KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2025/70/90221/E**
Site Address:	Barbers Shop, 217 A, Huddersfield Road, Scout Hill, Dewsbury, WF13 3SF
Description:	Variation condition 2 (demolition date) on previous permission 2024/90849 for demolition of part of unauthorised extension and modification of remaining barbers shop
Recommending Officer:	Jennifer Booth

DECISION – Variation of Condition - Approved

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: 02-Apr-2025

OFFICER REPORT

Site Description

217a Huddersfield Road is a single storey retail unit on Huddersfield Road which has recently undergone an extension. The design however is not as approved hence the current application.

There are terraced properties to either side and the yard areas and central path at the rear of the unit. The front faces onto a wooded area on the opposite side of the road.

Description of Proposal

The application is seeking permission to vary condition 2 attached to planning application 2024/90849 relating to a demolition time limit.

The 2024 permission required the demolition to be carried out within 6 months of the date of the permission which would have been November 2024. The agent has requested this is extended to 31/08/2025 as the applicant has struggled to secure a contractor within this time restriction.

Relevant Planning History

2006/94651 - Alterations and new shop to commercial unit - Approved

2017/93773 - Single storey side extension - Approved although not built in accordance with approved details

2022/91883 - Extension to new shop - Refused and dismissed at appeal

2024/90849 - Extension to form new shop - Approved

Representations

The application was advertised by neighbour letters, which expired on 20/03/2025

As a result of the above publicity, one representation has been received. This raised no objection to the application. However, comments requested to ensure that there was no impact in terms of rubbish and waste left around the site during the works.

Consultation Responses

None

Policy

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

The current application seeks to vary condition 2 from the previous approval, reference 2024/90849, regarding the time limitation for the demolition of 'areas shown and specified on plan reference 24101.1' within 6 months of the date of the decision – which would have expired in November 2024. The extension to the time limit of demolition is requested to be varied to 31 August 2025. The reason given by the agent is that the applicant has been unable to secure the services of a contractor by the time previous required.

The alteration to the condition would not result in any additional impacts in terms of visual amenity, residential amenity or highway safety. Providing the works are carried out by the extended deadline, the proposal to vary the condition is considered to be reasonable and acceptable and will align with the restrictions on a related enforcement case. However, any further extension to the time limit, should it again not be adhered to, would be unreasonable.

<u>Representations</u>:

One representation has been received. This raised no objection to the application. However, it wanted to ensure that there was no mess left around the site during the works. *Officer comment: In the event that planning permission is approved, it is recommended that a note be attached to any permission reminding the applicant of the restrictions and legalities in regard to environmental health powers.*

<u>Proposed conditions</u>

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

Demolition of the existing areas shown and specified on plan reference 24101.1 to be completed by 31/08/2025 to align with the requirements of the enforcement notice.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the proposal harmonises with the host property as using alternative materials would look out of place within the street scene.

Removal of permitted development rights to use the building for any other use within class E to ensure the vitality of the local centres and minimise the impact on adjacent residential properties.

Removal of permitted development rights for extensions and alterations under Part 7, Class A to minimise impact on residential amenity.

Conclusion:

This application to vary condition 2 relating to timescale for the previously approved 2024/90849 at 217a Huddersfield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2025/90221
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. By 31/08/2025, demolition shall be carried out and completed in accordance with the areas shown and specified on plan reference 240101.2.
Reason: To avoid overdevelopment of the site and to ensure compliance with the enforcement notice in accordance with Policy LP24 of the Local Plan and the aims of the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the original building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no other use within Class E, other than the specified use as a barber shop shall be operated from this premises without the prior agreement of the Local planning Authority.
Reason: To ensure the continued vitality of the local centre and to minimise the impact on the occupants of neighbouring residential properties and to accord with Policy LP24 of the Kirklees Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no works within Part 7, Class A of schedule 2 to that order shall be carried out without the prior agreement of the Local planning Authority.
Reason: To minimise the impact on neighbouring residential properties and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.
NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:
07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Plans	240101.2	1074410	28/01/2025
Application form	-	1074411	28/01/2025
Statement	-	1074409	28/01/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2025 and otherwise actively engaged with the applicant in dealing with the application.
As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 27/03/2025