

**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:	2025/62/90001/E
Site Address:	Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN
Description:	Erection of detached dwelling, formation of new access from Dry Hill Lane and associated hard and soft landscaping
Recommending Officer:	Nina Sayers

DECISION - REFUSE

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 12 March 2025

Officer Report

Site Description

Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN.

The application site relates to a plot of land which fronts Dry Hill Lane. The site currently serves the remains of an agricultural building. The remains are limited to the supporting columns and roof trusses and a small section of roof sheets to the south. The site is adjacent to Dry Hill Farm and a cluster of residential cottages to the east. To the west, there is a newly erected, large residential building and there is an extant outline permission for 4 residential dwellings to the rear of the site (2021/93287). The wider farm is surrounded by open green fields.

The site is within the Green Belt and Strategic Green Infrastructure Network on the Kirklees Local Plan. 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 permission for the erection of a detached dwelling, formation of new access from Dry Hill Lane and associated hard and soft landscaping.

The scheme proposes a two-storey, detached dwelling with a garage to the west, a garden to the rear and landscaping to the front. The building would have a total width of 25m and a depth of 19m, covering a footprint of ~450m². The dwelling would have a pitched roof design with a roof ridge height of 6.8m and an eaves height of 3.7m.

A new access would be formed off Dry Hill Lane, further west than the existing access.

History of negotiations/amendments received

No amendments were sought or provided.

Relevant Planning History

On application site:

2015/93255 – Outline application for the erection of 8 dwellings. Withdrawn.

2016/90950 – Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development. Withdrawn.

2016/93148 – Outline application for erection of 7 dwellings. Refused.

2017/91267 – Outline application for demolition of existing farm buildings and erection of 5 detached dwellings. Refused.

Adjacent to site:

2019/92231 – Change of use of former agricultural buildings for caravan storage (B8). Conditional full permission.

2021/93287 – Outline application for erection of residential development. Conditional Outline Permission.

Representations

This application was advertised via neighbour notification letters and on the web. Final publicity expired on 20th February 2025.

1 representation was received in response to the publicity of this application as a general comment. A summary of the comments are provided below and will be discussed in section 6 of this report:

- Air source heat pump would impact on neighbouring occupants due to noise and vibrations
- Air source heat pump would result in additional maintenance to neighbouring property's wall
- Otherwise, happy with the development and looking forward to it being in keeping with the surrounding buildings

Officers will respond to these comments in section 6 of this report.

Consultation Responses

KC Highways Development Management – No objection subject to condition.

KC Environmental Health – No objection subject to conditions.

Mining Remediation Authority – No objection subject to conditions.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (LP):

- 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 Transport
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP59 – Brownfield Sites in the Green Belt

Other Guidance Documents:

- Housebuilders Design Guide SPD (2021)
- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards
- National Design Guide

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 12th 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The 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. The judgement in this case is set out in the officer’s assessment.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

Green Belt

The application site is located within the Green Belt as located on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development.

Paragraph 154 states that construction of new buildings in the Green Belt are regarded as inappropriate development with certain exceptions. Given the existing structure on the site is not of a substantial construction, officers consider two of the exceptions which could be relevant to this application, sub-paragraphs e and g:

“e) limited infilling in villages; [...]

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; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

The applicant has not put forward an argument for why this development would be appropriate in the Green Belt.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages. It states:

“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.”

When taking into consideration the recently built dwellings adjacent to the site, which do not appear to be inhabited yet, the application site is located adjacent to a small cluster of approximately 12 dwellings, with extant permission for an additional 4 (2021/93287). There is then a separation of at least 160m between the next residential dwellings in the wider area. Whilst there is no definition of a 'village' within the NPPF or Kirklees Local Plan, officers considered a small cluster of 12 dwellings would be too small to constitute a village for the purposes of Green Belt policy.

It is also considered that the proposal would not infill a gap in a 'continuously built-up frontage' as set out in paragraph 19.31 of the Kirklees Local Plan. Whilst nos.9-17 Dry Hill Lane have a defined building line, there are numerous, substantial gaps between this terrace of properties and the other dwellings on Dry Hill Lane. This context is further exacerbated by the degree at which no.5 is set back from the frontage with the highway (~15 metres) whilst no.9, being 2 metres off the highway, has a direct relationship to the frontage. The application would therefore not fall under the exemption outlined in sub-paragraph e) of paragraph 154 of the NPPF.

With regard to paragraph 154(g), the application site has previously been developed as it hosted an agricultural unit, this is undisputed. However, the glossary definition of previously developed land, as outlined in the NPPF, excludes land that is or was last occupied by agricultural buildings. It is noted that an application for outline permission for residential development was approved at the adjacent site (2021/93287). This was assessed against 154(g) as the site had an extant permission for caravan storage (2019/92231) and therefore constituted previously developed land. The section of land to which this application relates was not included in the application for caravan storage and therefore the application site would not constitute previously developed land.

Paragraph 155 of the NPPF states: "*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 undermine 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;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*

'Grey Belt' is defined in the NPPF glossary 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.*"

As outlined in detail above, the application site is not considered previously developed land. It is however considered the land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and would therefore be considered Grey Belt land. The nearest bus stop to the application site is located ~335m away, for which only ~85m serves a pedestrian footpath. The bus stop is across a busy A road (A635) with no pedestrian crossing. The bus would take ~1hr to and from Huddersfield and runs every 2hrs. There are no other options for public transport in the area. Officers therefore consider that the proposed location would not be sustainable as the proposal would not allow for sustainable modes of transport. As such, the proposal would fail to comply with paragraph 155(c) of the NPPF.

The proposed development would therefore constitute inappropriate development in the Green Belt. As outlined in paragraph 153 of the NPPF, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. No very special circumstances have been outlined by the applicant and therefore the proposal would not comply with the requirements of Chapter 13 of the NPPF or Policy LP59 of the Kirklees Local Plan.

The principle of development would therefore be considered unacceptable. Notwithstanding this, a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring: "a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape..."

The proposed dwelling comprises a pitched roofed structure which would appear single storey with living accommodation in the roof space. The structure and scale of the dwelling somewhat mimics the building that would have historically been on site, as demonstrated by the remaining roof trusses.

The proposal would be large in scale, with a footprint of ~450m². This would be over double the footprint of the recently erected dwelling to the east and

the approved four dwellings to the north of the site and over four times greater than properties to the west. Whilst officers can see the design of the dwelling has been drawn from the historic building, the scale of the dwelling in relation to the existing buildings is significantly greater and would therefore appear incongruous within the context of the existing built development. This is further exacerbated by the demolition of the buildings to the north and north-west.

The building would be primarily finished in timber cladding with the front elevation finished in stone at ground floor level. The roof would be finished in standing seam. The front and rear elevations would include large, glazed openings. The proposed materials and openings would be in keeping with the existing dwelling adjacent to the site and the wider agricultural setting of the site.

The scheme proposes a new access to the front of the site with a permeable driveway and space for turning within the site. An access in this location is considered acceptable and would not be out of character with the rest of the dwellings on Dry Hill Lane. Landscaping is proposed to either side of the access although specific detail has not been provided. This could be secured by condition should approval be recommended. The applicant has provided detail of boundary treatment which shows 900mm drystone wall to the front and side, 1800mm drystone wall to the rear, along the boundary of the highway and 1800mm timber fencing along the boundary to the north-eastern corner. This is considered to be in keeping with the general character of the area and the existing boundary treatment.

In conclusion, the scale of the proposed building is considered disproportionate in comparison to the existing and approved dwellings surrounding the site and would be an incongruous addition to the wider setting of the site. As such, it is considered that the development would fail to comply with LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

3. Impact on Residential Amenity

Sections B and C of 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, Chapter 12 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 Housebuilder Design Guide SPD states ‘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 SPD goes on to set out typical minimum separation distances. These are as follows:

- 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.

Impact on The Stone Barn

The Stone Barn is located to the east of the application site and the property's gable end abuts the boundary of the site. There are openings in the western side elevation of the Stone Barn which serve as secondary openings to habitable rooms.

The proposed dwelling would be set forward slightly of The Stone Barn. The eastern side elevation would abut the boundary of the site, with a total depth of 19m and an eaves height of 3.7. This elevation would protrude along almost the entire length of Stone Barn's front amenity space which would have an oppressive and overbearing impact on the neighbouring occupants. Whilst it is noted that there is also amenity space to the rear of Stone Barn, the impact of the building is still considered to cause harm to the amenity of the occupants. The building would also overshadow the openings to the front of Stone Barn which serve as primary openings to habitable spaces.

The proposed dwelling would be built within a similar shell as the previous agricultural building on the site. This being said, it would appear from historic aerial imagery that the site has been as existing, without walls or the majority of the roofing for approximately 10 years. The adjacent property was granted permission for the change of use of an agricultural building to a dwellinghouse in 2015 (2014/95935) and therefore was not occupied whilst the structure was intact. Therefore, the proposed building is considered to cause significant harm to the amenity of the neighbouring occupiers compared to the existing arrangement on site.

Impact on new dwelling to the west (2018/90188)

A new dwelling has been approved and recently erected adjacent to the application site. Although this did not appear to be occupied at the time of site visit, the impact on the occupants must still be considered.

The eastern side elevation of the adjacent dwelling, which fronts the application site serves openings which include secondary openings to inhabited spaces or primary openings to non-habitable spaces. There would be a separation distance of ~14m between the two dwellings and as the proposed dwelling has no openings in the western elevation, this is considered a sufficient separation distance to prevent any harm to the occupants of the new dwelling.

Impact on approved development 2021/93287

There is an extant outline permission, including layout, for 4 residential dwellings to adjacent to the site (2021/93287). Should this permission be implemented, plot 4 would be located to the rear of the proposed dwelling. The new dwelling proposes primary openings on the northern elevation. As application 2021/93287 was just for outline permission, the elevations and openings have not yet been approved. Therefore, on the basis that the elevation in plot 4 could serve non-habitable spaces and given the separation distance only just falls short of the recommended 21m, the proposal is not considered to cause harm to the amenity of the future occupiers of application 2021/93287.

Amenity of future occupiers

The amenity of the future occupiers must also be considered. Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is considered the proposed window would have sufficient outlook and natural light for the amenity of future occupants.

Noise

KC EH raised concerns regarding the noise produced at the adjacent farm which could have a negative impact on future occupants. They therefore recommend a condition for a noise assessment and mitigation scheme. Officers agree with this recommendation and would recommend this is conditioned prior to commencement of the development. KC EH also state that construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason they recommend a condition to limit the hours of operation for the site. Officers agree that construction noise could impact on residential amenity however this is controlled under Section 60 of the Control of Pollution Act 1974 and therefore a condition is not necessary in this instance.

Odour

The application site is adjacent to a working dairy and the impact of odour could impact on future occupants. During the assessment of application 2021/93287, the applicant confirmed the adjacent premise did not house

livestock. Therefore, in this instance officers do not have any concerns in relation to odour.

Taking the above into consideration, the proposed dwelling by virtue of scale and location would result in an oppressive, overbearing and overshadowing impact on the occupants of The Stone Barn. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

4. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Design Guide SPD is also relevant.

The proposed development comprises a new access off Dry Hill Lane. The scheme proposes off-street parking provision for at least 3 vehicles which complies with the requirements outlined in the Highways Design Guide SPD for a dwelling of this scale. There is turning provision proposed within the site and therefore vehicles could enter and exit the site in a forward gear. The proposed access shows sight lines of 2.4x43m which is considered sufficient.

KC Highways Development Management (HDM) were consulted on the proposal, and raised no objections the proposal subject to a condition regarding the surfacing of the parking/access. In the absence of any objection from KC HDM, officers do not have any concerns regarding highway safety. On this basis, it is considered the proposed development would not cause significant harm to the efficiency or safety of the highways. The proposed development therefore complies with Policy LP21 and LP22 of the Kirklees Local Plan, the aims of the Highways Design Guide SPD and Chapter 9 of the NPPF.

5. Other Matters

Land contamination and Coal Mining Legacy

KC Environmental Health (EH) were consulted on the proposal. The Council's records indicate the proposed development site is within 250m of a potentially contaminated land due to its former use as a quarry, and previous farming operations at the proposed site may have also led to some contamination being present at the site.

In support of the application, a Coal Mining Risk Assessment by Haigh Huddleston & Associates dated 28th April 2015 (ref: EF15/6398/MD/001) has been received. The report details that the proposed development site is in an area where the Coal Authority believe there is coal at or close to the surface,

that may have been worked at some time in the past. Consequently, the report recommends an intrusive investigation to examine the geology further.

In conclusion, KC EH accept the report provided and taking into consideration the previous land uses and nearby potentially contaminated land, they consider that the potential risks from contaminated land, including ground gases and combustible materials must be established. For these reasons, contaminated land conditions would be included on any positive decision notice.

The site is also within a High Risk Coal Mining area as defined by the Mining Remediation (former Coal) Authority. A Coal Mining Risk Assessment was submitted as part of the proposal and the Mining Remediation Authority were consulted. The Mining Remediation Authority concur with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Officers agree with the recommendations of KC EH and the Mining Remediation Authority. As such, conditions would be recommended to ensure the site is safe and stable for the development proposed. The proposed therefore complies with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the NPPF.

The site is located within a bat alert layer on the Council's GIS mapping system. There would be no demolition as part of the proposed application and the site currently serves grassland and therefore has little ecological potential for bat roosts. Should the application be recommended for approval, a footnote would be inserted into the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction.

Strategic Green Infrastructure Network

The application site is located within a Strategic Green Infrastructure Network (River Dearne Corridor), however due to the specific location of the site, a significant distance from the River, the proposal is not considered to have an adverse impact upon the Network in accordance with Policy LP31 of the Kirklees Local Plan.

Biodiversity

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted Biodiversity Gain Plan shows a baseline of 0.0985 habitats units. Post development there would be 0.1399 habitat units which equates to a 42% increase in biodiversity units which would far exceed the required 10% gain.

Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. Taking the above into consideration, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted biodiversity assessment would meet the requirements of the aforementioned policy

The proposed development is therefore considered to comply with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6. Representations

1 representation was received in response to the publicity of this application as a general comment. A summary of the comments is provided below and have been responded to by officers:

- Air source heat pump would impact on neighbouring occupants due to noise and vibrations

Officer response: This is a material planning consideration. It is noted that the ASHP is near neighbouring openings however as the principle of development is considered acceptable no further amendments will be sought in this case.

- Air source heat pump would result in additional maintenance to neighbouring property's wall

Office response: This is not a material planning consideration so no further comment will be made.

- Otherwise, happy with the development and looking forward to it being in keeping with the surrounding buildings

Officer response: This is noted

7. Conclusion

This application for the erection of detached dwelling, formation of new access from Dry Hill Lane and associated hard and soft landscaping at Dry Hill Farm, Dry Hill Lane in Denby Dale 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 proposals do not accord with the development plan and the

adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Refusal

Decision Authorisation - Delegated Powers

Application Number: 2025/90001

Officer Recommendation: Refusal

Conditions:

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed scheme to erect a new dwelling is considered to constitute inappropriate development in the Green Belt, thus, detrimentally harming openness and character. No very special circumstances were demonstrated by the applicant to outweigh the significant harm caused. To permit the proposed development would impact adversely upon the openness and character of the Green Belt, conflicting with the purposes of including land within the Green Belt, contrary to the aims of Chapter 13 of the National Planning Policy Framework
1. The proposed dwelling, by virtue of scale, would be disproportionate in relation to the existing, and approved, dwellings surrounding the site and as such would be an incongruous addition to the wider context of the site. The scheme would therefore fail to comply with Policy LP24(a) of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.
2. The proposed dwelling, by virtue of scale and location would result in an oppressive, overbearing and overshadowing impact to the occupants of The Stone Barn. The scheme would therefore fail to comply with Policy LP24(b) of the Kirklees Local Plan, Paragraph 135(f) of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	2288-D-20-001		13/01/2025
Existing Site Plan	2160-D-20-002		13/01/2025
Proposed Site Plan	2160-D-20-003		13/01/2025
Existing Elevations	2288-D-20-005		13/01/2025
Existing Ground Floor and Roof Plans	2288-D-20-004		13/01/2025
Proposed Elevations	2160-D-20-007		13/01/2025

Proposed Ground and First Floor Plans	2288-D-20-006		13/01/2025
Proposed Drainage and Boundary Treatment	2160-D-20-008		13/01/2025
Design and Access Statement			13/01/2025
Biodiversity Gain Plan			13/01/2025
Pre-Development Baseline Map			13/01/2025
CMRA	E/15/6398/MD/001		13/01/2025

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 has, 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. Given the principle of development is unacceptable, officers did not seek revised plans in this instance.

Report Dated: 11/03/2025