

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:	2024/62/92107/W
Site Address:	The Piggery, Burnt Platts Lane, Slaithwaite, Huddersfield, HD7 5UZ
Description:	Demolition of existing stables and erection of replacement building for use as a single dwellinghouse, and associated works.
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 26th November 2025

Officer Report

Site Description

The Piggery, Burnt Platts Lane, Slaithwaite, Huddersfield, HD7 5UZ

The application site relates to a detached single storey timber stable block, set at a higher ground level to the host property The Piggery. The site is bounded by dry stone walls and is accessed to the east from Burnt Platts Lane.

The application site is surrounded by open and undeveloped fields, with residential properties 'pepper potted' throughout.

The application site is not located within a Conservation Area or located adjacent to Listed Buildings.

Description of Proposal

The application seeks planning permission for the demolition of the existing stable block and erection of a replacement building for use as a single dwelling, and associated works.

The proposed dwelling relates to a single storey detached property, comprising of 2 bedrooms with en-suites, entrance hall, porch, utility room, W.C, and an open plan kitchen/dining/living area.

Garden/amenity areas are to be provided to the front, side and rear of the dwelling, with parking provided to the east for 2 vehicles. Access is to be gained via the existing access leading on to Burnt Platts Lane to the east.

Materials to be used within the detached dwelling included timber to both the walls and roof.

History of negotiations/amendments received

Following discussions with the applicant's agent it was agreed that the original proposals as submitted would not accord with a, b & c of LP60 and a and d of LP57 of the Kirklees Local Plan, therefore to try and overcome officers concerns a revised scheme has been submitted which seeks to demolish the existing stable block and erect a replacement building on its footprint which would be utilised as a dwellinghouse.

Relevant Planning History

2018/92921 – Alteration to convert existing stables to garage. Approved 10th October 2018.

2016/91355 – Erection of extension to create dwelling forming annexe accommodation associated with The Piggery, Burnt Platts Lane, Slaithwaite, Huddersfield, HD7 5UZ and erection of extensions to host dwelling. Withdrawn 3rd June 2016.

2006/95060 – Erection of stables. Approved 15th March 2007.

2002/90635 – Re-use and adaption of redundant piggery to form dwelling and erection of detached garage and detached stables. Approved 23rd April 2002.

Representations

This application has been advertised as affecting a public right of way (COL/31/20) via site notices and within a local newspaper. This is in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

The application was amended during its lifetime and a period of re-consultation, via site notice and press notice was undertaken. The end of public consultation was 07/11/2025. No representations have been received to date.

Consultation Responses

KC Highways Development Management – Comments received 3rd December 2024. No objections, subject to a condition in relation to the surfacing and drainage of the proposed parking areas.

KC PROW – No comments have been received within the statutory timescales.

Parish/Town Council

N/A.

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 27th February 2019).

The application site is located within the Green Belt. It is also important to note that the site is directly adjacent to Public Right of Way (COL/31/20).

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of 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 Travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP57** – The Extension, Alteration and Replacement of Existing Buildings
- **LP58** – Garden Extensions
- **LP59** – Brownfield Sites in the Green Belt

Other Guidance Documents:

- National Design Guide
- Nationally Described Space Standards
- Kirklees Highways Design Guide (2019)
- Kirklees 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)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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 9** – Promoting sustainable transport

- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

1 - Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 15 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 this 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.

1.2 – Housing Density/Delivery

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.”

Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold. Thus, the presumption in favour of sustainable development is activated in the consideration of this application.

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. However, as the site is within the Green Belt, this means that the 'tilted' balance would not be engaged.

Policy LP3 of the KLP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that the Council should encourage 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 are achieved. The development, being sited in the Green Belt and with constrained access is such that a higher density of development would introduce additional impacts and as such the density as proposed is considered acceptable.

In terms of housing delivery/density it is considered that the proposal would contribute to the housing stock within the district and that, in this case, there are considered to be circumstances which justify the proposed density of development. It is therefore considered that the principle of redevelopment of the site for 1 dwelling is acceptable.

A full assessment will however be undertaken in relation to the principle of this development within the Green Belt, amenity, highway safety, environmental and other criteria, this is examined in more detail below.

1.3 - Land Allocation (Green Belt)

The application site is located within the Green Belt. As such the proposal falls to be assessed against Chapter 13 of the NPPF which requires Local Planning Authorities to regard the construction of new buildings as inappropriate development. Exceptions of this are detailed in paragraph 154 of the NPPF. Criteria g) and h) ii. are of most relevance to this application in that the provisions of paragraph 154(g) state that the construction of new build dwellings within the Green Belt need not be considered inappropriate development if it constitutes 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. Criterion 154(h)ii states that other forms of development are acceptable provided that they preserve the Green Belt's openness and do not conflict with the purposes of including land within it, these include 'engineering operations'.

Policy LP59 of the Kirklees Local Plan is consistent with the above and relates to the development of brownfield sites in the Green Belt and states:

'Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment 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;

b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and

c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for'.

Whether the proposal is inappropriate development within the Green Belt

In this instance the existing building is a single storey detached timber built stable. The proposals seek to demolish the existing stable and replace it with a single storey, 2 bedroomed dwelling. The existing stable is considered to be a substantial building and does comprise of a significant amount of hardstanding externally. Officers, therefore, deem this to not have a significant and detrimental impact to the openness of the Green Belt.

Case law shows that there are 3 tests to establish a "building" (size, degree or permanence and if it is physically attached to the ground).

Case law also states that the phrase "*building*" is not to be given too narrow of an interpretation. Section 336(1) of the Act defines a building as including "*any structure or erection, and any part of a building, so as defined but does not include plant or machinery comprised in a building*".

Further case law sets out the three tests of size, permanence and physical attachment which must be considered in determining the status of the buildings in question:

(i) Size:

A building would normally be something which was constructed on the site, as opposed to being brought onto the land already constructed, but it may nonetheless be something small in scale, such as a kiosk for example. In this case the stable block was granted planning permission in 2007 under application reference 2006/95060 and appears to have been constructed on the site between 2007-2012.

(i) Permanence

This normally denotes the making of a physical change to the land of some permanence. Case law *R v Swansea City Council Ex p. Elistestone Ltd* (1993) relates to a number of self-build chalets and sheds which has been erected and suspended on pillars on land. The courts held that it could be assumed that they were all erected with a prospect of permanence and as a matter of objective judgement would have to be regarded as “structures or erections” for the purpose of the Act.

In this case, it is considered that the stable was erected with the prospect of permanence and clearly has not been moved since its erection.

(ii) Physical attachment

This particular test is inconclusive and must be weighed against other factors which could tilt the balance. In this case, the building is sufficiently attached to the land and sufficiently permanent as to amount to a building whilst in situ.

On the basis of the above, it is considered that the stable can be considered as a permanent and substantial building, meeting the criteria of the above tests, and therefore the principle of development can be considered to be appropriate and in accordance with the aims of Chapter 13 of the NPPF and Policy LP59 of the Kirklees Local Plan.

The impact of the development upon the openness of the Green Belt therefore requires consideration.

In relation to the proposed dwelling, volume/footprint calculations are set out below.

Existing building to be demolished –

- Circa 463m³ for the existing stables.

Proposed building to be erected –

- Circa 493m³ for proposed dwelling.

From looking at the above calculations, it is clear to see that the proposed dwelling would have a slightly larger footprint and height than the existing stables. Taking the above into consideration, the proposals would have a larger footprint than the existing building and therefore would not meet the requirements of LP59, resulting in inappropriate development in the Green Belt. As outlined within paragraph 153 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF also states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

Further to the above, the proposals also seek to provide 2 off-street parking spaces to the east of the proposed dwelling. Given the gradient of this land, which is quite flat, it is not considered necessary for any large amount of excavation works to be undertaken to provide these spaces. It is noted however, that a small portion of this grassed area would be replaced with hardstanding, and this would result in engineering operations. Officers note that some engineering operations can be appropriate in the Green Belt, and that given the nature of the operations in this instance, Officers are of the opinion that such elements of the scheme would not significantly detract from the openness of the Green Belt on this occasion and would therefore accord with Paragraph 154(h) ii. of the NPPF.

Given the above conclusions, an assessment is required into whether the proposal would cause any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

Whether there would be any other harm to the Green Belt, including visual amenity

Paragraph 142 of the NPPF states that the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above, the proposal would increase the amount of built development at the site by approximately 30sqm, therefore there would be an increased impact upon the openness of the Green Belt as a result of this. However, the proposed dwelling and its associated curtilage would all be located within the extent of the existing operations curtilage, with access arrangements to the site remaining the same as existing. Whilst it is acknowledged that there would be a change in the character of the land within the application site, this is to be expected due to the proposed change of use of land for residential purposes. It is considered that the proposals would not cause harm to the streetscene due to its location and viewed in context of the adjacent residential dwelling within the existing access/courtyard area. This change is therefore not considered to be detrimental in this instance.

With regard to the very special circumstances that relate to the proposed scheme, whilst considered to have a larger footprint and height than the existing building, this would equate to just 30sqm, which is deemed to be relatively small. Furthermore, as mentioned previously paragraph 154 (g) of the NPPF has recently been revised (December 2024) to state that development in the Green Belt is inappropriate unless the complete redevelopment of previously developed land does not cause substantial harm to the openness of the Green Belt. The additional size comes from a slight increase to both the width and length of the building. In this instance the proposed increase is not considered to result in substantial harm to the Green Belt. Officers therefore consider the development to be acceptable in light of paragraphs 154(g) and 154(h) of the NPPF. Whilst there is some conflict with the wording of policy LP59, given the NPPF update in 2024 is more recent it is

considered greater weight is afforded to the wording of paragraph 154(g) in terms of whether the development is substantially harmful.

The conclusion in this case is that the development would not cause substantial harm to the openness of the Green Belt with the elements relating to engineering operations preserving the openness. Whilst there would be a greater level of activity / use at the site, and the building would read as a greater degree of permanence, the overall impact from that of the existing building is not considered to be substantially greater taking account of these factors and fact the size of the building is similar to that of the building which is replaced. It is therefore concluded the proposal is acceptable in terms of national Green Belt policy and having regard to 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.

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...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”.

Policy LP11 of the Kirklees Local Plan requires 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 in line with the latest evidence of housing need.

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.”*

In respect of the proposed 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. In this instance, the proposed dwelling would be set back from the public highway, however as the site is somewhat dictated by the existing building of which it is set to replace, the dwelling would not be situated fronting the street but would instead front the access into the site which leads off Burnt Plats Lane. As this reflects the layout of the existing building, this is not considered to be a cause for concern on this occasion. Finally, whilst there is no specific building line within this area of the site, the dwelling is to be located on an existing footprint and therefore is considered to be acceptable on this occasion.

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 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 two-storey house types there should normally be a minimum of 2m distance from the side wall of a new dwelling to shared boundary. Whilst the proposed dwelling is to be single storey in height, it is noted that a separation distance of 2m can be provided around the whole of the proposed dwelling to shared boundaries and therefore this is considered to be sufficient in this instance to ensure that there is a suitable distance between this dwelling and adjacent properties.

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. Principle 14 goes on to say that the design of windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The application site relates to land to the north of The Piggery, in a semi-rural setting, with other residential dwellings ‘pepper-potted’ within the vicinity. The applicant seeks to demolish the existing single storey stable building on the

site and erect a single storey detached dwellinghouse. In relation to scale, massing and appearance of the proposed dwelling, the dwelling is to be linear, and is to be constructed from timber, with a timber roof, these materials are considered to reflect materials used within the existing stable building and are therefore deemed to be acceptable in this location. A condition will be imposed however should planning permission be granted, to ensure that samples of the timber to be used within the construction of the dwelling are provided for assessment prior to their installation. This is in the interests of visual amenity. In addition a condition requiring the finished floor levels of the development to be in accordance with the submitted plans is recommended. Given the extent of existing boundary treatments it is not considered necessary to require a scheme of boundary treatments to be submitted and approved in writing by the LPA in this case.

The proposed dwelling is to have a footprint of circa 128sqm, it is considered that a footprint of 128sqm would not be out of character for the area given the large variety of dwellings found within the immediate vicinity. In addition, the proposed dwelling is to have a similar eaves and ridge height to the existing barn, but it would result in a slight increase of approximately 0.1m to both eaves and ridge. The proposals are therefore considered to not appear incongruous or overly dominant in this location in regard to scale or massing. Finally, in respect of the proposed windows and doors, it is acknowledged that more contemporary, larger glazing panels are proposed to be installed within the dwelling, alongside rooflights. Whilst this doesn't reflect the typically more traditional window and door arrangements found within the surrounding area, it is noted that similar features can be found on adjacent property The Piggery of which the proposed dwelling would be read within the context of. In this instance the proposed design of the dwelling would be acceptable in this location.

In conclusion, subject to conditions, the proposals are considered to be appropriate in size, scale and design in this location, and would not appear out of character or overly dominant in the general context of this site. The development is therefore concluded to accord with the requirements of Policies LP1, LP2, LP11, LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3- Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 135 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.”*

Impact on ‘Moor Top’

This neighbouring property is located to the north of the application site, approximately 93m away. Given this large separation distance, Officers have no concerns in regard to overlooking, overshadowing, or the proposals appearing overbearing on this neighbouring property.

Impact on The Piggery

This neighbouring property is located to the south of the application site, approximately 37m away (when measured from the front elevation of the new dwelling to the front elevation of The Piggery). Given this large separation distance and the properties southern orientation to the application site, Officers have no concerns in regard to overlooking or overshadowing. Whilst it is acknowledged that the application site is set at a higher ground level to The Piggery, the proposed dwelling is to be single storey in height and is to result in a minimal increase in height compared to the building that already exists on the land, Officers therefore have no significant concerns in regards to the new dwelling appearing overbearing or overly dominant in this instance.

Amenity of future occupiers

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 accord with the ‘Nationally Described Space Standards’ document (March 2015). Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimal space standards set out in the Nationally Described Space Standards (NDSS) for the provision of 2 double bedrooms within a single storey property. All habitable rooms will also have access to at least 1 window/glazed door, and large rooflights. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

Finally, in terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance the garden/amenity space is to be provided to the front, side and rear of the dwellinghouse, it is considered to be of an acceptable size given the scale and massing of the dwelling proposed. These amenity spaces will also receive sunlight throughout the day. Given the variation of garden/amenity spaces throughout the area, this arrangement is not considered to be out of the ordinary. It is therefore considered that the proposed amenity space would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

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.

In respect to potential impacts arising from noise, it is considered reasonable to attach an informative condition should planning permission be granted, which restricts the hours of construction of the development. This is considered to be sufficient / proportionate in relation to construction noise.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the principles 6, 16 and 17 of 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 on highway safety and provide sufficient parking. Paragraph 115 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.

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. Car parking is proposed to the side (east) of the proposed dwelling for 2 vehicles. KC Highways have been informally consulted on the proposals and raised no concerns, noting that vehicle access to the site from Burnt Platts Lane is to remain as existing and will be unaffected by the proposals. The proposals are also not expected to intensify the use of this access. KC Highways did however request the imposition of a condition, should planning permission be granted, in respect of surfacing and drainage of these parking areas which is recommended to be included.

Principle 19 of the Housebuilders Design 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. Whilst no details have been provided in respect of bin storage/presentation points, Officers

consider there to be sufficient space around the property, and the access to provide storage and presentation facilities for bins, and that bin collection is likely to occur similar to that of the adjacent property The Piggery.

It is noted that a highway to the north of the site is at a higher land level, and land slopes downwards to the proposed development. The proposal would replace an existing building and existing retaining structures which are in place would not be impacted / remove or replace. The gradient of the slope of the land is such that it is considered the proposed building would be sufficient distance to not lead to a significant impact to the retaining land / wall adjacent to the highway. A condition requiring the levels of the development to be as per those shown on the submitted plans is recommended to ensure there is no significant alteration to existing land slope / retaining structures.

Given the nature of the proposal, replacing an existing building on an area which has been made level, it is not considered that the proposal would have a significant impact on highway structures in this case.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5 - Other Matters:

Biodiversity

Chapter 15 of the National Planning Policy Framework is 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 SPD is also of relevance.

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 2nd April 2024 (for minor and other applications) 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.

Within the submitted application form the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) requirement in law as less than 25sqm of habitat would be lost through the proposals. Taking the above into consideration, officers consider the proposals to fall under the de minimis

threshold which applies to development that does not impact a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats. As the site consists of a significant portion of hardstanding and seeks to replace an existing structure with a structure of similar scale and size, the proposals are exempt on this occasion and therefore the proposals do not need to provide details in respect of a biodiversity metric.

Turning to the policy requirements in relation to ecology / biodiversity. The site is not in an area with a known presence of bats, furthermore it is considered that the existing nature of the site is such that the impact of the development would have a largely neutral impact in relation to biodiversity / ecology and in this case it is concluded that it would not be reasonable of the LPA to insist upon further measures to provide biodiversity enhancement in this case.

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 pre-dates 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.

Principle 18 of the Housebuilders Design Guide SPD 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 seek to design water retention into proposals.

The application is supported by a Climate Change Statement, this statement outlines that the applicant will source all new materials locally, with the potential to use water butts and low flushing toilets. It is also noted that as a minimum the proposed dwelling would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building. Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

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.

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: 2024/92107

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with 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 LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP51, LP52, LP57, LP58 and LP59 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the adopted Housebuilders Design Guide SPD.

3. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's '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: In the interests of highway safety and to achieve a satisfactory layout, and to mitigate flood risk, in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's

adopted Housebuilders Design Guide SPD and Policies within Chapter 14 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans, development above slab level shall not commence until details of all external facing materials to be used within the hereby approved dwellinghouse have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the hereby approved building being brought into use which shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

5. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing 24_803 024 B received 25th November 2025. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure not significant alterations to the land are undertaken to ensure stability is retained to highway structures to accord with Policies LP21 and LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
As Existing_Site + Location Plan	24_803 001	-	26/07/2024
As Existing_Ground Floor Plan + Elevations	24_803 020	-	18/09/2024
As Existing_Roof Plan	24_803 021	-	18/09/2024
As Proposed_Roof Plan	24_803 025	B	03/10/2025
As Proposed_Ground Floor Plan + Elevations	24_803 024	B	25/11/2025

Climate Change Statement – Supporting Information	-	-	25/11/2025
Drainage Documentation A – Supporting Information	-	-	26/07/2024
Drainage Documentation B – Supporting Information	-	-	26/07/2024
Planning Statement_	-	-	26/07/2024
Stage 1 Structural Survey Report – Supporting Information	77248-BACE-XX-XX-RP-SSS1-01	P01	26/07/2024

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. Discussions were undertaken with suitable amendments submitted.