

**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:	2024/62/92504/W
Site Address:	134, Birkby Hall Road, Birkby, Huddersfield, HD2 2UZ
Description:	Change of use from vehicle repair and sales to vehicular repair, sales and hand car wash with associated works (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04 November 2025

Officer Report

Reference No. 2024/62/92504/E

Site Address: 134, Birkby Hall Road, Birkby, Huddersfield, HD2 2UZ

Proposal: Change of use from vehicle repair and sales to vehicular repair, sales and hand car wash with associated works (within a Conservation Area).

Site Description

The application relates to 134 Birkby Hall Road, a commercial building offering vehicle repair and sales services situated off Birkby Hall Road in Birkby, Huddersfield. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. There are no public rights of way within close proximity of the site. However, the site is located within the Birkby Conservation Area and adjacent to 85 and 158 Birkby Hall Road, Grade II listed buildings.

Description of Proposal

The application seeks planning permission for the change of use from a vehicle repair and sales to vehicle repair, sales and a hand car wash with and associated works.

Relevant Planning History

2014/92642: Demolition of existing building and erection of Sainsbury's Local food store (within a Conservation Area). [Planning application details | Kirklees Council](#) – Non Determination Subject to Appeal (Appeal Dismissed)

Representations

The application was publicised by neighbour notification letters, site notice and press advertisement which expired on 6th January 2025. As a result of the above publicity, one representation has been received. The comments made have been summarised below:

- Although on the planning it says there will be a channel for a drain the road is rough terrain which will be washed away with constant use of water.
- It is a dirt road.
- The road is not owned by the garage and is a right of way for various houses on and around there

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health – A Noise Impact Assessment is required pre-determination

KC Highways Development Management – No objection

Yorkshire Water – No objection subject to recommended condition

Policy

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the site is located within the Birkby Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 3** - Location of New Development
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 30** - Biodiversity & Geodiversity
- **LP 35** - Historic Environment
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making

- **Chapter 6** - Building a Strong, Competitive Economy
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Policy LP3 states that development will be permitted where it supports the delivery of employment growth in a sustainable way including the delivery of jobs. As the development proposed would create permanent employment opportunities, it would meet Policy LP3 and the NPPF Chapter 6.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity and Historic Environment

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

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.”*

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The submitted plans confirm that no external alterations are proposed as part of the application. On this basis, it is considered that the proposed change of use would not have any significant visual impact on the character and appearance of the surrounding area, and a neutral impact on the character of the Conservation Area.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF. Furthermore, the proposal would not cause any detrimental harm to the significance of the Birkby Conservation Area and the adjacent Listed Buildings and would comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed development would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of

the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the proposed works are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 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 proposal is for a change of use from vehicle repair and sales to vehicular repair, sales and hand car wash with associated works. The original proposal was for the car wash area to be located on the site forecourt which was considered to be an overdevelopment of the site. However, this proposal has been revised so that the car wash area would be located within the garage and the forecourt would be used for waiting vehicles. The applicant has also stated that an appointment only system will be used which will regulate the number of vehicles on the site at any one time. As a result, the proposals are now considered acceptable to KC Highways Development Management.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Noise

KC Environmental Health have concerns regarding the impact the proposal will have on the amenity of neighbouring properties from the use of any commercial car washing equipment i.e. jet washes, vacuum cleaners etc. along with the times of operation which have not been stated. Officers therefore recommend the submission of a Noise Impact Assessment prior to the determination of the application, in accordance with Policies LP24 and LP 53 of the KLP. Any other Environmental Health comments will be dependent upon the findings of the Noise Impact Assessment.

There are no other matters relevant to the determination of this application.

5. Representations

One representation was received following the statutory publicity. The comments made have been summarised and addressed below:

- Although on the planning it says there will be a channel for a drain the road is rough terrain which will be washed away with constant use of water.

Response: *Yorkshire Water were formally consulted on the proposed scheme and have recommended a condition should the application be approved.*

- It is a dirt road.

Response: *This matter would not constitute a material planning consideration.*

- The road is not owned by the garage and is a right of way for various houses on and around there

Response: *The relevant notice has been served by the applicant and certificate B completed on the application form. However, please note that the granting of planning permission does not overrule private legal rights of ownership.*

6. History of negotiations/amendments received

Amendments were sought during the course of the application. The applicant's agent provided a revised block plan to address the concerns relating to highway safety. The revised plan was considered acceptable.

Furthermore, a noise report was also requested following KC Environmental Health's comments, however, this information was not received.

7. Conclusion

This application for the change of use from a vehicle repair and sales to vehicular repair, sales and hand car wash with associated works at 134 Birkby Hall Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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 development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2024/92504

Officer Recommendation: Refuse

Reasons for Refusal

1. The applicant has failed to demonstrate, through submission of a Noise Impact Assessment, that the change of use would not result in harmful noise pollution within neighbouring noise sensitive locations. As such, the proposal is contrary to Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	PP-13379728v1	-	05/11/2024
Appointment Booking Schedule	-	-	06/05/2025
Existing and Proposed Plan	HAMZA-001EXPP20000021	-	06/05/2025
Design and Access Statement	-	-	05/11/2024
Climate Change Statement	-	-	05/11/2024

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The agent was provided the opportunity to submit a noise report pre-determination, however, the requested information was not received.

Report Dated: 28/10/2025