

**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:	<b>2023/62/92733/W</b>
Site Address:	Spring Grove Gardens, 50, Paul Lane, Colne Bridge, Huddersfield, HD5 0PU
Description:	Demolition of existing buildings, erection of detached dwelling and formation of new driveway
Recommending Officer:	Katie Chew

**DECISION – REFUSED**

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

John Holmes

***AUTHORISED OFFICER***

**Date:** 9<sup>th</sup> January 2024

## **Officer Report**

### **Site Description**

Spring Grove Gardens, 50, Paul Lane, Colne Bridge, Huddersfield, HD5 0PU

The application site comprises of a large single storey building block which appears to have once been used as stabling for horses, adjacent to this to the south-east is a large two-storey detached stone-built dwelling. The existing single storey building block now appears to be used as storage and is somewhat rundown in appearance. In the middle of the building there is an open yard area with access available into the building from the north and west. The site is stepped back from the public highway and is accessed from a driveway leading up from Paul Lane to no. 50 Paul Lane.

It is also important to note that the site slopes down from east to west, with the application site sitting at a higher ground level to the adjacent driveway. There are a number of trees located to the rear of the site and which line the driveway up to the site. The site is within a rural location with the nearest residential dwelling being located around 290m away to the south-west. To the north is Yorkshire shooting centre and to the east and south beyond the trees is open countryside.

The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

### **Description of Proposal**

The application seeks planning permission for the demolition of existing buildings, and erection of a detached dwelling and formation of new driveway.

The proposed dwelling is to be two-storeys in height accessed via a private drive from Paul Lane in Colnbridge. The dwelling is to comprise of 5 double bedrooms, 5 en-suites, 3 dressing rooms, entrance hall, wet room, plant room, WC, cloakroom, open lounge, open plan kitchen/dining area, utility room and wash & WC. Garden/amenity areas are proposed to the front, rear and sides with car parking available within the large undercroft garage and 2 spaces within the driveway to the south.

The dwelling is to be constructed utilising corrugated steel cladding with a black finish, weathered timber, reclaimed Yorkshire stone and corrugated sheet roofing.

### **History of negotiations/amendments received**

No amendments have been sought in this instance.

### **Relevant Planning History**

2022/90297 – Outline application for erection of residential development. Withdrawn/invalid 8<sup>th</sup> February 2022.

## **Representations**

Final publicity date expires:

Neighbour Letters – Expired 23<sup>rd</sup> November 2023.

No representations have been received to date.

**Officer note:** We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

## **Consultation Responses**

**KC Highways Development Management** – Comments received 13<sup>th</sup> November 2023. No objections subject to conditions and informative notes relating to turning facilities being provided, areas to be surfaced and drained and finally that the granting of planning permission does not authorise works within the highway.

**KC Environmental Health** – Comments received 17<sup>th</sup> November 2023. No objections to the proposals subject to conditions and informative notes relating to the submission of a further/addendum noise assessment report, land contamination reports, the provision of Electric Vehicle Charging Points and restricted noisy construction working times. However, Officers do note that the submitted information does make reference to the installation of a Klargester package treatment plant at the site, the location of this package treatment plant appears to be outside of the planning application boundary and therefore would not be within a suitable location. Furthermore, no details have been provided in respect of the capacity of the plant. Without this information Officers are unable to undertake a thorough assessment of this element of the scheme.

**Officer note:** Given the conclusions drawn within the principle of development and visual amenity sections of this report, the above information was not requested during the application process as the proposals were deemed to be unacceptable. However, should a subsequent planning application come forward the applicant is advised that this information should be provided and a suitable location for the plant sought within the site.

**KC Ecology Unit** – Comments received 10<sup>th</sup> November 2023. No objections subject to a condition requiring the installation of 6 bat roosting features and 4 bird nesting features to ensure a biodiversity net gain at the site.

**KC Trees** – Comments received 29<sup>th</sup> November 2023. The Council's Tree Officer objected to the proposals as additional information was considered to be required.

**Officer note:** On this occasion Officers have not sought to request the submission of an Arboricultural Impact Assessment (AIA) given the conclusions drawn in respect of the principle of the development. However, should a future application be submitted at this site, it is considered necessary that an AIA is submitted to support the application.

### **Parish/Town Council**

**Kirkburton Parish Council** – No comments received.

### **Local Ward Members**

None.

### **Planning Policy Background**

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 27<sup>th</sup> February 2019).

The application site is located within the Strategic Green Infrastructure Network, Green Belt and a Bat Alert Area. It is also important to note that the site is located adjacent to ancient woodland which is located to the east. The site falls within a Coal Authority Referral Area.

### **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP59 – Brownfield sites in the Green Belt

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> December 2023, 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed & beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

## **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Nationally Described Space Standards
- National Design Guide

## **Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact of the proposed development upon the visual amenity of the area
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highways safety
- 5) Other matters
- 6) Conclusion

## **1 – Principle of Development**

## 1.1 – Sustainable 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.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. The NPPF was updated on 20<sup>th</sup> December, with paragraph 76 setting out the following:

*Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

The Council's Local Plan was adopted in February 2019 and is currently less than 5 years old.

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

As the site measures around 322sqm, the proposal has a potential density of approximately 30 dwellings per hectare. As such, in this case, it is considered that the principle of redevelopment of the site for a single dwelling is acceptable with regard to the proposed density of development, given the impact of a higher density in terms of other considerations, in particular the Green Belt allocation of the site, and also the impact upon access arrangements. However, whilst it is concluded that the proposal might be

acceptable in this regard; this is not considered to outweigh the harm to the Green Belt set out below. The application of policies in the NPPF that protect Green Belt land provide a clear reason for refusing the development proposed.

## 1.2 – Land Allocation (Green Belt)

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

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 152 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraphs 154 and 155 of the NPPF.

Paragraphs 154 and 155 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Of note, two of these exceptions include:

- 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 (Paragraph 154 (c));
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development (Paragraph 154(g)); and
- engineering operations (Paragraph 155 (b)).

Policy LP59 of the Kirklees Local Plan sets out that proposals for the redevelopment of existing brownfield sites in Green Belts will normally be acceptable, provided that:

- a) in the case of infilling, the gap is small and is located between existing built form on a brownfield site;
- a) in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and
- b) redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

Policy LP59 goes on to note that in all cases, regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

The supporting text within Policy LP59 states that the redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any greater impact on the

openness of the Green Belt than the existing built form. The extent of the existing footprint should not normally be exceeded.

For reference, policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings within the Green Belt, noting that proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;
- b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Within the supporting text for this policy, it outlines that it is essential that proposed extensions do not prejudice the open character of the Green Belt, nor be disproportionate to the host dwelling.

*Whether the proposal is inappropriate development in the Green Belt*

Within the Design & Access Statements submitted, it is acknowledged that both statements relate to different policies within the Kirklees Local Plan. One referring to LP57 and the other LP59. In relation to the above exceptions listed, the proposals seek to demolish existing buildings, and replace them with a single detached dwelling and formation of a new driveway, Officers therefore consider that LP57 would not be relevant on this occasion as from undertaking a site visit and looking at the previous history of the site officers are not convinced that the current use of the building on site would equate to a residential use in this instance. No further justification on this matter has been provided and therefore the application falls to be assessed as previously developed land, which may form an exception to the normal presumption against new buildings in the Green Belt under paragraph 154 (g) of the NPPF and Policy LP59 of the Kirklees Local Plan.

Criterion g of paragraph 154 of the NPPF allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The definition of previously developed land as set out in the NPPF glossary includes land that is or was occupied by a permanent structure, including the curtilage of the developed land.

In this instance the existing stable/storage building is single storey in height, with a mono pitched roof and large open yard area within the middle. This building comprises of a footprint of approximately 474.20sqm (when including the hardstanding yard area – 304.29sqm without the yard area) and a height of around 4.2m. The proposed dwelling is to form a two-storey structure with a pitched roof design, a footprint of around 260sqm and a ridge height of approximately 8.4m.

Whilst it is acknowledged that the complete redevelopment of brownfield sites in the Green Belt has the potential to be permitted and in this instance it appears that the footprint would not be exceeded. It is noted that within LP59 of the Kirklees Local Plan and policies within Chapter 13 of the NPPF it is set out that redevelopment of brownfield land will only be acceptable if the proposal does not have a greater impact on the openness of the Green Belt than the existing development. Thus, the significant increases in floor space and volume are considered to constitute as being considerably and materially larger than the existing building.

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. However, not only from an arithmetic perspective do Officers consider that the proposed replacement building would be materially larger, but also from a visual perspective. Whilst the footprint of the building may not be larger, the existing building is only single storey in height, with the majority of the proposed dwelling appearing two-storeys in height and would include bulky gable projections. Thus, visually, Officers also consider that the proposed dwelling would have a greater impact on openness of the Green Belt than the existing stable/storage building.

In addition to the above, the scheme includes engineering operations to create a new basement level and additional areas of hardstanding around the new dwelling.

The proposal is to include the provision of a new basement level; this basement will require significant excavation to the front of the building of approximately 8m x 25m and 2.7m in depth. Whilst the dwelling does appear as a single storey structure to the rear as the property is to be built into the landscape, to the front and sides of the dwelling (which are most visible) the property would appear as a two-storey structure with several windows and doors included within these elevations, thus emphasising the scale and size of the works proposed within this sensitive Green Belt location. Whilst Officers note that some engineering operations can be considered appropriate in the Green Belt, given the nature and level of excavation required in this instance, officers are of the opinion that the scheme would not preserve the openness of the Green Belt and would in fact be of detriment to it.

Furthermore, the proposal would provide numerous new areas of hardstanding around the site. These include providing suitable turning areas to the front of the property, and a large porcelain tile terrace which wraps around the side (to the south) and rear of the dwelling. An external stairway is also provided from the lower ground floor up to the terrace area. Whilst it is

acknowledged that the footprint of the new dwelling is to be smaller than existing, the increase in hardstanding areas coupled with the overall increase in scale and massing of the proposed dwelling is considered to result in greater harm to the openness of the Green Belt as well as encroachment into it given that the site is within a sensitive open countryside location. Furthermore, Officers consider that these additional elements would further increase the built development at the site thereby urbanising the site to a greater extent and having a much greater impact upon the openness than existing. This therefore adds to the harm to the Green Belt.

Although the site is bounded by mature planting to the east, north and west and is stepped back from the public highways, located down a private drive. As outlined above openness is not judged solely on visibility, although partially screened, views to the site can be had from Paul Lane due to a break in the planting towards the access of the site, and the elevated ground levels. It is therefore concluded that whilst the dwelling would be somewhat obscured from public views, this does not overcome the harm to the openness, nor harm by reason of inappropriateness.

In terms of the purposes of including land within Green Belts, one such reason is to safeguard encroachment into the openness countryside. Due to the rural nature of this site, it does form an integral part of the countryside landscape and the proposal would result in the encroachment of urban form and activity into the countryside, especially the hard surfacing and encroachment of the proposed dwelling into areas which are currently undeveloped and open grassland.

Local Plan Policy LP59 also notes that the proposed design and materials should also have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting. The proposed design and materials are discussed in more detail within the visual amenity section of this report. However, as outlined further on, Officers consider there to be harm to the visual amenities of the Green Belt too. Thus, Officers hold the view that the harm to the visual amenities of the Green Belt and the openness of the Green Belt, as well as the harm by reason of conflict with one of the purposes of including land within Green Belts, add to the substantial harm to the Green Belt by virtue of the inappropriateness of the proposed development.

In accordance with Paragraph 153 of the NPPF, consideration must be given as to whether the applicant has very special circumstances which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and other harm.

Whilst it is noted that within the submitted Design & Access Statement reference is made to the proposed dwelling making extensive use of renewable building materials, and to ensure minimal environmental impact by using triple glazing, heat pump technology, solar PV cell/battery systems and the installation of electric car charging points, Officers consider that this argument falls short of constituting 'very special circumstances' that would

outweigh the harm to the Green Belt as identified by Officers above. Of note, Officers have significant concerns with the design of the proposed development in this sensitive open countryside location.

Officers therefore consider the principle of development in the Green Belt unacceptable in this case on the basis the proposal would constitute inappropriate development within the Green Belt, whilst also causing harm to the openness of the Green Belt, conflicting with one of the purposes of including land within Green Belts. Officers conclude that very special circumstances have not been demonstrated to clearly outweigh this identified harm to the Green Belt. The proposal is therefore contrary to Green Belt policy set out within Chapter 13 of the NPPF and Policy LP59 of the Kirklees Local Plan.

## **2 – Impact on Visual Amenity**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 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.

Policy LP24 of the Kirklees Local Plan 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...”*

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

*“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Regarding the layout and siting of the proposed dwelling, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

The proposed dwelling in this instance does not extend out further than the western elevation of the existing buildings and therefore follows the existing layout at the site. However, given the unusual design of the dwelling which appears as a ‘H’ shaped structure the building will extend out further than the northern elevations of the existing storage/stable buildings but less than the eastern and southern elevations. Although the dwelling would be stepped forward of adjacent neighbouring property Spring Grove Gardens this relationship already exists and therefore given the existing relationship and that these properties would be standalone dwellings not found within a traditional street pattern, this element of the proposal is considered to be acceptable on balance.

Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types.

In this instance the existing building to be demolished comprises of a single storey structure with a lean-to roof, with the directly adjacent property Spring Grove Gardens relating to a two-storey detached which benefits from a mix of a lean to and pitched roof design. Whilst it is noted that Spring Grove Gardens benefits from a mix of designs, the host dwelling relates to a simple pitched roof with lean to additions to the front and side and therefore still retains a somewhat simple frontage. When looking at the design of the proposed dwelling, the roof follows a ‘H’ shaped arrangement which results in roofs orientated against one another leading to a disjointed appearance. It is not considered that this roof design is reflective of other properties within the area. Officers consider that a simpler and more traditional pitched roof with gable ends facing to both the north and south would be more appropriate and sympathetic in this location. In addition, although the roof line is to be of a similar height to the existing buildings, this is as a result of significant excavation works which provide as an end result a two-storey high dwelling. Whilst in regard to principle 15 a two-storey structure may be acceptable given the scale and massing of Spring Grove Gardens; due to the Green Belt location of the site this has not been considered appropriate as discussed

within the principle of development section of this report. Taking the above assessment into consideration the proposals are not considered to accord with Principle 15 of the Housebuilders Design Guide SPD.

Principle 14 goes on to say that the design of the windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Moving on to the proposed windows and doors, the proposals seek to install a substantial amount of glazing to the front of the new building, with large pieces of glazing dominating specifically the lower ground floor and the rear elevation at ground floor level. The windows all vary in scale, size and design, appearing sporadically throughout the property. Whilst some more larger panels of glazing could be acceptable within the dwelling, Officers consider the proposals as submitted to appear imposing and entirely out of character and at odds with adjacent neighbouring property Spring Grove Gardens, and other dwellings located within the area. The significant amount of glazing further adds to the dominant appearance of the dwelling is this rural countryside location, and therefore is not considered to accord with Principle 14 of the above SPD.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

In respect of materials, the dwelling is to be finished in corrugated steel cladding with a black finish, weathered timber, reclaimed Yorkshire stone and corrugated sheet roofing. Although it is acknowledged that the use of Yorkshire Stone is reflective of external materials used within adjacent neighbouring property Spring Grove Gardens, and that the provision of corrugated sheet roofing gives a slight nod to the sites existing use and utilitarian buildings on site, the use of black steel cladding and weathered timber is not considered to appear sympathetic or reflective of this site's countryside location, and whilst elements of these materials could be incorporated to provide a more contemporary feel, the use of these materials (and the corrugated sheet roofing) on this scale and size are not supported by Officers. It is therefore recommended that should a subsequent planning application be submitted, the external materials comprise mainly of the use of Yorkshire Stone, with a traditional tiled roof. Some contemporary design features could then be installed on a smaller scale. It is therefore considered that the proposals as submitted do not accord with Principle 13 of the above SPD.

Principle 6 of the Housebuilders Design Guide SPD highlights that '*the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings*'.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance suitable separation distances are provided to the east, south and western boundaries. However, the proposed dwelling is to be constructed directly on the northern boundary and therefore there is limited space provided although, it is acknowledged that given the location of the application site there are no direct neighbours to the north, with this land relating to undeveloped grassland. Therefore, the proposals are considered to meet the requirements of Principle 6 on this occasion.

In terms of amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. The proposals in this instance would provide garden/amenity space to the front, side and rear, with a large, raised porcelain tiled terrace provided to the south, which wraps around the dwelling to the rear, with small areas of lawn and wildflower planting areas also provided. Given the scale and size of the dwelling and its Green Belt location whereby residential curtilages are expected to be limited to reduce any potential impact on the Green Belt, the proposed garden areas are considered to make good use of the space and therefore this amount of garden/amenity space is deemed to be acceptable on this occasion. In addition, given the orientation of the dwelling and its amenity areas it will benefit from direct sunlight throughout the day and therefore it is considered that the proposed amenity spaces would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

In conclusion, the proposals as submitted are considered to appear out of character and overly dominant in the general context of this site. On this basis, the proposals are not considered to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and Principles 2, 13, 14 and 15 of the Housebuilders Design Guide SPD.

### **3 – Impact on Residential Amenity**

Section B and C of LP24 states 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, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“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 text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room windows and the boundary of adjacent undeveloped land and
- 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.

Due to the rural location of the application site the nearest neighbouring property is Spring Grove Gardens. Any impact arising from the proposals on this neighbouring property is discussed below.

#### *Impact on Spring Grove Gardens*

This neighbouring property is located to the south of the application site, approximately 18.4m away. Given the neighbouring properties southern location and large separation distances, Officers have no concerns in respect of shadowing or loss of light. In addition, whilst windows and a glazed balcony area are proposed within the southern elevation of the dwelling, as these would face out towards a blank gable elevation and not directly into habitable room windows, Officers have no concerns in respect to overlooking or loss of privacy on this occasion. Finally, whilst there will be a significant increase to the overall height when compared to what currently exists at the site, given the large separation distances Officers do not consider the proposals to appear overbearing or overly dominant on this adjacent neighbour.

#### *Adjacent undeveloped land*

The proposed dwelling would be located directly on the north-western boundary adjacent to undeveloped land. Whilst windows are proposed within this elevation of this new dwelling, it is considered that these windows could be conditioned to be obscurely glazed, as they relate to either non-habitable rooms or rooms which would benefit from either rooflights or other windows within the room and therefore would have reasonable access to outlook and natural light.

#### *Amenity of future occupiers of the proposed dwelling*

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local

Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwellings would have a GIA that would comfortably exceed the minimal space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least 1 window. Officers therefore consider that the proposed dwellings would provide an adequate standard of amenity for future occupiers.

Moving on to the amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. The proposed dwellings would benefit from small, planted areas to the front, side and rear, with large, tiled terrace areas to the side and rear. A wildflower planted area is also proposed to the rear. Whilst not overly large in size, these spaces are considered to be of an acceptable as the majority of these areas will receive sunlight throughout the day, at all times of the year and given the sites Green Belt setting, a tight red line boundary must be provided to limit the size of the residential curtilage to avoid encroachment into the Green Belt. Taking the above into account, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the above SPD.

Taking into consideration noise pollution at the site, the Council's Environmental Health Officers were consulted and noted that there is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. It is therefore considered reasonable to include an informative which restricts the times when noisy construction activities (including deliveries) will be permitted.

It is also noted that the applicant has submitted a Noise Assessment authored by Nova Acoustics dated 15 August 2023 Ref NP-009504. The above assessment notes that a background noise survey was conducted between the 5<sup>th</sup> and the 6<sup>th</sup> of June 2023 from three measurement positions (MPs) as shown in figure 2 and a summary of the findings is shown in table 2. The acoustic environment is deemed to be low to moderate in level and the noise profile is dominated by traffic emissions from the local road network.

Figure 2 also shows the location of the Yorkshire Shooting Centre (YSC) which is located approximately 130m to the north of the proposed site. It is understood that there are 2no. dedicated external shooting areas associated with YSC at approximately 175m and 230m from the proposed dwelling's northern façade. The YSC operating hours are:

- 1930hrs to 2300hrs Mondays and Wednesdays
- 1030hrs to 1700hrs Fridays
- 1230hrs to 1700hrs Weekends
- Closed Tuesdays, Thursdays and Bank Holidays

The assessment notes that noise emissions from the YSC were audible at the development site during the daytime and has the potential to cause adverse impact. Due to the highly impulsive noise characteristics associated with the shooting range, it was considered appropriate to assess the resulting daytime  $L_{Amax}$  levels at the site. As there are no defined criteria for daytime  $L_{Amax}$  levels, the night-time criterion was adopted to assess internal noise levels and this is accepted.

Reference is made to ProPG: Planning & Noise 2017 which states '*In most circumstances in noise sensitive rooms at night (e.g. bedrooms) good acoustic design can be used so that individual noise events do not normally exceed 45dB  $L_{Amax,F}$  more than 10 times a night. However, where it is not reasonably practicable to achieve this guideline then the judgement of acceptability will depend not only on the maximum noise levels but also on factors such as the source, number, distribution, predictability and regularity of noise events.*'

Figure 3 shows the  $L_{Amax}$  levels at MP3 which exceeds the 10 times a night limit with over 50exceedences in a 15min measured window. After applying the Shooting Noise Level (SNL) criteria, as shown in table 4, there is a high likelihood of annoyance to occur due to noise from the YSC.

The assessment states no specific mitigation measures are required given the low daytime levels in the absence of the noise from the YSC, and a specification is given for glazing to ensure the internal levels meet with BS8233. However, it is unclear if this specification will mitigate against the daytime  $L_{Amax}$  levels measured and this will require clarification. The assessment states a MVHR system will be installed which will assist if windows will need to be kept closed due to the external noise from the YSC. It is imperative that this is installed competently so as not to raise internal levels above the requirements of BS8233.

In order to assess the external noise levels from the YSC, guidance from the CIEH Clay Target Shooting: Guidance on the Control of Noise (2003) has been used. However, the guidance states "*The scope of (the) guidance is limited to clay target (pigeon) shoots. It should not be taken as having any application to other outdoor shooting events or other gun club activities*" and as such, the assessment is outside of the scope of the guidance. However,

due to the lack of other more appropriate guidance, it is accepted that the CIEH document provides the most suitable criteria for this assessment.

The guidelines were used to predict the level of impact in the external areas of the proposed development and figure 3 shows the  $L_{Amax}$  levels associated with the daytime use. Based upon the calculated shooting noise level, table 4 shows it is highly likely for annoyance to occur. Whilst the measurement parameters are different ( $L_{Amax}$  vs  $L_{Aeq}$ ), BS8233 does recognize that the guideline values for external amenity are not achievable in all circumstances where development might be deemed to be desirable. Environmental Health therefore conclude that the findings of the report are accepted but a condition is recommended for a further/addendum assessment to be submitted to clarify the specification of glazing required to mitigate against daytime noise from the YSC, and that it is for the Planning Officer to determine 'desirability'. However, the '*caveat emptor*' principle may also be applicable, and it is for the buyer/current owner to determine this.

Taking the above into account, it is considered reasonable to assume that in this instance the Noise Assessment has assessed the noise levels in the most appropriate way, against information available to them, and that whilst not the most ideal for a new residential dwelling, it is acknowledged that there are numerous other residential properties already existing within the area, and it is also assumed that upon purchasing the dwelling future occupiers would be aware of the surrounding area and close proximity of the Yorkshire Shooting Centre . It is therefore concluded that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring / future occupants, complying with Policy LP24 of the Kirklees Local Plan (b), policies within Chapter 12 of the National Planning Policy Framework and principles 6, 16 and 17 of the Council's adopted house builders design guide SPD.

#### **4 – Impact on 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. Furthermore, Paragraph 111 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 application seeks approval for the demolition of existing buildings, and the erection of one detached dwelling with the formation of a new driveway. Given the nature of the proposals the Council's Highways Officers were consulted. They note that the site is stepped back from the public highway and is accessed via a driveway leading up from Paul Lane to no. 50 Paul Lane. The proposed dwelling is to be located to the north-west of no. 50 and is to replace an existing building block previously used for the storage of materials.

The proposed dwelling is to utilise the existing access and will share access with adjacent property no. 50. The property benefits from a large undercroft garage and 2 spaces within the driveway to the south, the Council's Highways Officers consider this number to be suitable for a 5 bed roomed property and therefore have no objections. Internal turning for emergency/service vehicles are also shown.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear. In this instance off-street parking is proposed within an integral double garage, with 2 further spaces shown within the driveway area to the south. Whilst the parking is not shown to be down the side of the property, or to the rear this layout is not considered alien given that a similar arrangement occurs at directly adjacent property Spring Grove Gardens. Furthermore, the proposed dwelling would be set back from the public highway and therefore would not have a significant impact on the character and appearance of the streetscene. The proposals are therefore considered to be acceptable in respect to Principle 12.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. Bin collection points are proposed within the driveway along the southern boundary of the site for 3 bins. Waste collection points are also shown at the front of the site access onto Paul Lane. The Council's Highways Officers consider this location to be suitable.

Subject to conditions and informative notes relating to the provision of turning facilities prior to occupation of the dwellinghouse, parking areas to be surfaced and drained and that the granting of planning permission does not authorise the carrying out of works within the highway the proposals are not considered to represent any additional harm in terms of highway safety and as such complies with Local Policies LP21 and LP22, Chapter 9 of the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide SPD.

## **5 – Other Matters**

### **Climate Change**

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When

determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

LP26 of the Kirklees Local Plan relates to renewable and low carbon energy, stating that renewable and low carbon energy proposals (excluding wind) will be supported, and planning permission granted where the following criteria are met:

- a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
- b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
- c. the statutory protection of any area would not be compromised by the development;
- d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should also seek to design water retention into proposals.

In this case the applicant has submitted a Climate Change Statement in support of the application. This statement outlines that materials used within the construction of the new dwelling are to be sourced from local trades and bricks taken from the building to be demolished will be reused where possible. The dwelling is to also comprise of low output LED lighting, Low E glazing, and will be a super airtight structure with super insulated concrete formwork. The house will also benefit from MVHR and air source heat pumps for heating and cooling. The statement also highlights that solar panels with a battery back up will be provided and therefore there will be no mains supply and the dwelling will be off grid. The proposed solar panels are to be integrated flush with the seam zinc roof.

In addition, it is also noted within the submitted Design & Access Statement by Rose Consulting and the Climate Change Statement, that the proposal includes electric vehicle charging points and this is welcomed as in an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore considered to be reasonable and necessary.

Taking the above into account, the proposed development is therefore considered to comply with Policies LP24, LP26 and LP51 of the Kirklees Local Plan and Chapters 14 and 15 of the National Planning Policy Framework as well as Principle 18 of the Housebuilders Design Guide.

### Land Contamination

With regard to land quality, paragraphs 180 & 189 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

A Phase 1 Desktop Study and Preliminary Risk Assessment Report by GeoEnviro Solutions Ltd (ref: 3664-23 PI) (dated: July 2023) has been submitted in support of the application. The Council's Environmental Health team were therefore consulted on the application. They note that the Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s, including a comprehensive preliminary conceptual site model. It has identified the potential for coal workings beneath the site and classifies the site as having a medium level of risk. In summary it recommends further intrusive site investigation including ground gas investigation. Notwithstanding this and according to Council records there is also a former landfill within 100m north of the site (our ref: 146/4) filled with industrial waste.

Taking the above into consideration, the Council's Environmental Health team accept the Phase 1 Desktop Study and recommend contaminated land conditions for an intrusive site investigation, noting that any future reports and investigations must be undertaken in accordance with best practice guidance. Subject to the inclusion of conditions requiring this further investigation the proposal is considered to be acceptable in this regard, in accordance with the aforementioned policies.

### Biodiversity and Trees

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

The application site is located within a Bat Alert Area, adjacent to the Wildlife Habitat Network to the north, east and west. The site is also located adjacent

to an ancient woodland to the east. The Council's Ecologist was therefore consulted on the proposals. They note that a bat survey report has been submitted with the application, which notes that the buildings have been assessed as being of negligible roosting potential and that demolition works are unlikely to have any impact on bats or the local bat population. There will also be no loss of existing roost sites and no loss or fragmentation of habitat caused by the development. To ensure a biodiversity net gain at the site a condition is recommended which requires the installation of 6 bat roosts and four bird nesting features to be incorporated within the site. Subject to the above condition, the proposals are considered to accord with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity.

The application site is located adjacent to ancient woodland to the east known as 'Heaton Hall Wood' and is constrained by two oak trees to the north of the proposed dwelling. The access to the site is also constrained by a line of Poplars. In respect of the tree survey submitted to support the application, the Council's Trees Officer notes that a fair assessment has been made but that this information should be used to prepare an Arboricultural Impact Assessment that evaluates the direct and indirect effects of the proposed dwelling on the trees that merit retention and vice-versa, and where necessary recommends mitigation.

Overall, Officers in principle do not object to the proposed dwelling, but it needs to be demonstrated that the demolition and construction works can be implemented without significant impact on the existing trees and the proposed has considered factors that can lead to post development loss of trees. Given conclusions drawn in respect of the principle of development, Officers have not sought to request this information from the applicant on this occasion and therefore this will form a reason for refusal of this application. However, should an application be submitted at this site in the future, it is recommended that an Arboricultural Method Statement be provided.

### Flooding/Drainage

Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.

NPPF paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that this site lies within Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required.

The Council's Environmental Health team were consulted on the proposal and note that from the submitted information that there will be no connection to the main sewer system for the disposal of foul water and that the proposal includes a Klargestor package treatment plant. Whilst it is encouraging to see foul drainage proposals, the location of the package treatment plant appears to be outside of the planning application boundary. As such, it is not deemed in a suitable location. They therefore request that the applicant demonstrate whether foul drainage provision can be implemented within the planning boundary. In addition, no details have been provided regarding the Klargestor and Officers are concerned whether it is of a suitable capacity to accommodate the size of the proposed development. Without the above information, it remains unclear whether provision for foul drainage can be made at the site. Environmental Health Officers therefore consider that the application should not be determined until adequate provision for foul drainage has been demonstrated. Whilst this is noted, given the conclusions made on the principle of development at the site, Officers have not sought to request this additional information and therefore this will form a reason for refusal of this application. However, should any subsequent application be submitted the applicant is reminded to provide the above requested details within their submission.

There are no other matters for consideration.

## **6 - Conclusion**

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.

The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the scheme would not constitute sustainable development the application of policies in the Council's Local plan and the NPPF, as set out in this report, provide a clear reason for refusing the development proposals and it is therefore recommended for refusal.

**Recommendation:** Refuse.

**Decision Authorisation:** Delegated Decision

**Application Number:** 2023/92733

**Officer Recommendation:** Refuse.

### **Reason(s) for Refusal:**

1. By virtue of its size, scale, associated engineering works and design, the development would result in a materially larger building than the storage/barn that it is to replace, and have a significantly greater impact upon the openness of the Green Belt and lead to encroachment into the

open countryside. The development constitutes inappropriate development within the Green Belt for which no very special circumstances are considered to exist. The development is therefore contrary to Policy LP59 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

2. The proposed dwelling, by reason of its overall large scale and massing, incongruous design, as well as the extensive engineering works including excavation and hard surfacing, would result in an overly dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. The proposal is therefore contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principles 13, 14, and 15 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.
3. In the absence of the submission of information relating to whether demolition and construction works can be undertaken without significant impact on the existing trees within and adjacent to the application site, and that the applicant has considered factors that can lead to post development loss of trees, through the submission of an Arboricultural Method Statement, a full and proper assessment of the impact of the development cannot be undertaken contrary to Policy LP33 of the Kirklees Local Plan and policies within Chapters 12 & 15 of the National Planning Policy Framework.
4. Insufficient information has been submitted in regard to the proposed package treatment plant, of which no details have been provided regarding the Klargestor and its capacity. A full and proper assessment of the proposed location of the package treatment plant and whether it would be able to accommodate the size of the proposed development is therefore unable to be undertaken contrary to Policies LP24 and LP28 of the Kirklees Local Plan and policies within Chapters 12 & 14 of the National Planning Policy Framework.

**Plans and Specifications Schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location Plan	(EX)001	A	25 <sup>th</sup> September 2023
Existing Site Plan	(EX)002	-	24 <sup>th</sup> October 2023
Existing Storage Building	(EX)003	-	24 <sup>th</sup> October 2023
Proposed General Arrangement	(20)001	-	13 <sup>th</sup> September 2023
Proposed Site Plan	(20)002	-	24 <sup>th</sup> October 2023
Proposed	(30)001	-	11 <sup>th</sup> October

Elevations			2023
Site Sections	(35)001	-	11 <sup>th</sup> October 2023
Design and Access Statement – Supporting Information	-	-	13 <sup>th</sup> September 2023
Phase 1 Desktop Study and Preliminary Risk Assessment Report - Supporting Information	3664-23 PI	1	27 <sup>th</sup> September 2023
Climate Change Statement – Supporting Information	-	-	25 <sup>th</sup> September 2023
Tree Survey – Supporting Information	230717	A	13 <sup>th</sup> September 2023
Impact on Trees – Supporting Information	-	-	12 <sup>th</sup> October 2023
Residential Noise Assessment – Supporting Information	NP-009504	02	13 <sup>th</sup> September 2023
Design, Access & Planning Pack – Supporting Information	-	-	13 <sup>th</sup> September 2023
Foul Drainage Assessment Form – Supporting Information	-	-	13 <sup>th</sup> September 2023
Bat Survey – Supporting Information	-	-	13 <sup>th</sup> September 2023

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought on this occasion as the proposals were deemed to be wholly unacceptable upon submission. Pre-application advice had previously been sought by the

applicant of which the proposals are not considered to be in accordance with this advice.

Report Dated:

09/01/2024