# 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: | **2025/62/90540/E** |
| Site Address: | rear of, 2, Kirklands, Church Street, Cleckheaton, BD19 3RW |
| Description: | Change of use of existing annexe to stand alone dwelling |
| 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:** 4-Jul-2025

# Officer Report

## Site Description

The application site relates to a modest, pitched roofed, single storey annex associated with 2 Kirklands, Church Street in Cleckheaton. The land currently serves domestic garden however it is separated from 2 Kirklands by a narrow passageway. There is a shed and a greenhouse style structure to the rear of the building which has a lean-to roof design. There are also several sheds and a pergola to the eastern part of the site.

The site is unallocated within the Kirklees Local Plan but is bounded by protected trees to the north and falls within the Strategic Green Infrastructure Network.

## Description of Proposal

The application is seeking planning permission for the change of use of an existing annexe to stand alone dwelling.

The scheme proposes a one-bedroom dwelling with a living/kitchen area with storage in the roof space. No external alterations are proposed as part of the scheme.

## History of Negotiations

Officers raised concerns that the proposal would not comply with the National Described Space Standards for a property of the size proposed. Amended plans were sought and received illustrating additional storage in the roof space which resulted in the space being above the threshold. Officers also requested a site plan which illustrated parking provision for the occupants of 2 Kirklands.

## Relevant Planning History

2024/92171 - Erection of extensions and alterations to existing annex to form dwelling - Withdrawn.

## Representations

The application has been advertised by site notice and on the web. Final publicity expired on 8th May 2025. No representations were received.

## Consultation Responses

No consultation required.

## 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 unallocated within the Kirklees Local Plan but is within the Strategic Green Infrastructure Network.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees

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
- Housebuilders 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- 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
6) Conclusion

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework.

In this case, the application site is unallocated land within a residential area. As such, it is appropriate to consider the Local Planning Authority's overall housing position. 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.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 2 to 3 dwellings. One dwelling is proposed in this instance, which is considered appropriate given the scheme proposes to change an existing building into a dwelling. The density of development would be the same as the existing arrangement on site.

Paragraph 70 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should…support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

The existing annexe, although tied to 2 Kirklands, is somewhat physically disconnected from the property due to the distance and the separate access and garden area. The site is confined due to being adjacent to Urban Green Space to both the north and south. As such, whilst a dwelling in this location would be against the existing urban grain, it would not be setting a precedent for back-land development. The use of the building as a dwelling rather than an annexe is not considered to conflict with planning policy as the existing use is domestic, set within existing domestic curtilage and would not significantly harm the surrounding context.

The application site is recorded as being located within the Strategic Green Infrastructure Network on the Kirklees Local Plan. LP31 of the Kirklees Local plan states that proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained, replaced or provided where appropriate, incorporating or providing new walking, cycling and ecological links.

The proposal is for the change of use of an existing building within the domestic curtilage of an existing residential property so would not cause harm to the existing green infrastructure network.

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.

**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…"*

This application is for the change of use of an existing annexe building into a residential dwelling. There would be no external alterations, and it would utilise an existing access. It is likely that boundary treatment will be installed by the current occupiers of no.2 Kirklands or future occupiers of the dwelling however no details of this have been provided. The site is well screened and is not visible from public vantage points. Officers are therefore satisfied that any boundary treatment erected would not cause significant harm to visual amenity. Therefore, no harm is considered to be caused to visual amenity as a result of the proposed development.

It is therefore considered that the proposed development 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, the aims of the Housebuilders Design Guide SPD and Chapters 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 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 Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The building to which this application relates is single storey, does not align directly with, and is over 22.5m from, the rear of 1-3 Kirklands (nearest residential properties). Therefore, no significant harm is considered to be caused to the amenity of the neighbouring occupants 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 initially proposed plans fell short of the minimum recommendations as set out within the NDSS. On this basis, officers raised concerns regarding the limited floor space which would fail to provide a high standard of amenity to future occupants. Following discussions with the agent, they submitted a revised plan showing the existing storage in the roof space which has a height of over 1.5m which takes the total floor area to 38.8m$^2$. The proposed bedroom is too small to be considered a 2 person room and therefore officers are satisfied the dwelling would be a one-bedroom dwelling for one person. Taking this into consideration, along with the fact the scheme proposes a shower room rather than a bathroom, the proposal complies with the minimum standards outlined in the NDSS.

The proposal is considered to have significant private amenity space for a dwelling of this scale in line with Principle 17 of the Housebuilders Design Guide SPD.

The scheme therefore complies with Policy LP24 of the Kirklees Local Plan, chapter 12 of the National Planning Policy Framework and principle 16 of the Housebuilders Design Guide SPD. It is therefore considered the proposed development would not cause harm to the amenity of existing or future

occupiers. Thus, complying with LP24 of the Kirklees Local Plan, chapter 12 of the NPPF and principle 16 and 17 of the Housebuilders Design Guide SPD.

**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 scheme proposes one, one bedroomed dwelling. The Kirklees Highways Design Guide SPD states that at least 1 on-site parking space is required for dwellings with 1-bedroom apartments. There is parking provision within the site for at least 2 vehicles as demonstrated on the site plan. Officers also requested a site plan from the agent which demonstrated there would still be off-street parking provision for 2 Kirklands following development. An additional site plan was submitted which showed two parking space to the front of the properties on Kirklands. the parking provision is therefore considered acceptable.

No details of bin collection have been provided. These can be detailed under a condition should the application be approved.

It is therefore considered the proposal is be acceptable from a highway safety perspective and therefore complies with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

**5 – Other matters**:

*Ecology*
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 that the application is exempt under the di minimis exemption as less than 25m2 of habitat would be affected. Officers have no reason to query this. As such, it is not considered necessary for any further condition to be in place upon any grant of permission.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD.

*Contaminated Land*

The site is within a high-risk coal mining area. Normally full applications require a Coal Mining Risk Assessment, and consultation with the Mining Remediation Authority (Coal Authority) when this is the case. In this instance, as there are no groundworks proposed the application is considered exempt. The proposed scheme is therefore considered acceptable for the purposes of the development however should any future applications be applied for with extensions this would require a CMRA and consultation with the Coal Authority.

The proposal therefore complies with LP51 and LP52 of the Kirklees Local Plan.

*Trees*

There is a group of mature trees to the northern boundary of the site. As the proposal is for the change of use of an existing building, and as no groundworks are proposed, it is considered that no additional arboricultural information is required, and KC Trees were not consulted. Should any future applications be applied for with extensions to the building, this would require arboricultural information and a consultation with Trees to ensure no harm is caused to the adjacent protected trees.

**6 – Representations**:

No representation received.

**7 – 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.

**Recommendation** **APPROVE**

**Decision Authorisation - Delegated Powers**
**Application Number**: 2025/90540
**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, LP30, LP31, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13, 15 and 16 of the National Planning Policy Framework.

3. Before the development is brought into use, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
**Reason**: In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan.

**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 work may be carried out.

**Plans and Specifications Table:**

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | | | 12/03/2025 |
| Site Plan | 24/81/D | | 12/03/2025 |
| Floor Plan and Elevations | 24/81/E | | 23/06/2025 |

| | | | |
|---|---|---|---|
| Design and Access Statement | | | 12/03/2025 |

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.

Officers raised concerns that the proposal would not comply with NDSS minimum space standards. Amended plans were sought and received which showed additional storage in the roof space which took the scheme above the threshold. Officers also requested a site plan which showed parking provision for the occupants of 2 Kirklands.

Report Dated: 15/05/2025