

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:	2025/62/90628/W
Site Address:	Rose and Crown, Cop Hill End, Slaithwaite, Huddersfield, HD7 5XA
Description:	Erection of two storey side extension and alterations to former public house to create 6 residential units with access, parking and associated works
Recommending Officer:	Danielle Cooper

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: 12-May-2025

Officer Report

Reference: 2025/90628

Location: Rose and Crown, Cop Hill End, Slaithwaite, Huddersfield, HD7 5XA

Proposal: Erection of two storey side extension and alterations to former public house to create 6 residential units with access, parking and associated works.

Site Description

The application site is an existing public house and restaurant located outside of Slaithwaite in an area designated as Green Belt. The site forms a large stone built rectangular building constructed adjacent to Marsden Lane with a large car park to the front (east). A further area of parking is located to the south west.

The building formally consisted of the Inn with attached barn which has more recently been converted and extended into enlarged space for the Public House and restaurant. From historic photos the Inn dates back to the mid to late 1800s. To the south of the site is a row of terraced houses known as Cop Hill End. Within the wider local area are sporadic dwellings and farms. The land drops away to the east with long distance views of the local landscape.

Description of Proposal

Planning permission is sought for the erection of a two storey side extension and alterations to the former public house to create 6 residential units with access, parking and associated works.

Plot 1 – 2 storey - (2 bed) – 80

Plot 2 – 2 storey - (3 bed) – 115

Plot 3 – 3 storey - (4 bed) – 149

Plot 4 – 3 storey - (3 bed) – 140

Plot 5 – 3 storey - (4 bed) – 134

Plot 6 – 2 storey - (2 bed) – 72

Works to form 6 dwellings

The works to form 6 dwellings consists of internal modifications to the building, to both the ground, first and second floor.

Existing window openings would be utilised where possible, some modifications to existing fenestration would be required e.g. enlarging existing glazing and some additional windows would be added. Twelve roof lights would be installed within the roof.

Each residential unit would have a dedicated parking space with an electric vehicle charging point. Further residential visitor parking would be available via the existing car park. Users of the remaining bar would also utilise the existing car park at Rose and Crown.

External Alterations:

The erection of a two-storey side extension to the northern elevation of the existing building. The two-storey side extension would have the following dimensions:

- Projection – 6.1 metres
- Length – 6.6 metres
- Maximum height – 8 metres (lower eaves and overall height than the attached part of the building).

The external walls of the two-storey extension would be faced in stone and the gable roof above would be infilled with stone slate tiles, matching the materials on the main building.

The erection of a single storey 'wrap around' extension proposed to the south elevation of the existing building. The wrap around single storey side/front extension would have the following dimensions:

The proposed extension will project off of the southern side elevation of the building by 3.8m and will wraparound the front of the building, projecting 1.8m off of the front elevation of the main building. The overall height of the single storey extension is 4.3m and it will feature a flat roof form. The building will be constructed from Yorkshire sandstone.

Part of the proposal is to erect single storey front porches to each entrance of the 6 dwellings proposed.

The proposed front porches have a projection of 1.1m and width of 2.4m, with an overall height of 3.1m. The porches will feature a flat roof form and will be constructed from Yorkshire sandstone.

The proposed roof and eaves height of the northernly part of the building will be increased by approx. 700mm to facilitate living accommodation within the roof scape.

Garden spaces are proposed to the front and side of the dwellings. Parking for the dwellings will be situated within the existing parking area on site. Bin storage is proposed at the front of the application site, near the access.

History of Negotiations/Amendments Received

Further information was sought from the agent to clarify matters in relation to residential amenity and material however no amended plans were sought or submitted.

Relevant Planning History

- 2024/20691 -Pre application for residential development – *Advice provided*
- 2023/91708 – Change of use of part of public house to 7 holiday let and external alterations – *Approved*

- 2019/90153 – Change of use of part of public house to 7 holiday let and external alterations – *Approved*
- 2015/91518 – Erection of storage unit and associated fencing – *Approved* (temporary permission until 14 July 2017, implemented)
- 2012/92657 – Siting of storage unit and erection of fencing – *Approved* (temporary permission until 5 November 2014, implemented)
- 92/00694 - Change of use of part of first floor to form hotel accommodation in association with existing public house - *Approved*
- 84/00674 – a single storey entrance porch to the front elevation – *Approved* (not implemented)
- 77/02464 – a single storey double garage to the Northern End of the property – *Approved* (not implemented)
- 75/4340 – Change of use and extension to covert barn to formed enlarged public house – *Approved* (implemented)

Representations

The application was advertised by site notice and within the press.
Final publicity date = 11th May 2025.

No representations were received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

Ecology – PEA and bat survey submitted is reasonable and acceptable. Recommendations on mitigation and enhancements have been provided for bats, birds, badgers, amphibians, and Invasive Species. These can be covered in a construction environment management plan.

KC Highways Development Management – Consider the application be to acceptable on highways grounds with the inclusion of a condition to ensure all areas to be used by vehicles/pedestrians are laid out, surfaced and drained. A footnote is also proposed to ensure the public footpath COL/154/90 is not interfered with.

KC Environmental Health – No objection. Footnotes proposed in regard to construction working hours and electric charging vehicle points.

Policy/Legislation

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 allocated within the Green Belt in the Kirklees Local Plan. The site is located within the River Colne Corridor Strategic Green Infrastructure Network.

Two Public Footpath's run adjacent to Rose and Crown, namely COL/154/90 and COL/154/60.

The nearest Listed Building to Rose and Crown is No. 4 Cop Hill End. Given that the building of Rose and Crown is located over 20 metres from this Listed Building, it is not considered that any further assessment of impacts to heritage are necessary in this instance.

Kirklees Local Plan:

- LP1 – Presumption in Favour of Sustainable Development
- LP2 – Place Shaping
- LP10 – Supporting the Rural Economy
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP48 – Community Facilities and Services
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings
- LP60 – The re-use and conversion of buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Paragraph 11** – Presumption in favour of sustainable development
- **Chapter 2** – Achieving sustainable development
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Protecting Green Belt land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Flood risk

- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment.

Supplementary Planning Documents and other guidance

- KC Highways Design Guide 2019
- KC Housebuilders' Design Guide 2021
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Principle of development – impact on community facility / Housing density
- 1) Impact on the green belt and visual amenity
- 2) Impact on residential amenity
- 3) Impact on Highway Safety
- 4) Other matters

1) Principle of development

Impact on Community Facility

Policy LP48 seeks to ensure the retention of community facilities and services unless there is no realistic prospect of their being retained. In their assessment of application 2023/91708, officers accepted that the existing pub contained a large amount of underused space. Whilst acknowledging that the business would be significantly reduced in scale, it would remain a viable business comprising a bar, bar lounge and dining area, which the creation of holiday lets would allow for the business to diversify.

The proposal would result in the complete loss of the existing pub. Proposals that result in the loss of a valued community facility (such as a pub) must, under Local Plan policy LP48, demonstrate that:

- (i) There is no longer a need for the facility and that all options including alternative community uses have been considered, or;
- (ii) Its current use is no longer viable, or;
- (iii) There is alternative, equally accessible provision in the local area or;
- (iv) An equal or better alternative will be provided and;
- (v) The site is not listed on a Community Asset Register.

The submitted supporting statement states that the Rose and Crown has been the subject of extensive marketing for a period in excess of 2 years, the property being listed for sale on 21/10/2022 as a freehold opportunity with an original purchase price of £749,950, later reduced to £695,000 in 2023.

It was listed across several major business sales platforms including Sovereign Business Transfer, Daltons, Rightbiz, and Business For Sale, and extensive marketing was undertaken including via social media and articles in the local press. Interest in the property, it is claimed, was limited owing to rising interest rates, the various economic challenges, and increased energy prices. Appendix 2 of the submitted document is a scan of a marketing brochure by Blacks Business Brokers, dated 01/06/2017, offering the premises and business for sale.

The supporting statement does reference that the property has been available between the period of 2023-2024, however any site purchase failed to materialise. As such, it is clear that over the past 8 years, there has been no viable market interest in retaining the site as a public house. Appendix 4 of the submitted document also demonstrates how the pub is simply no longer viable, showing a continuous net loss in profit over a 10-year period from the end of 2024 to 2015.

The LPA therefore consider the building as a public house to be no longer commercially viable due to the above evidence and as such the information provided is sufficient to satisfy the requirements of policy LP48 of the Kirklees Local Plan. Policy LP7 of the Kirklees Local Plan also requires developments to encourage the reuse or adaptation of vacant or underused properties, and in this instance, the reuse and adaptation of the building as residential dwellings is welcomed by the LPA.

Housing density

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) 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 site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

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 officers assessment.’

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 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”.

Previous permission on the site has been granted to allow the pub to become holiday let homes and as such a residential use on this site is considered to have been established already. It is also noted that the re-use of the building and associated side extensions to create 6 dwellings will ensure the building does not become vacant within a few years as it is currently financially unviable. It is acknowledged that the site is not located close to public transport links and the site will be accessed primarily by car. However, given the above, together with the Council’s current position whereby it is unable to demonstrate a 5-year supply of deliverable housing sites, the principle of developing this site for the erection of 6 dwellings is considered acceptable in principle, complying with LP1 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

2) Impact on Green Belt and Visual amenity

The application site is located within the Green Belt and has been previously extended and altered when works took place to convert and extend a former barn to form the enlarged public house/restaurant which is present on site today. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open.

New development within the Green Belt is inappropriate unless it falls into one of the categories set out in paragraph 154 or 155 of the NPPF. Extensions to buildings in the Green Belt can form an exception to inappropriate development provided they do not represent a disproportionate addition over and above the size of the original building as mentioned in paragraph 154 (c) of the NPPF.

This position is also reflected in Policy LP57 of the Local Plan which also requires an assessment on the impact on openness and the character of the Green Belt.

Policy LP60 of the Kirklees Local Plan stipulates that the conversion or the re-use of buildings in the Green Belt will normally be acceptable where:

- a) The building to be re-used or converted is of a permanent and substantial construction
- b) The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape
- c) The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting.

General design considerations are set out in Policy LP24, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

Given that additions haven't taken place over an extended period time, it is difficult to accurately assess the scale or level of additions which have occurred at the site. In the assessment and determination of previous application, 2019/90153, it was concluded that the original building has not been extended. This conclusion was based from a review of planning application 75/4340, whereby the plans appear to show that barn was attached to the original public house, with no additional built form added to the former barn upon being converted into an extended public house, with development solely focused on the installation of a first floor (no rise in height) and additional windows. It has also been determined that the existing most northern projection of the Rose and Crown building existed as an outbuilding or former dwelling historically.

The proposed additions include a two storey side extension, single storey wraparound extension, front porch extensions, and an increase in roof and eaves height of the northernly part of the building by approx. 0.7m. The proposed additions are considered to be proportionate to the main dwelling and will appear as subservient additions which ensures the size of the original building remains dominant. The agent has confirmed that the proposed extensions would result in a total volume increase of 13% to the original building and as such is considered to comply with guidance within the NPPF as well as policy LP57 and LP60.

With respect to the design, the increase in roof height of part of the existing building is considered to be relatively minor and would retain a set down from

the eaves and ridge height of the dominant part of the building, the original barn. Furthermore, the two-storey side extension would be set down by approximately 0.9 metres in height and would be set back from the principal elevation of the building, concluded to be subserviently designed. The proposed extensions will be constructed from matching stone work and roof tiles to the main building and will therefore respect the character and appearance of the host building.

The proposed single storey wraparound extension to the southern elevation of the host building is considered to be a modest addition which will not project past the principal elevation of the main building. As such it will remain as a subservient addition to the main dwelling. Part of the proposal also includes construction of front porches which are modest addition, with a projection of 1.1m from the front elevations and therefore raise no concern in regard to scale and size. The design and materials of the proposal will introduce contemporary additions to the main traditional stone building/barn, however given its isolated and rural setting, the introduction of the large cuts of Yorkshire stone are considered to be visually acceptable and will not result in any harm to the character and appearance of the host building.

With respect to fenestration detailing, modifications are proposed, including the addition of fenestrations to the front, side and rear elevations. The increase in windows to the rear elevation are considered to be visually acceptable and appropriately sited across the rear elevation. The proposed ground floor rear and side elevation fenestrations will introduce larger glazed windows which are more contemporary in appearance. The LPA has no visual concern to the proposed glazed windows to these elevations as they will not cause any detriment to the character and appearance of the host building.

With regard to the installation of roof lights, these are considered to be of a modest scale, and it is concluded that their installation would not detract from the appearance of the host building.

In terms of domestic curtilage, garden areas are provided to the front and side of plots 1, 2 and 6. Plots 3 to 5 include garden areas to the front and further to the east of the site which are access via the shared pathway. A shared amenity space will also be provided to the north of the building and is welcomed due to an increase in soft landscaping to the site. As such the proposed garden areas are considered acceptable, providing beneficial amenity space for future occupiers and would be considered to visually soften the appearance of the site, replacing part of existing hardstanding areas. The proposed boundary treatment is not clear and given the rural setting, in the event that planning permission be approved, it is recommended a condition be attached to ensure boundary treatment details are submitted to the LPA to ensure visual amenity of the green belt setting is protected. It is noted that the proposed dwellings would benefit from permitted development rights. Given the site's location within the Green Belt and the level of additions approved by this permission, it is considered appropriate and necessary to remove permitted development rights for any further extensions and outbuildings to protect the openness of the Green Belt.

In conclusion, the proposed extensions and alterations to the building are considered to be acceptable in terms of design and scale. Conditions will ensure that the materials of construction match the host property. Subject to the stated conditions the proposal would accord with the requirements of Policy LP24, LP57 and LP60 of the Kirklees Local Plan and Policies in Chapters 12 and 13 of the NPPF.

3) Impact on residential amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: "They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings".

In addition 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.

With respect to adjacent properties, the closest dwellings to the site are No.'s 1-6 Cop Hill End 19.6 metres to the south east. To the north, the closest dwelling is The Cop which is 85 metres away. Given the separation distances to these properties, the proposed development is not considered to lead any detrimental impacts of overlooking, overbearing or overshadowing. In addition, as the building on site currently operates as a pub, the LPA does not consider the introduction of 6 dwellings at this site would lead to any detrimental intensification in amenity terms.

The proposed front windows will offer views across the countryside and will be able to look into the garden areas for the proposed neighbouring front garden areas. Whilst this may result in some overlooking impact, in particular to plot 2, the LPA do not consider that this would result in such a significant loss of privacy that would warrant a refusal in this instance.

The proposed side windows will not result in any loss of privacy to nearby residential properties.

The proposed rear windows will look directly onto Marsden Lane and the ground and first floor windows to this elevation can be looked into by passerby's, which does raise some concern to the loss of privacy of future occupiers to the habitable windows across this elevation. However, a balance has to be struck to whether this impact of loss of privacy is significant enough to warrant a refusal. As the site is located within a rural, isolated location, with very small activity from vehicles and pedestrians along Marsden Lane, it is considered acceptable in this instance. The LPA therefore consider the internal arrangement to be acceptable on balance, and the overlooking impact would not be detrimental.

KC Environmental Health have reviewed the application and have raised no concern, however, have recommended that construction working hours to be

added as an informative to protect residential amenity of nearby residential properties.

In terms of the amenities of the proposed occupiers, the following is relevant. Principle 16 of the Kirklees 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."

The proposal represents 6 terrace houses

Plot 1 – 2 storey - (2 bed) – 80
Plot 2 – 2 storey - (3 bed) – 115
Plot 3 – 3 storey - (4 bed) – 149
Plot 4 – 3 storey - (3 bed) – 140
Plot 5 – 3 storey - (4 bed) – 134
Plot 6 – 2 storey - (2 bed) – 72

The gross internal floor areas of plot 1 to 5 exceed the required minimum space standards and therefore complies with principle 16 of the Kirklees Housebuilders Design Guide SPD. Plot 6 falls under the required 79sqm for a 2 storey, 2 bedroom, 4 person dwelling, however does meet the required space standards for a 2 bedroom 3 person dwelling. Due to this, the LPA consider the internal size of plot 6 to be acceptable on balance and would provide an adequate level of living accommodation for future occupiers. 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."

All private garden amenity spaces to each dwelling are considered functional and proportionate to the size of the dwelling and context of the site. As such, the LPA are satisfied that the proposed private garden amenity spaces complies with principle 17 of the Kirklees Housebuilders Design Guide SPD. Boundary treatments are recommended to be conditioned to ensure that the rear gardens are sufficiently screened to ensure they can be used by future residents with good levels of privacy.

Subject to the inclusion of the aforementioned conditions the proposal is considered to have an acceptable impact on local amenity and would accord with Policy LP24 of the Local Plan, and Principle 16 and 17 of the Housebuilders Design Guide and Policies in the NPPF.

4) Impact on Highway Safety

Turning to highway safety Policies LP21 and LP22 of the Local Plan are relevant, which seek to ensure that proposals do not have a detrimental

impact to highway safety and provide sufficient parking. KC Highways Development Management have also assessed the application.

This application is for the erection of a 2-story side extension and alterations to a public house to create 6 residential units with parking from an existing access on Marsden Lane, a 60mph (national speed limit), two-way single carriageway rural link road of approximately 6m width, although narrowing down to approximately 4m as it passes the pub, with no footways or street lighting present.

There are no records of any injury accidents adjacent to the access to the car parks or within the network of roads surrounding the site and so KC Highways Development Management must assume that the existing access for the site is operating safely.

No details have been provided in relation to trip generation for the proposals, however the size and type of development would be expected to generate approximately 0.7 trips per residential unit at the peak hours, equating to approximately 5 trips. This would not be expected to have a severe impact on the operation or efficiency of the local highway network. It is considered that the proposals would have the propensity to generate less daily vehicular trips than the existing land use as a public house with dining. It is expected that the access may experience a reduction of use in relation to the previous trips generated by the pub/restaurant.

The proposed parking layout is indicated on drawing No 24_806 125 and meets the required standards of 13 residential spaces and 3 visitor spaces provided for the 6 dwellings. The parking spaces are of appropriate dimensions and the site would provide suitable manoeuvring and turning space to allow vehicles to enter and exit the site in forward gear for highway safety reasons. In the event that planning permission be approved, it is recommended that a condition be attached to ensure all access and parking areas are suitably surfaced, drained and marked into parking spaces as shown on the submitted plan prior to occupation of the dwellings.

The proposed bin storage area along Marsden Lane and waste collection will take place along the kerbside of Marsden Lane which is considered acceptable.

Therefore, with the inclusion of the aforementioned condition, the development is considered to be acceptable from a highways safety perspective, appropriately according with Chapter 9 of the NPPF and policies LP21 and LP22 of the Kirklees Local Plan.

5) Other Matters

Electric Vehicle Charging Points:

The application would lead to the formation of 6 new residential units, in line with the West Yorkshire Low Emissions Strategy (WYLES) and Policy LP24 of the Local Plan a condition is recommended to be attached to the decision notice requiring the provision of an electric charging point to serve the

properties. Given that the properties would be served by a shared car park area it is considered details to secure this are required to be submitted before occupation.

Public Footpaths:

Given that the proposed developments to Rose and Crown would not prejudice the function, continuity, or implementation of footpaths COL/154/90 and COL/154/60 as walking or cycling networks, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The development would not see the removal of any existing trees or hedgerows at the site. Therefore, the proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

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. As part of this application, a climate change statement was submitted, which set out mitigation measures. Considering the scale of development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology:

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. This is because all extensions are located on existing hardstanding.

However, the following policies are relevant:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

The site is located within a bat layer. A bat survey was submitted and concludes that it is unlikely bats present on the site which is accepted by the LPA. A Preliminary Ecological Appraisal has been submitted and reviewed by the ecology officer who consider the appraisal reasonable and acceptable. Recommendations on mitigation and enhancements have been provided for bats, birds, badgers, amphibians, and Invasive Species and will be secured by a construction environment management plan as recommended by ecology.

The proposed development is therefore considered acceptable complying with local and national policy.

6) Representations

None 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2025/90628

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, as amended by the Planning and Compulsory Purchase Order 2004.

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 Policies LP1, LP2, LP10, LP21, LP22, LP23, LP24, LP30, LP31, LP48, LP51, LP52 & LP57 of the Kirklees Local Plan and policies within Chapters 2, 4, 6, 8, 9, 12, 13, 14 & 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the two-storey extension hereby approved shall in all respects match those used in the construction of the existing building. The external walls of the single storey extension hereby approved shall in all respects match those used in the construction of the existing building. These materials of construction shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. Any external materials required as part of the development to raise the roof height of the part of the building as shown on dwg no.24 806 124

shall in all respects match the materials used in the construction of the existing building. These materials shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

5. The external walls of the single storey wraparound extension and front porches shall be constructed from Yorkshire Sandstone, as detailed within sample email received 28/04/2025. These materials shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

6. Before first occupation, a scheme detailing the dedicated facilities that will be provided at each premise for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter. The EVCPs should be installed in the premise before occupation.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

7. Prior to occupation of the development hereby approved, all areas shown on the approved plans to be used by vehicles and pedestrians, including roads, footways/paths and parking areas shall be laid out as shown in approved drawing No 24_806 125, and surfaced and drained such that surface water does not discharge or transfer onto the highway, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the protection of the openness and character of the Green Belt and to accord with Policy LP57 of the Kirklees Local Plan and the requirements of Chapter 13 of the National Planning Policy Framework.

Note: Public footpath COL/154/90 runs adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston or via the email address: publicrightsofway@kirklees.gov.uk

Note: The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. 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 in relation to Approved Document S.

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 Bank/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	24 806 125	-	07/03/2025
Proposed Elevations	24 806 124	-	07/03/2025
Proposed Floor Plans	24 806 123	-	07/03/2025
Planning Statement		-	07/03/2025
Dusk Survey Results V1.1		-	07/03/2025
Climate Change Statement		-	07/03/2025
PEA		-	07/03/2025

Sample email from agent		-	28/04/2025
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 09/05/2025