

**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:	2025/62/90270/E
Site Address:	2, East Fold, Skelmanthorpe, Huddersfield, HD8 9EZ
Description:	Alterations to existing outbuilding to create dwelling forming annex accommodation associated with 2, East Fold, Skelmanthorpe, Huddersfield, HD8 9EZ
Recommending Officer:	Nina Sayers

DECISION – Full Conditional 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: 28-MAR-2025

Officer Report

Site Description

2025/90270 2, East Fold, Skelmanthorpe, Huddersfield, HD8 9EZ

The application relates to a single storey, detached outbuilding within the curtilage of 2 East Fold, a detached, two-storey residential dwelling. The outbuilding is a pitched roof structure with a flat roof extension on the southern elevation. The building is located south-east of the existing dwelling set at a lower level due to the topography of the site.

The site is located in the Green Belt as allocated within the Kirklees Local Plan.

Description of Proposal

The application is seeking planning permission for the conversion of an existing outbuilding into annexe accommodation associated with the main dwelling.

The external alterations proposed are the enlarging of the existing openings in the south-western elevation. Internally the proposed accommodation would serve a bedroom, WC, and an open plan living area.

History of negotiations

No amendments were sought or provided.

Relevant Planning History

No relevant planning history.

Representations

The site was advertised via site notice and on the website. Publicity expired on 20th March 2025. No representation was received.

Consultation Responses

No consultation necessary.

Policy

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

The site is located in the Green Belt within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. 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 these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **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) Representations

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 application is for the conversion of an existing outbuilding to an annex and would include negligible external alterations in the form of enlarging the existing openings in the south-western elevation. The site is located within the Green Belt where development is inappropriate unless it falls under one of the exceptions outlined in paragraph 154 of the NPPF. Relevant to this application is sub-paragraph h)iv. *“the re-use of buildings provided that the buildings are of permanent and substantial construction;”* and h)v. *“material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);”* which are not inappropriate development *“provided they preserve its openness and do not conflict with the purposes of including land within it”*

In this instance, officers visited the site and are satisfied the existing outbuilding is a permanent and substantial structure. The proposal would not involve any external works to the building, other than enlarging existing openings, and as the building is for an annex there is no sub-division of the garden or associated hardstanding and boundary treatment proposed. Therefore, the proposal is considered to not be inappropriate development in the Green Belt.

In respect of the above, the principle of development is considered acceptable although 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) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and 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 external alterations proposed are limited to the enlarging of the existing openings in the south-western elevation. These would be in keeping with the general design and scale of the building and therefore there would be no additional harm to visual amenity over and above the existing arrangements on site.

It is therefore considered that the proposal would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

Section 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 135 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.

The outbuilding is set a significant distance (52m+) from any neighbouring properties so no significant harm to residential amenity is considered to be caused as a result of the proposal.

Amenity of the Future Occupiers

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 Nationally Described Space Standards (NDSS) for a one bedroom, one person dwelling, and it is noted that the annex would be associated with the existing dwelling and therefore a separate private amenity space is not necessary. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

In the event that planning permission be approved, it is recommended that a condition be attached that the proposed annex be tied to the existing dwelling as any independent dwelling would require a further assessment of the impact on amenity space and Green Belt harm.

Therefore, no significant harm is considered to be caused to the amenity of nearby occupiers as a result of the proposal. The scheme therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Paragraph 116 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The Highways Design Guide SPD is also relevant.

The proposal would result in the intensification of the existing dwelling by adding one additional bedroom however there is still considered sufficient space for vehicle parking for at least 3 vehicles which is sufficient for a dwelling.

It would be conditioned that the proposed annex is tied to the existing dwelling as any independent dwelling would require private parking provision which is not provided under this application.

It is therefore considered that, the development would not result in significant harm to highway safety, thus complying with LP21 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Other Matters

Ecology

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 application form states the application is exempt from BNG as it is a self-build and custom build development. Officers have no reason to disagree with this statement and as such it is considered the scheme is exempt from requiring BNG.

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

Land Contamination

The application site falls within the defined Development High Risk Area for coal mining. There would be no groundworks proposed and therefore the development falls under Part B of the exemptions list. Therefore, a Coal Mining Risk Assessment (CMRA) was not required and the Coal Authority were not consulted on the proposal.

6. Representations

No representation was received.

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

Decision Authorisation - Delegated Powers

Application Number: 2025/90270

Officer Recommendation: Approve

Conditions:

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. 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 Policies LP1, LP2, LP3, LP21, LP24 and LP30 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13 and 15 of the National Planning Policy Framework.

3. The residential annex accommodation hereby approved shall be used solely for purposes ancillary or incidental to the enjoyment of the existing dwellinghouse known as '2 East Fold, Skelmanthorpe, Huddersfield, HD8 9EZ' and shall at no time be sold, rented, or severed to be occupied as a separate independent dwelling unit.

Reason: To protect residential amenity and highway safety in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

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 13.00 hours, 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 work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	2502-D-20-001		31/01/2025
Existing Ground Floor and Site Plans	2502-D-20-002		31/01/2025
Proposed Ground Floor and Site Plans	2502-D-20-003		31/01/2025
Existing and Proposed Elevations	2502-D-20-004		31/01/2025

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 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. It was not considered necessary to seek any amendments/further information during the course of this application

Report Dated: 26/03/2025