

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2025/61/90707/W

Site Address: Fenay Bridge Nurseries, Brewery Yard, Fenay Bridge,
Huddersfield, HD8 0AR

Description: Reserved matters application pursuant to outline
permission 2020/91155 for demolition of existing
buildings and erection of residential development (1
dwelling)

Recommending Officer: Emma Thompson

DECISION – APPROVAL OF RESERVED MATTERs

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 24-Jul-2026

Site Description

The application site subject of this application occupies an area of land situated to the south of Fenay Lane. The site is accessed via a very steep drive to an unkempt area of land which is occupied by two buildings and associated hardstanding. Much of the site has become overgrown but at the time of site visit the buildings remained.

The two existing buildings measure approximately 14 x 6m and 20 x 8m respectively. A certificate of lawfulness granted for this part of the site ascertained that much of the area constitutes brownfield land.

The red site line extends to the west to include a new access. This part of the site is currently occupied by small trees and shrubbery.

Beyond the red site boundary, to the west, is the remainder of the former Fenay Nurseries site. This area of land occupies approximately 1 hectare and is occupied as a plant nursery, it accommodates a number of poly-tunnels, open growing beds and two permanent buildings at the eastern end of the site. The remainder of the site accommodates level concreted areas.

To the east of the site, is land within the ownership of the applicant consisting of a grade II listed residential property. There are open fields to the south and west with a small cluster of residential properties beyond the south west corner of the application site. The site has been vacant since June 2017.

Description of the proposal

The application is a reserved matters submission following approval of an outline application reference 2020/91155. Outline approval for access was granted for residential development. An indicative plan, at the time, showed 2 dwellings with access being the only matter for consideration.

The current application relates to a single dwelling which forms a 'T' shaped property in place of the former buildings on the site. The building measures a maximum 19.8m with fluctuations in width, maximum 26.8m and is a maximum height of 5.8m.

The plans show a 3 bedroom property with bathroom, snug, office and garage as well as a central kitchen/living/dining area at ground floor with a small upper floor area showing a bedroom and bathroom.

A new access is to be formed as previously approved. As this has already been approved under the outline submission this will not be reassessed.

History of the site

2021/90958 – Discharge of conditions 6 (Highway Works), 8 (Visibility Splays), 10 (Highway Retaining Structures), 12 (Construction Traffic), 13 (Surface Water) on previous permission 2018/90163 for change of use from plant nursery with retail sales to garden centre and formation of new access – Split decision issued April 2021

2020/93654 - Change of use of this site with retail sales to garden centre and the formation of a new vehicular access from Fenay Lane – Huddersfield Sub Committee 21st April 2021 – approved

2020/91155 - Outline for residential development (including access only) granted permission March 2022.

2019/90953 - Certificate of lawfulness for existing use of land as plant nursery with retail sales – Granted

2018/90163 - Change of use of this site with retail sales to garden centre and the formation of a new vehicular access from Fenay Lane – Conditional full permission by Strategic Committee Members April 2018

2016/93230 – demolition of existing and erection of 5 no. dwellings- refused and dismissed on appeal for the following reasons:

Inappropriate development which would have a greater impact on the openness than the existing use with no very special circumstances to justify the development.

2014/93595 - change of use of this site with retail sales to garden centre and the formation of a new vehicular access from Fenay Lane – Conditional full permission by Strategic Committee Members December 2015

History of negotiations (including revisions to the scheme):

Further information was sought regarding ecology. This was provided and accepted.

Representations:

Advertised by site notice displayed on the 8th May 2025, expiring 2nd June 2025.

No comments were received.

Planning 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).

Kirklees Local Plan (2019):

LP21 – Highway safety and access

LP22 – Parking LP24 – Visual Amenity

LP28 – Drainage

LP35 – Historic environment

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land

LP59 – Infilling & redevelopment of brownfield sites in the Green Belt

Supplementary Planning Guidance / Documents:

Housebuilders Design Guide adopted June 2021

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 5 – Delivering a sufficient supply of homes

Chapter 13 – Protecting the Green Belt Land

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

CONSULTATION RESPONSES:

KC Highways DM: No objections

KC Environmental Health: No objections

KC Biodiversity: No objections

Assessment:

Principle of development

As this application relates to an application for reserved matters approval pursuant to outline consent 2020/91155 only matters relating to appearance, layout, scale and landscaping are being considered as part of this application. The principle of the development along with access has been approved by permission 2020/91155 and it is therefore not considered necessary to re visit the principle of development as part of the consideration of this application. Whilst the housing land supply position has been updated since the determination of the outline application the principle remains the same. The outline did not secure number of dwellings and as such residential development per se is acceptable. This application considers scale, layout, landscaping and appearance.

Visual Amenity (layout, landscaping, appearance and scale)

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities.

Paragraphs 134 and 135 of the NPPF set out the requirements for high quality, beautiful and sustainable buildings and places. Paragraph 137 states that planning decisions should ensure developments are sympathetic to local character while not preventing innovation or change. Paragraph 140 highlights the importance of layout and building form in contributing to a strong sense of place.

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. Local Plan Policies LP1 and LP2 are also relevant. These policies underpin Policy LP24 and seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring layout, scale and density and appearance respects the character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive. Policy LP59 is also relevant due to the Green Belt context as set out in the principle of development section in this report.

The Kirklees Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. It also seeks to ensure that new

development integrates well with surroundings, with appropriate spacing, layout and massing that reflects local character. Of particular relevance to this scheme:

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: "New residential development proposals will be expected to respect and enhance the local character of the area by:

Taking cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.

Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context." Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, Principle 12 states parking to the front will need creative design solutions to be incorporated. The site is also located adjacent to a Grade II Listed Building. Development proposals affecting designated heritage assets should preserve or enhance the significance of the asset.

With regards to layout, scale and appearance, the site is in an elevated position but plateaus and therefore appears relatively level once within the site boundary. There are existing buildings to the east which are set some distance away. Given the topography of the site as well as the distance to the road frontage there is no definitive building line, however the plans show that the new dwelling is set in similar alignment to the buildings to the north east. The scale would not be out of keeping in context replacing the sporadic buildings with one larger unit.

It has been designed sympathetically so as not to appear overbearing or obtrusive within the context of the rural landscape and at a scale and height so as to avoid openness is not materially affected. The low roof form would ensure that visible elements present as modest, roofscape rather than intrusive new development. The design appears to echo the simple modest and functional form of the original buildings. The building incorporates expanse of glazing to the central section which is set within the development reducing impact from any glare in long distance views. The gable features would not appear out of context when taking into account the character of the area. The general fenestration details are acceptable which include some more agricultural features.

Existing shrubbery and trees will provide screening to the new development thereby mitigating longer distance views. The outline application set out that a maximum height of 5.5metres should be restricted for any new development, this approach was based on the approximate heights of existing structures remaining on the site. The agent has confirmed that the maximum height is 5800mm where there is a bedroom above the garage with the ridge line at a consistent level of 5000mm as the ground level rises. This scale is considered acceptable when affording weight to the existing buildings on the site as well mitigation from established landscaping.

Materials of construction take account of the local vernacular and incorporate natural stone and blue slate roof. It is noted that the surrounding land is to be revegetated and existing hedges and planting is to be retained. There is no

indication of any new boundary treatments, a such, a condition is imposed to control any physical boundaries to ensure they are sensitive to the rural location so as not to detract from the character or openness.

The red site boundary line is acceptable in affording adequate space to the built form and maintaining the character of the green belt. Although the scale of the dwelling is acceptable in its submitted form, the potential cumulative effect of further additions could materially increase their size and scale leading to a loss of openness within the Green Belt. In order to control development in this sensitive context, it is recommended that a condition is attached to ensure that no development included within Classes A through E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be carried out without the prior written consent of the Local Planning Authority.

The submitted details show landscaping improvements through the retention of hedges and conifers along with the replanting of indigenous trees along with removal of buildings and meadow planting around the site.

The layout, scale, design and materials are such that there would be no harm to visual amenity or to the significance of this heritage asset, landscaping improvements will improve the visual contribution in context appearing more akin to the rural character in accordance with the NPPF and the duty set out in the Listed Buildings and Conservation Areas Act 1990 in addition to Chapter 12 of the NPPF and Policies LP24 and LP35 of the Local Plan.

Residential Amenity

Policy LP24 of the Kirklees Local Plan requires all development to provide a high standard of amenity for future and neighbouring occupiers. This includes appropriate levels of privacy, light, outdoor space and internal living conditions. The policy also seeks to ensure that development retains appropriate distances between buildings to avoid harmful impacts such as overshadowing and loss of privacy to neighbouring properties.

Principle 6 sets out 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.

Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. 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.

The Governments Technical Housing Standards – Nationally Described Space Standard (NDSS) sets out minimum internal space requirements for new dwellings to ensure good levels of functionality and amenity for future occupiers. For a two-storey, 3-bedroom 6-person dwelling, the standard requires a minimum Gross Internal Area (GIA) of 102sqm.

Future occupiers:

The proposed layout shows the dwelling set in a modest plot with private outdoor amenity space to the side and rear. The garden is proportionate to the size of the dwelling and provides sufficient and usable private amenity space for future occupiers. Internally, the dwellings would provide a conventional family layout across with a bedroom shown in an upper floor, with gross internal areas and bedroom sizes exceeding the minimum

requirements set out in the nationally described space standards three bedroom six person dwelling.

Due to the location of the site adequate privacy will be maintained for future occupants. The design of the dwelling ensures that outlook and light will be achieved to habitable spaces ensuring an acceptable level of amenity is maintained.

Neighbouring Occupants:

Neighbouring Occupiers The closest residential properties are in excess of 30 metres to the east, separated by vegetation both existing and reinstated.

Taken into account the separation distances, window placements and considerations for daylight and sunlight, it is considered that the proposed dwelling would not give rise to adverse impacts on privacy, light, or general residential amenity of neighbouring occupiers. The scheme therefore complies with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Highway issues

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel. The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

Internal Access and Parking Provision

Policy LP21 seeks to ensure that new development does not adversely impact highway safety or the efficient operation of the road network. It requires proposals to demonstrate safe and suitable access for all users, adequate parking provision, and integration with sustainable travel opportunities, in accordance with the Councils adopted highways design guidance.

Chapter 9 of the NPPF promotes sustainable transport by encouraging development that supports walking, cycling, public transport, and safe, accessible movement for all users.

The formation of the new access has already been agreed under the outline submission. The plans show adequate internal turning and sufficient parking for a 3 bedroom property. Conditions pertaining to the access are imposed on the outline. As the layout is secured under this reserved matters it is considered relevant to add a condition to ensure surfacing and draining as well as the provision of bin storage and collection point.

Subject to conditions to ensure the parking and turning areas are laid and bin storage/ collection point are present prior to the first occupation of the dwellings, the scheme is considered to comply with Policy LP21 of the

Kirklees Local Plan and Chapter 9 of the NPPF in respect of highway safety, access and parking provision.

Representations

The application for reserved matters was advertised by site notice expiring on the 30th May 2025. No representations were received.

Other Matters

Biodiversity issues

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The application has been assessed by the KMC Biodiversity Officer. Further information was sought in respect of updated BNG information in the Ecological Design Strategy (EDS) as well as Habitat Management and Monitoring Plan (HMMP).

The updated proposals have adequately demonstrated biodiversity net gain in accordance with Policy LP30ii of the KLP and the NPPF. Furthermore, the Ecological Design Strategy is acceptable and meets the requirements as set out by condition of the outline approval.

It is considered that the redevelopment of the site will not result in significant harm to matters of wildlife. The development should be carried out in accordance with the details submitted to ensure adequate mitigation and net gain in accordance with Policy LP30 and Chapter 15 of the NPPF.

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 pre-dates 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

A Climate Change Statement has been submitted which outlines several broad measures intended to minimise environmental impact.

Given the nature of the development as minor residential development, it is considered that the climate change mitigation measures proposed would be proportionate and acceptable in this instance, as such, it is considered the proposal would comply with Policies LP26 and LP51 of the Kirklees Local Plan and paragraph 161 of the NPPF.

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 redevelopment of the site would not be inappropriate and would constitute sustainable development for the reasons set out in the report.

In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole.

Decision Authorisation - Delegated Powers

Application Number: 2025/90707

Officer Recommendation: Approve Reserved Matters

1. 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, LP7, LP21, LP22, LP24, LP30, LP31, LP33, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, Principles 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 19 in the Council's Housebuilders Design Guide SPD, and the policies within Chapters 2, 12 and 13 of the National Planning Policy Framework.

2. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development. **Reason:** In the interests of residential amenity of neighbouring occupiers, visual amenity and to preserve the openness of the Green Belt to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders

Design Guide SPD and Policies within Chapters 12 & 13 of the National Planning Policy Framework.

3. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing

(i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas for the residential and commercial aspects of the scheme and

(ii) bin presentations points for collection of wastes has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into use until the works required have been completed/provided, which shall thereafter be retained. **Reason:** To ensure adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and policies contained within chapters 12 and 15 of the National Planning Policy Framework.

4. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and turning areas on Drawing No. 22-0017 101 Revision B are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of 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 development included within Classes A through 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 visual amenity, to avoid overdevelopment and to safeguard the openness of the Green Belt, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

NOTE: No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484

221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07:30 to 18:30 hours Mondays to Fridays
- 08:00 to 13:00 hours Saturdays
- With no noisy activities on Sundays or 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
Planning Statement	Malcolm Sizer Planning Ltd. March 2025		17 March 2025
Ecological Design Strategy	1/A-24/0017- 11/03/2025		17 March 2025
Biodiversity Net Gain	Habitat Works November 2025		17 March 2025
Ecological Interventions Plan	Habitat Works November 2025		17 March 2026
Climate Change			17 March 2025
Location Plan	24-0017 01	REV B	17 March 2025
Existing site plan	22-0017		17 March 2025
Site Layout - proposed	22-0017 101	REV B	17 March 2025
Proposed House Type Drawing	22-0017 102	REV B	17 March 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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. Further information was sought regarding ecology and biodiversity.

Report Dated: