

**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:	2024/60/93046/W
Site Address:	land at, Mount Pleasant, Plains Lane, Marsden, Huddersfield, HD7 6AN
Description:	Outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works
Recommending Officer:	Kerri Simpson

DECISION – Conditional Outline Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 06-Jun-2025

Officer Report – 2024/93046

Land at, Mount Pleasant, Plains Lane, Marsden, Huddersfield, HD7 6AN

Site Description

The application site is circa 0.94 Hectares located on the northern side of the unclassified Road, Plains Lane. The site is of an equestrian use, comprising a single storey timber clad L-shaped stable block with pitched roof and roof lights, accompanied by a compact area of hard standing and a former store building. Access to the site is attainable from Plains Lane and there is an existing circa 15m long track within the application site. Topographically, the site slopes from the east to the west, with a mixture of shrub, stone wall, and temporary fencing on the boundaries.

The site is located approximately 1.1 Kilometers (0.7 miles or 4 minutes' drive) from Marsden District Centre. It is situated on the edge of a built-up area, bounded by vacant grassland in the applicant's ownership, denoted by the blue line boundary on the site location plan. Beyond the application site and other land owned by the applicant, there are circa 1940's to 19060s two storey semi-detached and terrace blocks of post war dwellings on Dirker Bank Road, Dirker Avenue and Plains Lane to the southwest, to the north are semi-detached pair "Mount Pleasant Barn" and "Mount Pleasant Farm", while to the northeast to southeast is greenfield land.

Background Information

The application was originally submitted prior to the adoption of the revised National Planning Policy Framework (NPPF) in December 2024. At the time of submission, officers assessed the proposal against the previous NPPF (2023) and Kirklees Local Plan Policy LP59, considering that the site would constitute Previously Developed Land (PDL), however that it would have a greater impact on the openness of the Green Belt than the existing development and therefore would not fall with the Green Belt exception of paragraph 154(g) nor any other Green Belt exception of the NPPF 2023.

Following the adoption of the revised NPPF in December 2024, which introduced a policy shift from paragraph 154:

"The local planning authority should regard the construction of new buildings as inappropriate. Exceptions to this are:

(g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development..." (NPPF 2023)"*

To - *“Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

(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” (NPPF 2024)*

Notwithstanding the above changes to national policy, officers considered that the proposal would not fall within the Green Belt exception in Paragraph 154(g).

The NPPF 2024 also introduced a new exception under Paragraph 155 relating to “Grey Belt”, as defined in Annex 2 of the NPPF 2024. The application site and development have been reassessed in light of the updated national policy. This has included further analysis of whether the site and the development satisfies the criteria set out at Paragraph 155, and whether very special circumstances continue to be required.

The applicant has also referred throughout the application to the inclusion of a community garden located within the blue line boundary (outside the red line). While this has been promoted as a wider benefit of the application, it does not form part of the development proposal. The applicant expressed a willingness to secure the community garden via a Section 106 agreement; however, as officers consider that this is not required to make the scheme acceptable in planning terms, it has not been taken forward and the community garden provision is not afforded material weight in the determination of the application.

Should the applicant wish to pursue the delivery of the community garden in the future, this may need to be the subject of a separate standalone planning application with appropriate supporting details.

Description of Proposal

The Scheme

The application is seeking outline planning permission with access, layout, scale, and appearance for consideration, with landscaping being a reserved matter. The proposal is to demolish the existing stable block and construct a 1.5 storey rectangular terrace block of 3 self-build/custom build dwellings, sited largely upon the footprint of the former L-shape stable block and existing hard standing and orientated the same way. Associated works include ground regarding works to create a level platform within the sloping scheme, which includes the formation of embankments and retaining walls around the proposed building to accommodate the change in level.

The proposal would also include the formation of a new vehicular and pedestrian access from Plains Lane and a shared driveway comprising 7no standard parking spaces and 2no accessible parking spaces would be provided. Refuse storage is proposed adjacent Plains Lane, while cycle storage would abut the shared driveway.

The proposed terrace would be set back from Plains Lane by circa 28.5m, constructed from horizontal Brimstone Poplar timber cladding. The roof would be pitched and finished with standing seam metal roof cladding to the northwest slope and in-line solar photovoltaic panels to the southeast slope with 2no square roof lights per dwelling. Openings would be situated on all elevations serving habitable rooms.

There would be 2no 3-bedroom 6 person dwellings with a Gross Internal Area (GIA) of circa 128sqm and 1no 2-bedroom 4 person dwelling with a GIA of circa 83sqm Each dwelling would be served with southeast facing private rear amenity space.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Supplementary Planning Statement (Prepared by Malcolm Sizer Planning Ltd, dated February 2025, received 05.03.2025)
- Design and Access Statement (Received 30.10.2024)
- Climate Change Statement (Prepared by Malcolm Sizer Planning Ltd, received 30.10.2024)
- Background Information in Support of Outline Planning Application (Statement) (received 30.10.2024)
- Ref 22214/ADo Ecological Impact Assessment Report (Prepared by JCA Limited, dated 10.09.24, received 30.10.2024)

During the course of the assessment of the application, the following amended plans were submitted for consideration:

- 37/2405/01 – Location Plan (received 13.01.2025)
- 37/2405/13C – Site Plan as Proposed (received 22.01.2025)
- 37/2405/03 B – Proposed Site/Roof Plan, Sections and Elevations (received 22.01.2025)

History of Negotiations and Amendments Received

The scheme has undergone amendments during the course of the application, with particular regards to the highway's safety impacts following consultation comments received from the Highways Development Management Team on 12th December 2024. Revised plans sought to demonstrate that adequate site lines from the proposed access onto Plains Lane could be achieved, bin collection points are appropriately sited and sufficient off-street parking space is achieved.

Relevant Planning History

The most relevant planning history relates to the following planning applications:

2023/90238 - Certificate of lawfulness for proposed creation of new hardstanding and means of access – Withdrawn (24.11.2024).

99/90696 - Erection of stables and formation of caravan space – Granted (13.05.1999)

99/90699 - Agricultural notification for the prior approval of details for the erection of tractor garage – Granted (01.04.1999)

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2015 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015, as the application was validated on 4th November 2024, prior to the adoption of the updated Development Management Charter 2024 on 16th December 2024.

The application was publicised by way of neighbor notification letters and via the Council's website. The statutory publicity period expired on 13th December 2024. While the formal publicity period expired on 13th December 2024, representations have been accepted and considered up to the point of preparing the officer's recommendation.

Neighbour Comments

A total of 4 letters of support were received and there were no neutral or objections made.

The letters of support are summarised as follows:

Visual Impacts

- The proposals are sympathetic, modest, and well-integrated into the local character due to linear form and low height and scale

- The replacement of dilapidated stables will be a visual improvement
- The proposals environmental credentials including the use of local/biologically derived materials and net-zero carbon aims will be a positive.
- Assurance that allotment structures would not change the character of the area.

Community Benefit

- Support the community orchard/allotments, it reflects local values and traditions of cultivation and land stewardship, encouraging community cohesion.
- While supportive, there were queries regarding ownership and long-term management of the community space and sewage arrangements related to Mount Pleasant Barn.

Highways and Access

- Plains Lane access is comparable to existing local drives.
- General acceptance of potential traffic impacts, with some concern but a view that these are outweighed by the benefits of the proposal

Neighbour Impacts

- Clarity is requested on boundary treatment and roof materials
- A concern was raised regarding overlooking the proposed roof lights

Councillor Comments

A Councillor Harry McCarthy requested that the application be referred to the District Wide Planning Committee should officers be minded to recommend refusal. The Councillor considers that the proposal:

- Meets the requirements of Paragraph 155 of the revised NPPF (2024) for development in the Green Belt, specifically identifying the site as Grey Belt Land;
- Responds to a demonstrable unmet housing need in Kirklees, particularly for modest-sized, self-build dwellings;

- Contributes positively to sustainable development objectives including Passivhaus construction, ecological design, and community engagement;
- Incorporates broader community benefit through proposed communal allotments and orchards, and supports inclusive access;
- Has generated no objections from neighbours, with local feedback reported as generally positive.

These matters are addressed within the relevant sections of this report.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Ecology – The site does not fall within any wildlife designations. The Ecological Impact Assessment (EIA) is acceptable, as are the recommendations for birds, bats, invertebrates, amphibians, reptiles, and invasive species. An Invasive Species Management Plan can be conditioned as well as a Construction Environmental Management Plan. The development appears to impact more than 25sqm of habitat, as a result, BNG is not considered to be exempt. Should the development be claimed to be custom/self-build, it is advised that BNG is still achieved on site due to the sit being within the Green Belt.

KC Highways Team (12.12.2024) – The site section provided shows a proposed with a maximum gradient of 1 in 8. No sight lines were shown from the site access onto Plains Lane, a 2.4m x 43m should be shown. Bin collection points need to be shown near the site access and should be provided to enable bins to be presented on collection day without obstructing the highway or proposed shared driveway. Details of how the proposed parking will be allocated between private and community use should be provided together with a justification for the proposed number of parking spaces.

KC Highways Team (22.01.2025) – Following the submission of revised plans there was no objection subject to a condition pertaining to adequate visibility splays in the interests of highway safety.

KC Environmental Health - No objection, subject to contaminated land conditions due to the previous (historic) agricultural use and construction working hours condition restricting hours to protect neighbouring amenity.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is unallocated within the Kirklees local Plan (Adopted 2019)

The site is subject to the following planning policy designations and constraints:

- Green Belt

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP3 Location of new development
LP7 Efficient and effective use of land and buildings
LP11 Housing Mix and Affordable Housing
LP20 Sustainable travel
LP21 Highway and Access
LP22 Parking
LP24 Design
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP32 Landscape
LP38 Minerals safeguarding
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and Unstable land
LP59 Brownfield sites in the Green Belt

National Policies and Guidance

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12th December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance:

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 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

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
Holme Valley Neighbourhood Development Plan –
The Biodiversity Net Gain Technical Advice Note (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017
Biodiversity Net Gain Technical Advice Note 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Visual Amenity
2. Impact on Residential Amenity
3. Access and Highway Safety
4. Contaminated Land
5. Flood and Drainage
6. Biodiversity and Ecology
7. Climate Change

8. Other Matters
9. Representations
10. Conclusion

1 – Principle of Development

Sustainable Development

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

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Principle of development within the Green Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- 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 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

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

Annex 2 of the NPPF defines Grey Belt as:

“For the purposes of plan-making and decision-making, ‘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”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to whether or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Meeting Green Belt Purposes – Land (Paragraph 155a)

Planning Practice Guidance published 27 February pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

The areas with the closest proximity to the site are Marsden (village) circa 1.1km to the southwest, Slaithwaite (village) circa 3.3km to the northeast and Meltham (town) circa 4.9km to the southeast. The site is located adjacent to an existing urbanised residential area and forms a transitional space towards open fields, which could be defined as a semi-rural setting. The land is not adjacent or near a large built-up area as the closest settlements (Marsden and Slaithwaite) are considered villages, while Meltham Town is a significant distance away. As such, the land makes a weak contribution to purpose (a) – to check the unrestricted sprawl of large built-up areas. The land does not form a gap between towns, as such has a weak contribution to purpose (b) – to prevent neighbouring towns from merging into one another. Similarly, the land does not form part of the setting of a historic town therefore makes no contribution to purpose (d) – to preserve the setting and special character of historic towns.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Meeting Green Belt Purposes – Development (Paragraph 155a)

The site is located on the edge of an existing urbanised residential area and is visually and physically contained by existing built form to the south and west. The proposed dwellings would largely follow the footprint and form of the existing block, with limited encroachment into unbuilt land. While the addition of a new driveway and hardstanding with bin and bike storage locations would introduce built elements to previously unbuilt land. However, these would be modest in scale, relate well to the proposed site layout, and would be sited adjacent to the existing residential area (purpose a).

The application site is 0.94 Hectares located at the edge of Marsden, a village, and is not positioned within a strategic gap between towns, as such the development for three dwellings in a terraced block at 1.5 storeys height, would not result in or contribute to the merging of towns (purpose b). While the introduction of new hardstanding may constitute a degree of physical encroachment, the developments scale, sitting and use of previously developed land (stable block and curtilage) will act to negate any significant harm. The development would be read in the context of the village fringe, not open countryside, and would be physically separated from wider greenfield land by the re-graded topography and embankments. The retained openness around the buildings and the potential for further planting through the Reserved Matter application for Landscaping in the future ensure that the countryside character is safeguarded (purpose c).

The site is not located within or near the setting of a historic town and would have no impact on heritage context or character (purpose d). While the proposal does not directly contribute to urban regeneration, it would make use of the built footprint and hardstanding and does not conflict with the objective of encouraging the reuse of underused land elsewhere (purpose e).

Therefore, it is not considered that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), Kirklees currently has a 3.96-year housing land supply, which falls below the required five-year supply. The 2022 Housing Delivery Test results also indicate under-delivery with only 67% of required housing being delivered. This shortfall is a material consideration and supports the principle of development on Grey Belt land.

The proposed development would contribute to addressing housing need within Kirklees through the delivery of three modest sized dwellings (two three-bedroom and one two-bedroom). The supporting information indicates an intention to deliver the homes as self-build/custom build units with the involvement of known parties, which would respond positively to the under-delivery of self-build plots across the borough. However, even if delivered as market housing, the scheme would still contribute toward the local housing supply and offer a dwellings aligned with the identified need for smaller and family homes.

While the Council's most recent Strategic Housing Market Assessment (SHMA, 2016) identifies a need for dwellings of this type, it is acknowledged that the Local Plan is currently under review and that work has commenced to update the SHMA. In the absence of more recent published evidence, the 2016 SHMA remains a relevant consideration, although its conclusions should be viewed as indicative rather than definitive.

In this context, the proposal offers a modest but valuable contribution to housing need in a district with a shortfall in both general and self-build supply. As such, it is considered that there is a demonstrable unmet need for the type of development proposed.

Sustainable Location (Paragraph 155c)

The application site is located within 1.1 Kilometers (0.7 miles or 4 minutes' drive) of the Marsden District Centre which offers a range of local facilities and services including Marsden Infant and Nursey School, Marsden Junior School, a supermarket and other smaller supporting amenities. The site is also within a 10-minute walk of nearby bus stops that provide regular bi-directional services, with half-hourly routes to Huddersfield Town Centre and Marsden Diker. In addition, Marsden Railway Station offers wider connectivity with services to Manchester, York, and Huddersfield.

Accordingly, the sites proximity to services, facilities, and public transport indicates that it is located in a reasonably accessible and sustainable location, satisfying the requirements of Paragraph 155c of the NPPF.

Very Special Circumstances

As it is considered that both the land and the proposed development fall within the exceptions set out in paragraph 155 of the NPPF, it is not necessary to demonstrate very special circumstances (VSCs). The proposal as submitted does not constitute inappropriate development in the Green Belt when assessed against this policy context, and therefore the requirement to justify harm by reason of inappropriateness does not apply.

Principle of development – Conclusion

In light of the above, the site is considered to constitute Grey Belt land, as it does not strongly contribute to the Green Belt purposes set out under Paragraph 143 (a), (b) or (d) of the NPPF (2024), nor does it fall within any of the exclusions listed under Footnote 7. The development would remain physically contained, closely follow the footprint of the existing built form, and not result in significant encroachment into the wider countryside. As such, it is not considered that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the Local Plan area.

Furthermore, the development would contribute to addressing demonstrable unmet housing need in the borough, including the provision of modest family housing and self-build/custom build units, in the context of an acknowledged shortfall of both general and self-build housing supply. Finally, the sites proximity to Marsden District Centre, nearby schools, public transport links and rail serves indicates a reasonably accessible and sustainable location.

As such, the proposal is considered to fall within the exception set out under Paragraph 155 of the NPPF 2024 and would not comprise inappropriate development in the Green Belt. The principle of development is considered acceptable subject to further assessment against other relevant national and local planning policies.

Principle of Housing Development

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

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

policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

Policy LP3 of the Kirklees Local Plan 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 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 is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

While the site is considered to be in moderately sustainable, due to limited access to a broader range of public transport and key services, as set out above, the Council is currently able to demonstrate a five-year supply of deliverable housing land. As such, in accordance with Paragraph 11(d) of the NPPF, the ‘tilted’ balance is engaged. This requires that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In this case, the proposal would make a modest but meaningful contribution towards meeting local housing need, including on a previously developed site. While the site’s semi-rural setting presents some sustainability limitations in terms of location, including the reliance on private vehicles due to the distance from Marsden District Centre, the scheme provides safe and acceptable access, parking and servicing arrangements as discussed in the latter parts of this report. It is also sited close to other residential properties which demonstrates that it is not an isolated development. These matters when considered as a whole, are not considered to significantly and demonstrably outweigh the benefits of delivering new housing in this location.

With regards to density, the application site measures circa 0.94ha, which would typically support a density of 3.19 dwellings in accordance with Policy LP7 of the Kirklees Local Plan. The proposed scheme achieves a density of 3 dwellings per hectare, which is below policy expectations of 35dph. However, this lower density is considered acceptable in this instance given the need for a modest scale of development that respects the character and openness of

the surrounding countryside, while delivering family size self-build/custom build homes which meet local housing needs.

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. The proposal would contribute to the mix of housing stock in the locality and is considered to accord with this policy.

Conclusion on Principle of Housing Development

While the proposed density falls significantly below the 35 dwellings per hectare normally sought under Policy LP7 of the Kirklees Local Plan, this is considered appropriate in this edge-of-settlement context, where a lower density helps preserve landscape character and Green Belt openness. The development would make a modest contribution to housing supply, and overall complies with Policies LP7, LP11 and LP24 of the Kirklees Local Plan.

2 – Visual Amenity

This section of the report assesses the proposed development in relation to its access arrangements and visual impact, having regard to both national and local planning policy. As the application seeks outline permission with all matters for consideration except landscaping, full weight is given to the submitted details relating to layout, scale, appearance, and access which form part of the determination.

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Of key importance, Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Policy LP21 and LP22 of the Kirklees Local Plan relate to highways, access, and parking. Policy LP21 requires development to be accessed effectively and safely by all users. It seeks to ensure proposals do not create or exacerbate highway safety issues, and that they integrate with the existing highway network while supporting sustainable modes of travel.

Policy LP22 sets out the requirement for adequate parking provision in line with the Council’s adopted standards, taking into account the type of development, accessibility of the site, and the need to avoid highway obstruction.

Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Although landscaping is a reserved matter, Policy LP32 of the Kirklees Local Plan is of relevance. LP32 seeks to ensure that development responds to the landscape character of the area and incorporate appropriate landscape treatment. While full details will be considered at the reserved matters stage, the submitted plans allow for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of this policy.

Layout

The proposed layout comprises a linear terrace of three dwellings located broadly within the footprint of the existing stable block. The dwellings are orientated to face northwest, with private curtilage areas to the front (west/northwest) and private amenity spaces to the southeast. While the orientation of the development is reflective of the established grain of development along Plains Lane and respects the edge-of-settlement character.

The layout allows for off-street parking for each dwelling, with space for turning and emergency vehicle manoeuvring. The low-density form and siting of the dwellings respect the sites topography, which slopes down from west to east. Ground regrading is proposed to create a level platform, with embankment and retaining features included to mitigate visual impact and improve integration with the landscape. The proposed building would be set back from the highway and neighbouring boundaries preserving the appearance of the semi-rural setting.

The layout is considered to support a logical transition from built form to open countryside and would be compatible with the character and appearance of the area, in addition to this section of the Green Belt. The proposal would respond to the sites context while delivering a coherent and legible development footprint, in line with Policy LP21 and LP24 of the Kirklees Local Plan.

Scale and Appearance

The proposed development comprises a terrace block of three dwellings situated within the confines of a former stables site. The submitted drawings indicate that the terrace would be 1.5 storeys in height, incorporating a pitched roof with modest eaves. Although the ridge height would exceed that of the existing stables, the proposal involves significant regrading of the land by way of cut-and-fill operations, resulting in a level building platform supported by embankments and retaining walls. The proposed regrading works would provide a transitional landscape feature between the new built

form and adjacent greenfield land, contributing to a softened visual relationship with the surrounding topography. This approach would also reduce the perceived height of the building when viewed from Plains Lane and the wider area, reinforcing the modest scale and ensuring development integrates well with the sloping context of the site.

The overall form of the building is simple, linear and symmetrical comprising a rectangular footprint and unified roofline. This compact form would limit the spread of development and ensure the massing would be visually contained. The roof pitch would be shallow with low eaves to reduce visual bulk and maintain a subservient profile within the edge-of-settlement setting.

In the event that the application be approved, it is considered necessary to secure completion of the external shell of the entire terrace block prior to the occupation of any individual dwelling by condition. This would ensure that the linear composition, roofline continuity and cohesive architectural design, are not undermined by phased or piecemeal construction.

The appearance of the proposed terrace block would adopt a restrained palette of materials, including Brimstone Poplar cladding and standing seam metal roofing. These materials would be consistent with the semi-rural location, complementary to the surrounding built and landscape character. Rooflights and integrated solar panels would have a limited projection from the roof surface, contributing to the development's sustainability objectives while maintain an uncluttered roofscape. The proposed elevations demonstrate a considered approach to fenestration, with window openings that are a regular shape, proportionate and well-spaced. To ensure the materials maintain an appropriate quality and respond sensitively to the surrounding context and the sites Green Belt setting, it is recommended that a condition be imposed requiring the submission and approval of external materials prior to the construction of external walls and roof covering.

In visual terms, the proposed building would be partially screened by embankments and retaining walls. While the south-east elevation would be visible from the approach along Plains Lane, the overall impression would be of a modest, well-contained building, similar in appearance and scale to the former stables block, set against the sloping topography. It is not considered that the building would break the skyline or appear unduly prominent when viewed from the wider landscape.

The proposed shared access driveway, which would serve all three dwellings, would be low in scale and functional in appearance with a direct relationship with Plains Lane. It is not considered that the driveway would detract from the setting of the dwellings or the wider rural character of the site.

To ensure that the scale and form of the proposed terrace block remain compatible with the surrounding environment, its recommended that permitted development rights under Classes A to F of Part 1 and Part 2 Classes A and B, Schedule 2, of the General Permitted Development Order (England) (2015) (as amended) be removed by condition. This would prevent unsympathetic

extensions or outbuildings that could undermine the overall design quality or the visual impact of the scheme within its sensitive Green Belt and semi-rural context.

Landscaping

Landscaping is reserved for future consideration and does not form part of this outline approval. However, it is recognised that landscaping would play a contributory role in visually assimilating the development into its semi-rural setting and in softening the appearance of the regraded land, embankments and shared access. As this stage, the submitted plans show indicative areas of planting and retained vegetation to the west, which would be positioned outside the redline boundary.

The proposed site plan illustrates that opportunities for meaningful planting within the development would be constrained, as much of the available space is dedicated to parking, circulation, and bin/cycle storage, leaving limited scope for on-plot soft landscaping. Notwithstanding this, it is considered that a landscaping scheme could still provide modest yet effective enhancements, including boundary planting, embankment vegetation and selected screening around amenity spaces and the driveway edges. Such measures would likely further soften the appearance of the low-profile terrace building. While scope is restricted, it is considered that a carefully designed landscaping scheme, to be secured at Reserved Matters stage, could achieve mitigation and visual integration in line with Policies LP24(c), LP32 and Chapter 12 of the NPPF. Further details of boundary treatments, which would equally play a key role in achieving appropriate site enclosure and assimilation into the context, would be secured by condition.

Conclusion on Visual Amenity

The proposed development would deliver a modest terrace of three dwellings with a shared access, low-density layout and simplistic design. Through regraded land, the sensitive approach to scale and appropriate use of materials, the scheme would integrate well with the sloping, semi-rural site without visual harm. While landscaping is a reserved matter, the layout indicates the potential for modest but effective planting along boundaries and embankments, which would assist in softening the developments appearance. The proposal would ensure a safe and accessible layout while preserving local character. As such, subject to conditions, the development would comply with Policies LP1, LP2, LP21, LP22, LP24 and LP32 of the Kirklees Local Plan and Chapters 5, 8, 9, 11, 12 and 13 of the National Planning Policy Framework 2024.

3 - Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting this principle states that:

“For two storey houses typical minimum separation distances are advised:

- *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.”*

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Neighbouring Amenity

The nearest neighbouring residential properties to the proposed terrace dwellings are Mount Pleasant and Mount Pleasant Barn to the northwest, No.55 Dirker Bank Road and No.23 Dirker Avenue to the southwest and Sunnyside and East Lea to the south.

The proposal would have a front-to-front relationship with Mount Pleasant and Mount Pleasant Barn, with a separation distance of circa 65m. These properties sit on significantly higher ground, any direct views from habitable room windows would fall across the roofscape of the proposed development. During public consultation, comments were made about potential overlooking between properties due to the roof lights on the proposed development. While the proposed upwards facing roof lights may result in some indirect views between properties, the separation distance exceeds the 21m minimum outlined in the Housebuilders Design Guide. Therefore, the overlooking would not adversely impact the amenity of these neighbouring properties. Given the

elevated position of the neighbouring dwellings and the distance, the proposal will not result in any adverse impact on their amenity in terms of privacy, daylight, or overbearingness.

No.55 Dirker Bank Road lies side-on to the proposal and is served by non-habitable room windows facing the development. The proposal would maintain a separation of circa 44m, significantly exceeding the 12m side-to-side distance recommended in the Design Guide. As such, there would be no unacceptable impact on this neighbor's amenity.

No.23 Dirker Avenue is offset from the proposed development and separated by circa 55m. Given the separation and the modest scale of the proposed building, the proposal is not considered to give rise to any material impact on the amenity of this neighbor.

The development would have a rear-to-front relationship with East Lea and Sunnyside, with a separation distance of circa 54m. While the proposal would be on slightly higher ground, it would be of a similar scale to the former stable block. The offset, sitting, combined with the complaint separation distance and the low profile of the proposed terrace, means the development would not result in any unacceptable harm to residential amenity.

Amenity of future occupiers

There would be 2no 3-bedroom 6 person dwellings with a Gross Internal Area (GIA) of circa 128sqm and 1no 2-bedroom 4 person dwelling with a GIA of circa 83sqm. Each dwelling would be served with southeast facing private rear amenity space.

The proposed terrace block would comprise 2no 3-bedroom 6 person dwellings with a Gross Internal Area (GIA) of circa 128sqm and 1no 2-bedroom 4 person dwelling with a GIA of circa 83sqm. All dwellings would exceed the minimum requirements of the Nationally Described Space Standards for gross internal areas and each dwelling would be afforded sufficient built-in storage.

Each dwelling would be at least dual aspect with primary windows predominately serving habitable rooms facing northwest and southeast. Although several bedrooms and study rooms would be served by a roof light only, this is considered acceptable in terms daylight and sunlight due to the high level of sky visibility and potential for good levels of light penetration. While outlook from these rooms would be more limited than that of a conventional vertical window, the roof lights would still provide a visual connection to outside, which on balance is considered sufficient for a bedroom where the requirement for outlook is less stringent and good levels of outlook are achieved in primary living spaces. As such, the dwellings would be afforded an acceptable level of daylight, sunlight, and outlook.

Paragraph 7.19 of the Housebuilders Design Guide sets out for proposal of two stories or more, a minimum of 10.5m separation between habitable room

windows and the boundary of adjacent undeveloped land is required. While the proposal would be 1.5 storeys in height, it would be served with habitable room windows at both ground and first floor levels on the northeastern elevation adjacent undeveloped land. The windows would maintain a separation distance of 2.5m from the undeveloped land. Although this would fall short of the recommended distance, the land beyond the northeastern boundary is open greenfield land within the Green Belt, with no immediate prospects of development. As such, the shortfall is not considered to result in any demonstrable harm, and the relationship is acceptable in this site-specific context.

Conclusion on residential amenity impacts

The proposed development demonstrates an acceptable relationship with neighbouring properties, provides adequate internal space and maintains a reasonable standard of amenity for future occupiers. While the rear amenity spaces would be modest and a shortfall would exist in the separation distance from undeveloped land, these are not considered to result in any material harm. The proposal therefore complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF 2024.

4. Access and Highways Safety

The existing access to the site is via Plains Lane, and a narrow lane which currently serves the former stable block. The proposal seeks to discard the existing access for vehicular access and provide a new level vehicular access, on regraded land, adjoining Plains Lane at a relatively straight section of the highway, allowing for appropriate visibility splays in both directions. As a lightly trafficked road subject to a 30mph speed limit, there would be sufficient capacity to accommodate the modest increase in vehicle movements generated by three dwellings. On-site turning space would be provided to enable private and emergency vehicles to enter and leave the site in a forward gear. Bin and cycle storage is appropriately sited adjacent but not upon the shared driveway, where it is anticipated that bin collection would take place at the access entrance without obstructing the access.

Although the access does not offer formal footway provision, this is not uncommon in edge-of-settlement locations. The low level of traffic generation, short distance to the built-up area and opportunities for surfacing and boundary definition through reserved matters or conditions are considered to mitigate these concerns. Furthermore, the existing access would be narrowed, deterring vehicular use to instead, serve as an alternative pedestrian access point to the site, which contributes positively to the sustainability of the proposed access arrangements across the site.

The proposed shared driveway would provide sufficient width for a shared surface, accommodating 7no car parking spaces and 2no accessible car parking spaces (total 9no), exceeding the required 8no total spaces required for 2no 3-bedroom properties (3no spaces per dwelling) and 1no 2-bedroom (2no spaces), along with cycle storage and bin storage. The layout also

includes on-site turning to allow vehicles to enter and leave in a forward gear, in accordance with Manual for Streets and the aims of LP21 of the Kirklees Local Plan.

The Council's Highways Development Management Team were consulted on this application and initially raised an objection due to the absence of a suitable visibility splay of 2.4m x 43m and the lack of information regarding bin storage/collection. Amended plans were submitted to demonstrate that the specified visibility splays could be achieved and detailing the location of bin storage. The information was reviewed by the Highways Team and the objection was removed subject to recommended condition.

It is therefore, considered that subject to conditions pertaining to highway safety and landscaping, the proposal complies with Policies LP21 and LP22 of the Kirklees Local Plan, which requires new development to ensure safe, efficient, and convenient access for all users, including pedestrians, and to integrate effectively with the highway network.

5. Contaminated Land

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The application site has been identified on the Council's mapping system as being adjacent to potentially contaminated land. As such, the Environmental Health team has recommended that conditions are necessary to address the potential for unexpected contamination to be encountered during any construction work. This is considered reasonable and necessary, particularly given the potential historical use of surrounding land and the presence of coal and/or evidence of coal workings in the wider area.

It is therefore considered that subject to a condition requiring the reporting of any unexpected contamination encountered during development, the cessation of works in any identified affected area and the submission of a remediation strategy if necessary; the proposal would be in accordance with Policy LP53 and LP51 of the Kirklees Local Plan and Paragraphs 189 and 190 of the NPPF.

5. Flood and Drainage

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water be managed using SuDs where possible and, that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated flood zone and is identified via the Environment Agency's flood risk mapping as being at very low risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this instance.

However, in accordance with Policy LP28 of the Kirklees Local Plan and the objectives of Chapter 14 of the NPPF, new development is still expected to incorporate sustainable drainage measures to ensure that surface water is appropriately managed and does not increase flood risk either on or off site. As such, a condition will be attached to the permission to ensure parking areas are constructed in a permeable material and appropriately drained.

Subject to conditions as detailed above, it is considered that the proposal would comply with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

6. Biodiversity and Ecology

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

Biodiversity

The application site lies within the Green Belt and comprises both undeveloped land and previously developed land. The submitted site plan indicates the introduction of the three dwellings as a terrace block upon the footprint of the former stables and associated hardstanding/driveway on an undeveloped area of natural habitat resulting in land-take exceeding 25sqm. As such, in accordance with the Council's Ecology and Biodiversity Officer and Environment Act 2021, the proposed development is not automatically exempt from Biodiversity Net Gain requirements.

However, the applicant has clearly indicated that the development is intended to come forward as a self-build or custom-build scheme, where future occupiers will have a direct and meaningful involvement in the design and/or construction process. This introduces the potential for exemption from BNG requirements under the Environment Act 2021. In order to verify legitimacy of the exemption, the case officer requested written clarification on several matters relating to the proposed delivery model.

The applicant has confirmed that three dwellings will be built and occupied by the individuals named in the submitted supplementary information. All parties intend to reside in the dwellings as their long-term homes. The response sets out that future occupiers have led on the design process in collaboration with the appointed architects and are forming a collective development company, which will act as both the procuring body and principal contractor. Each dwelling is being commissioned directly by its respective future occupier prior to the commencement of construction, and contracts for the build will be managed and controlled by the occupiers themselves. While certain construction works will be contracted to external providers, occupiers intend to be actively involved in some finishing works, including joinery and decorating.

The applicant has also confirmed in writing that they are content for the description of development to be updated to explicitly reference "self-build or custom-build". This forms part of the permission and defines the scope of what is approved. As such, the development must be delivered in line with the statutory definition of the Self-build and Custom Housebuilding Act 2015 (as amended). Any deviation from this model would not be in accordance with the approved scheme and may require a new planning application. In this context, a separate condition is not considered necessary, as the description itself provides a sufficient safeguard and underpins the basis for exemption from Biodiversity Net Gain requirements.

On the basis of the details provided, the development meets the statutory definition of self-build/custom build housing under the Self-build and Custom Housebuilding Act 2015(as amended) and reflects the explanatory guidance in the National Planning Policy Framework and the Right to Build Task Force. As such, officers accept that the scheme qualifies for exemption from the requirement to deliver a 10% biodiversity net gain under current regulations.

Ecology

An Ecological Impact Assessment (EclA) has been submitted with the application and reviewed by the Council's Ecology and Biodiversity Officer. The content and methodology of the report are considered reasonable and acceptable. The EclA includes survey results and assessment for birds, bats, amphibians, reptiles, and terrestrial invertebrates. It also addresses the presence of invasive species within the site.

The Council's Ecology and Biodiversity Officer has confirmed that the findings and recommendations are appropriate and that no significant ecological constraints have been identified that would prevent the development from proceeding. A Construction Environmental Management Plan (CEMP) is recommended to be secured by condition to ensure that ecological risks are managed during the construction phase. In addition, a specific Invasive Species Management Plan should be addressed at Reserved Matters stage as part of the landscaping proposals.

Conclusions on Biodiversity and Ecology

Subject to the recommended conditions securing a Construction Environmental Management Plan and an Invasive Species Management Plan, the development is considered acceptable in ecological terms. While the proposal does not meet the threshold for automatic exemption from Biodiversity Net Gain, the applicant has provided sufficient information to demonstrate that the development meets the statutory definition of self-build/custom building housing. On this basis the scheme qualifies for exemption from the requirement to deliver a 10% net gain under the Environment Act 2021. The proposal is therefore considered to comply with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

7. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

The application is supported by a Climate Change Statement and supporting information that confirms that the proposed building will be constructed to Passivhaus standards which represents one of the highest levels of energy efficiency in residential construction. The design includes a south-east facing roof slope with integrated solar panels, ensuring that the development will generate a proportion of its energy needs on-site from renewable sources. The use of energy and water efficient appliances is proposed throughout, reducing both carbon emissions and pressure on local water resources.

In addition, the applicant has stated that locally sourced and on-site materials will be used wherever feasible to reduce the embodied carbon of the construction process, and pressure on local water resources.

In addition, the applicant has stated that locally sourced and on-site materials will be used wherever feasible to reduce embodied carbon of the construction process, and that deliveries will be managed to minimise air pollution and transport-related emissions.

Taken together, these measures demonstrate a proactive approach to addressing climate change and align with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

8. Other Matters

Pre-commencement conditions

In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant was notified of the intention to impose these conditions and provided with an opportunity to comment and confirmed their agreement in writing on 30th May 2025. The conditions are therefore considered reasonable, necessary, and compliant with the relevant legislation.

9. Representations

A total of 4 letters of support were received, matters have been comprehensively addressed throughout the body of this report. However, it is acknowledged that concerns were raised regarding neighbouring and visual amenity impacts, specifically:

- Clarity was requested on boundary treatment and roof materials.
- A concern was raised regarding overlooking the proposed roof lights.
- Assurance that allotment structures would not change the character of the area.

Officers acknowledge that a proposal for formal boundary treatments has not formed part of the submission documents, as such a condition is recommended to ensure that details of boundary treatments are submitted to the Local Planning Authority for approval. Similarly, while the submission indicates the use of standing seam metal roofing, further details are to be secured by condition to ensure the finish of the material is suitable for this context.

As part of the assessment, privacy and overlooking between the proposed development and neighbouring properties has been considered. It is acknowledged that the proposed upwards facing roof lights may result in some indirect views between properties, however, the separation distance exceeds the 21m minimum outlined in the Housebuilders Design Guide SPD and consequently Policy LP24 of the Kirklees Local Plan, as such the scheme is policy compliant in this regard.

Regarding the erection of allotment structures, as highlighted in this report, this application does not encompass the creation of a community garden denoted by the blue line boundary on the site location plan. Should the applicant wish to pursue the delivery of the community garden in the future, this may need to be the subject of a separate standalone planning application with appropriate supporting details. Permitted development rights for land within the red line boundary have been restricted, in the interest of visual amenity and so as to preserve the openness of the Green Belt.

10. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/93046

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

1. Application for approval of all the reserved matter(s) shall be made before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall not commence until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: - Landscaping.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities
 - a) Identification of "biodiversity protection zones"
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.
 - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

4. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

5. As part of the submission of the reserved matter relating to landscaping, a detailed Invasive Species Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - A survey identifying the extent of invasive non-native plant species on the site (if any)
 - A method statement outlining measures to prevent the spread during construction, and
 - Proposed control and eradication measures including timescale for implementation.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of ecological interests on the site and the wider environment in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

6. Notwithstanding the submitted plans, development shall not commence until visibility splays of 2.4m x 43m in both directions at the proposed site access have been provided and cleared of obstruction above 1m in height. These splays shall thereafter be retained.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.

7. Prior to the first occupation of the development, a scheme detailing the boundary treatment of the all the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity and securing a high standard of design, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 8 of the adopted Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework 2024.

8. Notwithstanding the submitted information, prior to the construction of any external walls or roof covering, samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the adopted Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework 2024.

9. The areas indicated for vehicle parking, turning, and internal circulation on the approved plan no 37/2405/13C shall be laid out, surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, and made operational prior to the first use of the development hereby approved. These areas

shall thereafter be retained free of obstruction and used for their intended purpose for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework 2024.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes A, B, C, D, E, F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and so as to preserve the openness of the Green Belt and the character of the dwelling in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

11. No dwelling shall be occupied until the external shell comprising the external walls and roof of the entire terrace block (all three dwellings) has been completed in full.

Reason: In the interest of securing a cohesive and unified form, ensuring a consistent appearance within the Green Belt, and in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

12. Prior to the first occupation of any dwelling hereby approved, the bin and cycle storage facilities as shown on the approved plans shall be provided in full and made available for use. These facilities shall thereafter be retained for the lifetime of the development.

Reason: In the interest of promoting sustainable travel, good design and residential amenity in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed

to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	37/2405/01	Rev A 2	13/01/2025

Plan Type	Reference	Version	Date Received
Existing Site Plan and Elevations	37/2405/02A		30/10/2024
Proposed Site Plan	37/2405/13C		22/01/2025
Proposed Roof Plan, Partial Site Plan and Elevations	37/2405/03 B		13/01/2025
Proposed Floor Plans	37/2405/04		30/10/2024
Proposed Site Sections	37/2405/05		30/10/2024
Supplementary Planning Statement			05/02/2025
Design and Access Statement			30/10/2024
Climate Change Statement			30/10/2024
Background Information in Support of the Outline Planning Application			30/10/2024
Ecological Impact Assessment Report	22214/ADo		30/10/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local 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. The scheme was amended during the course of the application, to address highways safety impacts following consultation comments received from the Highways Development Management Team on 12th December 2024. Revised plans sought to demonstrate that adequate site lines from the proposed access onto Plains Lane could be achieved, bin collection points are appropriately sited and sufficient off-street parking space is achieved.

Report Dated:

2 nd June 2025
