane (~200m from the site) including a café/restaurant and a private nursery.

It is considered, that due to the proximity to services and nearby defined centres and bus stops which connect the development to the nearby town centres, it is considered on balance that the proposal is in a sustainable location, in close proximity to existing dwellings and as such is considered to comply with 155(c) of the NPPF.

*Golden Rules – Paragraph 155(d)*

Paragraph 155(d) relates to major planning application and is therefore not applicable to this application.

*Conclusion*

Taking all of the above into careful consideration, it is considered on balance that the proposed development would comply with paragraph 155 of the NPPF and would therefore not be regarded as inappropriate development in the green belt and as such the principle of residential development, in its broadest form, on this site is acceptable.

A more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which 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."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring: "a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

The proposed dwelling comprises a single storey, pitched roofed structure. The proposal would retain the same footprint and roof height/form as the existing agricultural building on the site. The materials proposed are natural stone walling under natural stone slate roofing with timber doors and windows. The design and materials would be in keeping with the rural setting of the application site and as carefully assessed in section 1 of this report, the proposal would not result in disproportionate harm to the green belt setting. Whilst a large section of glazing would be introduced on elevation D, the existing building is currently open. The proposal is well screened and by soft landscaping and is set significantly back from the highway.

In conclusion, the proposed building is considered to not cause any significant harm to visual amenity over and above the existing arrangements on site. As such, it is considered that the development would comply with LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

3. Impact on Residential Amenity

Sections B and C of LP24 state that alterations to existing buildings should: "maintain appropriate distances between buildings' and 'minimise impact on residential amenity of future and neighbouring occupiers". Further to this, Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilder Design Guide SPD states 'Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.' The SPD goes on to set out typical minimum separation distances. These are as follows:

d) 21 metres between facing windows of habitable rooms at the backs of dwellings;
e) 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
f) 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
g) for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The proposed dwelling would be located ~130m from the nearest residential dwelling on Long Moor Lane and therefore the proposal would not cause any significant harm to the occupants of any residential dwellings.

*Amenity of future occupiers*

The amenity of the future occupiers must also be considered. Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses*

*should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed amenity space is considered to be a good size for a dwelling of this scale. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

Taking the above into consideration, the proposed dwelling would not cause harm to residential amenity of the existing or future occupiers. The proposal therefore complies with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

4. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 of the NPPF 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. The Highway Design Guide SPD is also relevant.

The proposed development would utilise the existing access off Long Moor Lane. KC Highways Development Management (HDM) have been consulted on the proposal and their comments are summarised below.

The access is existing, and the current use would be expected to generate some trips, mainly farm traffic, and KC HDM would expect the proposals for a single dwelling to generate a similar amount of trips with any intensification not expected to be great enough to have an impact on the operation or efficiency of the local highway network. There are no records of any accident injuries along Long Moor Road to either side of the access.

The previous application (2020/91085) requested that visibility splays should be provided clearly marked on a drawing and KC HDM would still like to see these splays, however due to the location of the access on the inside of a bend they feel that the visibility splays may be difficult to achieve (especially to the right without passing over third-party land) but KC HDM are happy for

the applicant to indicate on a drawing what is achievable. KC HDM recommend this should be conditioned. Whilst it is appreciated that this was asked for on the previous application, given KC HDM think these are unachievable this is not considered necessary and therefore would not be conditioned in this instance.

Details indicating the finish to be used on the driveway should be provided. This should be done with a permeable finish with the first 8.5m from the adopted highway up to the gate done with a solid finish to stop chippings of mud from being dragged on to the highway for road safety reasons. If a fully impermeable finish is used, then we would require that the driveway contains drainage to stop runoff water from entering the adopted highway for road safety reasons. Details of the finish for the driveway should be provided, and this could be secure by conditioned.

As the driveway is a single track and approximately 150m long K CHDM would like to see a passing place part way along, with clear visibility from both ends to allow two cars to pass if required. They would not wish to see a requirement for a car to reverse out on to Long Moor Lane for highway safety reasons. KC HDM outlined the passing place can be conditioned as pre-commencement but would be better identified prior to determination. Officer have considered this and as KC HDM do not consider the proposal to be an intensification in the use of the access, and as the scheme is for one dwelling, with internal turning within the site, this is not considered necessary in this instance.

The previously requested swept path analysis for a fire and rescue tender (as used by West Yorkshire Fire and Rescue and as advised in their current new development guides) was not provided. This should be clearly shown on a drawing and can be secured by condition.

The proposal is for a three-bedroom dwelling and drawing No PAD.315.285 shows that there is sufficient space for three cars to park with turning/manoeuvring space to allow them to enter/exit the site in forward gear. This is considered acceptable by KC HDM. There is a gate across the access track and this appears to be set back approximately 8.5m from the edge of the adopted highway, which would allow vehicles to pull clear of the highway whilst waiting for the gate to be opened and therefore KC HDM consider this acceptable.

Drawing No PAD.315.285 also indicated a bin collection presentation point adjacent to the adopted highway and this would be acceptable. It should be noted that the presentation point is approximately 150m from the dwelling and this is beyond recommended carry lengths. This would not be a major

concern to the council as it would be the owner's/occupant's responsibility to move the waste to the collection point on collection day, however it should be noted that this may become an issue if assisted collection was ever requested.

Whilst the access visibility is substandard using modern standards, it is acknowledged that it is an existing access that has been improved in recent years. The change from agricultural use to being used to serve a single dwelling is unlikely to create a significant increase in vehicle movements. It is also noted that there are no records of any injury accidents adjacent to the site. KC HDM therefore raised no objections to the proposal subject to conditions as detailed above.

On this basis, it is considered the proposed development would not cause significant harm to the efficiency or safety of the highways. The proposed development therefore complies with Policy LP21 and LP22 of the Kirklees Local Plan, the aims of the Highways Design Guide SPD and Chapter 9 of the NPPF.

5. Other Matters

*Land contamination*

KC Environmental Health (EH) were consulted on the proposal. This site has been identified on our mapping system as being adjacent to potentially contaminated land (our map ref 113/17). A condition for unexpected, contaminated land is therefore recommended. The site is wihtin a Low Risk Coal Mining are so no further measures are required regarding Coal Mining.

*Biodiversity*

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

This application was submitted prior to the 12th February 2024 and therefore BNG is not a mandatory requirement in this instance.

*Ecology*

A Preliminary Roost Assessment (PRA) has been submitted with the application, which is welcomed. The building at the site was determined to be of negligible value for roosting bats, and as such, the proposed demolition is unlikely to have impacts on roosting bats. The report makes a number of recommendations to ensure that nesting birds are adequately safeguarded throughout the demolition.

Given the above, KC Ecology have no objection to the proposals, however, the conditions are recommended for site clearance and the requirement for a bat box to be installed.

The proposed development is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6. Representations

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation** **APPROVE**

**Decision Authorisation - Delegated Powers**
**Application Number**: 2024/92165
**Officer Recommendation**: Approve
**Conditions:**

1. The development hereby permitted shall be begun within three years of the date of this permission.
**Reason**: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
**Reason**: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
**Reason**: In the interests of visual amenity and ensure development does not encroach into the green belt in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle access and parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
**Reason:** To ensure adequate parking provision is provided in the interest of highway safety and to accord with LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

5. Notwithstanding the details shown on the approved plan, no development shall take place (other than demolition) until a scheme detailing arrangements and specification for emergency vehicle access for a West Yorkshire Fire and

Rescue fire tender, consisting of a swept path analysis to show the fire tender can safely turn on site, has been submitted to and approved in writing by the Local Planning Authority.
**Reason**: To ensure adequate parking and turning provision is provided in the interest of highway safety and to accord with LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework. This is a pre-commencement condition as the requirement for turning splays could impact the siting of the aspects of the development.

6. Before the access is brought into use for vehicular purposes, that part of the access extending from the highway boundary to the access gate into the site shall be appropriately paved in tarmacadam, concrete, block paviours or other approved materials.
**Reason**: To prevent loose surface material from being carried on to the public highway in the interests of highway safety in line with LP21 of the Kirklees Local Plan.

7. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
**Reason:** To ensure the safe occupation of the site, in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or

that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
**Reason**: to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

9. Prior to the dwelling being brought into use one integral bat box (Vivara Pro Build-in WoodStone Bat Box or suitable alternative) and one integral swift box (Vivara pro woodstone swift box or suitable alternative) shall be installed on the dwelling. The bat box shall be located away from sources of light and be sited at least 4 metres above ground level.
**Reason**: to provide an enhancement to biodiversity in line with LP30 and the requirements of section 15 of the National Planning Policy Framework.

**Plans and Specifications Table:**

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | PP-12317533v1 | | 08/08/2025 |
| Proposed Site Arrangement | PAD.315.285 | | 08/08/2025 |
| Existing Plans and Elevations | PAD.315.283 | | 08/08/2025 |
| Proposed Plans and Elevations | PAD.315.284 | | 08/08/2025 |
| Bat Survey Report | 231164 | | 08/08/2025 |
| Design and Access Statement | | | 08/08/2025 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers queried the existing use of the building with the agent and requested additional information be submitted to the council to demonstrate the existing use is lawful. The agent confirmed the site is currently used for industrial purposes but provided no additional supporting information.

Report Dated: 28/10/2025