

**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:	2024/62/92910/E
Site Address:	Land Adjacent, 45, Coal Pit Lane, Lower Cumberworth, Huddersfield, HD8 8PL
Description:	Demolition of dwelling and barn and erection of two dwellings with associated external alterations
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 04 November 2025

Officer Report

Reference No. 2024/62/92910/E

Site Address: Land Adjacent, 45, Coal Pit Lane, Lower Cumberworth, Huddersfield, HD8 8PL

Proposal: Demolition of dwelling and barn and erection of two dwellings with associated external alterations

Site Description

The application site relates to a parcel of land adjacent to 45 Coal Pit Lane in Lower Cumberworth, Huddersfield. The site is currently occupied by a vacant buff rendered blockwork/stone slate house, with a disused natural stone/stone slate barn attached. The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The applicant is seeking planning permission for the erection of two semi-detached dwellings with associated alterations. The existing dwelling and barn will be demolished as part of the application. The proposed dwellings would be two-storeys in height and would be faced in reclaimed natural stone with dual-pitched roofs finished in natural stone slate. The properties would have an overall width of approx. 18.9m, an overall depth of approx. 8.4m and an overall height of approx. 8.2m. Furthermore, two parking areas are proposed for each dwelling and areas of private outdoor amenity space are also proposed north-west and north-east of the application site.

History of Negotiations/Amendments Received

Further information was requested during the course of the application to address consultation responses from KC Trees, KC Ecology and KC Environmental Health. However, no further details were provided.

Relevant Planning History

- **2017/91774:** Demolition of dwelling and barn and erection of 2 dwellings. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 13th February 2025. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Denby Dale Parish Council - No objections providing the proposal adhered to the coal mining report conditions

Local Ward Members

Not Applicable.

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 Highways Development Management – No objection subject to recommended conditions

KC Trees – Objection

KC Ecology – A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment is required pre-determination.

The Mining Remediation Authority - No objection subject to recommended conditions

KC Environmental Health – A Phase 1 Preliminary Risk Assessment Report and a Phase II Intrusive Site Investigation Report is required pre-determination.

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 located within the designated Green Belt on the Kirklees Local Plan Proposals Map. 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 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees

- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 59** - 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) 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 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 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

Housing Land Supply

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals

should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- a) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

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. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

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 outof-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed

(NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

The proposal seeks planning permission for the erection of two semi-detached dwellings within Lower Cumberworth, Huddersfield and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often builtout relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Impact on Green Belt Land

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan are relevant.

Paragraph 143 of the NPPF identifies five purposes of the Green Belt, these are as follows:

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

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special*

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Paragraph 154 of the NPPF states *"a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) 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; Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

The application relates to residential development and as such would not fall under exceptions a, b, c, or f. However, given that there is an existing residential use on site, the proposal could fall under exception d.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages: *"Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage."*

The site is not located within a village and therefore does not fall under exception e.

LP59 of the Kirklees Local Plan outlines:

“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.”*

In the supporting text for LP59, Paragraph 19.33 of the Kirklees Local Plan states: *“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 more impact on the openness of the Green Belt than the existing built form”*

Annex 2 of the NPPF defines Previous Developed Land as:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

The previous permission on site (2017/91774) confirms that the existing barn was used as a stables and store at ground floor level and a hay store at first floor level and it was established at that time that the site constitutes previously developed land. Whilst the site would fall within the Green Belt exceptions for redevelopment under Paragraph 154(g) of the NPPF, the site could also be identified as grey belt land and will be assessed further below.

Within the NPPF, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas

or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’

Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a) *The development would utilise Grey Belt land and would not fundamentally the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) *There is a demonstrable unmet need for the type of development proposed (footnote 56);*
- c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and*
- d) *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.*

With regard to Paragraph 155(a), the LPA do not consider the land to be previously developed, however, an assessment must be made in regard to whether the proposal would not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143 in order to be considered grey belt.

Paragraph 143 of the NPPF also identifies five purposes of the Green Belt, these are as follows:

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

Meeting Green Belt Purposes (Paragraph 155a)

The submitted plans confirm that the proposed dwellings would occupy a similar building position to the existing barn and dwelling and would not be much larger in scale and massing. As such, the development is not considered to strongly contribute to sprawl and is not considered that the development as submitted would fundamentally undermine the purposes of the Green Belt in accordance with Paragraph 155a.

Demonstrable Unmet Need (Paragraph 155b)

Paragraph 155(b) of the National Planning Policy Framework requires that ‘*there is a demonstrable unmet need for the type of development proposed*’. Kirklees currently has a 3.96 year housing land supply, which falls below the

required five-year supply. As such, there is a demonstrable unmet need for housing within the Kirklees district.

Sustainable Development (Paragraph 155c)

The application site is located approximately 1 mile (3 minute drive) from Skelmanthorpe District Centre and approx. 1.2mile (3 minute drive) from Denby Dale District Centre which offer a range of local facilities and services. The application site is considered to be within a sustainable location in terms of proximity to transport links, education facilities and services. Therefore, satisfying the requirements of Paragraph 155c of the NPPF.

Golden Rules (Paragraph 155d)

With regard to Paragraph 155 (d), the development would not constitute major development and therefore does not require justification to part d.

At present, officers do not consider the development of the land to result in any strong contributions of purposes (a), (b), or (d) and therefore, it can be considered 'grey belt' land and acceptable to be developed.

In relation to Paragraph 143(c) of the NPPF, it states that the Green Belt assists in safeguarding the countryside encroachment. It is important that new development does not result in encroachment of the countryside. The proposal would utilise Grey Belt land without undermining Green Belt purposes. Therefore, the proposed development is considered acceptable in principle, and it is likely that the proposal as whole would not conflict with any of the green belt purposes as outlined within Paragraph 143 of the NPPF.

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.

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 LP24 all 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 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...”*

Paragraph 133 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. Also 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.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwellings would be two storeys in height and would be of a traditional design. The properties would be constructed in natural reclaimed stone and would incorporate a dual-pitched roofs finished in natural stone slate. The dwellings would also include PVC windows and PVC doors and the arrangement of fenestration and openings would be typical of this property style. The proposed dwellings would also be set back from the highway and screened to some extent by the proposed boundary treatments which would limit views from public vantage points. Therefore, it is considered that the dwellings would not appear discordant and would harmonise well into the surrounding townscape.

Whilst there is not a strong building line along this part of Coal Pit Lane, the proposed dwellings would occupy a similar building position to the existing

dwelling and barn and would be acceptable in this regard. In terms of footprint and massing, the properties would not be out of keeping given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale and design. Therefore, the proposed dwellings would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support two dwellings, as proposed with parking areas and areas of private outdoor amenity space to the north-west and north-east of the application site. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. The submitted plans also demonstrate that a 0.75m high dry stone wall would be erected along the boundary which abuts Coal Pit Lane and either side of the access/driveway. Furthermore, a timber fence measuring 1.5m high would be erected to enclose the private outdoor amenity spaces.

It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: *“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135(f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the 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 Housebuilders Design Guide SPD also provides advised separation distances for residential properties:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window 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.

The submitted plans confirm that the host dwelling is situated in an isolated location with the nearest residential property (Common End Barn) is located approximately 250m away from the proposed development. Given that the separation distance retained would be substantial, it is considered that the proposal would have an acceptable impact on the neighbour's residential amenity.

It is considered that once occupied the dwellings are unlikely to generate significant levels of noise. However, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National described space standards require the following gross internal floor area for a two storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storeys - 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys - 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storeys - 102 square metres

The proposed floor plans show that both dwellings would have three bed spaces and are therefore required to have a minimum internal floor space of

84m². The submitted plans confirm that unit 1 would have an internal floor space of approx. 107m² and unit 2 would have an internal floor space of approx. 106.5m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, two parking areas are proposed for each dwelling and areas of private outdoor amenity space are also proposed north-west and north-east of the application site. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

5. 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.

This application seeks approval to the demolition of dwelling and barn and erection of two dwellings with associated external alterations at land adjacent, 45 Coal Pit Lane in Lower Cumberworth, Huddersfield. As such, KC Highways Development Management have been formally consulted as part of the application. This is a renewal of an unimplemented permission (2017/91774) for identical proposals. The application site is located on the southern side of Coal Pit Lane approximately 45m west of the existing access to the Northern Event Structures Ltd site. The proposals show two 3 bedroomed dwellings on approximately the same footprint as the existing structures which are to be demolished. A new access is proposed onto Coal Pit Lane with electric gates set back from the highway. 2.4 x 70m sight lines are shown from the proposed access onto Coal Pit Lane in both directions. Each of the 2 dwellings are shown to have 2 off-street parking spaces with space to allow internal vehicle turning and bin collection points are shown at the site access. Given the previous permission, KC Highways Development Management have no objection to these proposals.

In view of the above, 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, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within

the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

6. 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 with any future application.

Noise

In support of the application, a Noise Impact Assessment by ENS Limited (reference no. NIA-10990-23-11185-v1 Huddersfield, dated 8th August 2023) has been submitted. Noise monitoring was undertaken at 2 locations on site during the time period of the 4th through to the 5th of July 2023. The data is summarised in Table 3.1, with road traffic on Coal Pit Lane, birdsong, occasional distant HGV movements at Barden Freight during the daytime identified as noise sources. The report identifies that the business premises only works during daytime hours and that on the day of the noise monitoring represented a worst case scenario. The report concludes that due to the relatively low levels of ambient noise monitored at the site, standard double glazing and standard trickle vents are appropriate throughout the development. No mitigation is recommended for garden areas. KC Environmental Health accept the findings of the report and recommend a condition to secure the implementation of the mitigation as per the noise impact assessment report.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Contaminated Land

This site has been identified on our mapping system as potentially contaminated land (Our Site Ref 9/23, historic landfill, former brick yard/clay pit). It is also situated in a high risk Coal mining area. Our records indicate that the site is situated adjacent to a former coal pit with other uses at this site listed as solid pipe and scrap refractory. The site itself contains a barn and outbuildings which may have contaminative sources. The proposed site is next door to a site that has had commercial uses for some time, currently predominantly freight storage and distribution. In support of the application a Coal Investigation by RGS (reference no. J3381/16/E/C, dated March 2019) has been submitted. This report is largely geotechnical in nature which is beyond the remit of Environmental Health. Due to the nature of the proposed development and the potential contamination at the site and the offsite sources, officers are unable review or accept this report in isolation. As such, KC Environmental Health require the submission of a Phase 1 Preliminary Risk Assessment Report and a Phase II Intrusive Site Investigation Report before determination. Without these reports, officers are unable to support the current application. These reports are required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area. The Mining Remediation Authority's records indicate that the zones of influence of two recorded mine entries (adit, CA ref. 421409-024 and shaft, CA ref. 421409-052) encroach into the south western and north eastern parts of the application site respectively. The Mining Remediation Authority hold no details of any treatment of these features and, due to potential plotting inaccuracies, the actual positions of the mine entries could deviate from their plotted positions by several metres. As such, the adit could potentially be located within the southern part of the site, close to proposed Unit 1. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The application is accompanied by a document titled 'Coal Investigation' by RGS (reference no. J3381/16/E/C, dated March 2019). Based on a review of coal mining and geological information and the results of site investigations, the report concludes that coal mine workings present beneath the site pose a low risk of ground movement. However, as outlined within the Mining Remediation Authority's consultation response letter of 1 April 2019 regarding the previous application, it fails to assess the risk posed by the two mine entries recorded to be present adjacent to the site boundary.

The Mining Remediation Authority's Planning & Development Team notes the conclusions of the report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, the Mining Remediation Authority has no objection to the proposed development subject to the imposition of the recommended conditions.

Ecology

The building on the site appears to be in a state of disrepair and so may present suitability for bird nesting or bat roosting. There are trees and hedgerows on the site, and directly adjacent to the site. There are priority habitats (grassland and woodland), as well a GCN survey returns, and ponds within 1km of the site. Therefore, KC Ecology have confirmed that further information is required prior to decision. Several records for protected and priority species and habitats are present within 1km of the site. As such, a Preliminary Ecological Appraisal is required prior to determination to assess the site habitats, the likely presence of protected and/or priority species, and the value of site habitats to protected and/or priority species.

Biodiversity Net Gain

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

The application form states that the proposal would be exempt from Biodiversity Net Gain due to it being a custom build development. However, KC Ecology have since reviewed the application and have confirmed that

Biodiversity Net Gain is applicable in this instance. As such, a BNG assessment, or a validation statement would need to be submitted to demonstrate why the scheme would be exempt based on the current guidance.

Trees

This application is for the demolition of an existing dwelling and barn and the construction of two three-bedroomed dwellings. Unfortunately, no Arboricultural report has been submitted as part of this application. KC Trees have confirmed that a tree survey should be undertaken by an arboriculturist to record information about the trees on and adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development. A tree survey should be regarded as an important part of the evidence base underpinning the design and access statement. As such, the proposal conflicts with adopted Kirklees Local Plan Policy 33 and 24 i). On this basis, there is a holding objection from an Arboricultural perspective until the requested documents have been provided.

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

7. Representations

No representations were received during the course of the application.

8. Conclusion

This application for the erection of two dwellings with associated external alterations at land adjacent to 45 Coal Pit Lane 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: 2024/92910

Officer Recommendation: Refuse

Reasons for Refusal

1. The applicant has failed to demonstrate, through submission of a Phase 1 Preliminary Risk Assessment Report and a Phase II Intrusive Site Investigation Report that the impact of contaminated land has been adequately investigated and that the site could be made viable for safe occupation. The proposal is therefore contrary to Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework

2. The applicant has failed to demonstrate, through submission of a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment or Validation Statement, whether protected species would be affected by the development, and whether Biodiversity Net Gain is a consideration in the assessment of the application, contrary to Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate, through submission of a Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan and schedule of works that the proposed development would not have a detrimental impact upon the trees on and adjacent the site. The proposal is therefore contrary to Policies LP24 and LP33 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	-	-	02/01/2025
Existing Layouts and Elevations	01.	-	02/01/2025

Proposed Site Plan and Elevations	02 A	-	02/01/2025
Design and Access Statement	-	-	02/01/2025
Noise Impact Assessment	NIA-10990-23-11185-v1 Huddersfield	-	02/01/2025
Coal Investigation	J3381/16/E/C	-	02/01/2025
Climate Change Statement	-	-	02/01/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority 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. Following comments received from KC Trees, KC Ecology and KC Environmental Health, further information was requested. However, no further details were provided.

Report Dated: 22/10/2025