

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:	2025/62/90715/E
Site Address:	north of, Birch Lodge, Howroyd Lane, Whitley, Dewsbury, WF12 0NB
Description:	Change of use of agricultural building to C3 residential use with extension to side
Recommending Officer:	Edward Cheseldine

DECISION – Conditional Full 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 16 July 2025

Officer Report

2025/90715 - north of, Birch Lodge, Howroyd Lane, Whitley, Dewsbury, WF12 0NB

Site Description

The development site consists of an agricultural building constructed of metal sheeting with a metal clad sheet roof, which has been powder coated in a dark green colour. It has two large openings on the front. The building currently has a utilitarian appearance.

The building has a gravel surfaced area to the front of approximately 17.00m which leads to a two-tyre gravel track. Beyond this is tarmacked driveway that links the site and Birch Lodge to Howroyd Lane.

Associated land includes a manege, and equestrian paraphernalia which was present on site during an officer site visit.

The wider land area contains fields which have been divided up into parcels of land, these are mainly separated by hedgerows. A small settlement of residential buildings and a community facility rests to the north-west of the site.

Proposal Description

The applicant is seeking permission for the conversion and change of use of a building to residential development and a side extension.

The existing building's dimensions are 12.50m(L) x 7.00(W) with an eaves height of 3.20m and ridgeline height of 3.90m. The side extension would project 4.00m from the north-east elevation, with a length of 6.60m. It has an eaves height of 3.00m and ridgeline height of 3.75m.

The building will be timber clad, with the metal roofing retained. Windows and rooflights will be installed and solar panels placed on the roof.

Public Representations

The application has been advertised by way of a site notice, which expired on 26 May 2025. As a result of the publicity, 4 representations were received; 3 in objection and 1 in support.

Objections included the following:

- The application site is not part of an agricultural holding.
- The existing building does not function as an agricultural building.
- The appearance of the building will change.
- The footprint of the building will increase.
- A parking area will change the footprint of the land and be to the detriment of habitats.
- A safe disposal of waste and connection to mains water supply has not been demonstrated.
- Development will create noise disruption
- There will be an impact to trees and hedgerows
- The building is visible from the public highway
- Access is unsuitable for two dwellings
- Development will impact the existing highway network
- Development would have an impact on wildlife including owls, hedgehogs, kestrels and other species.
- Development would impact upon the open character of the Green Belt.
- The applicant has not demonstrated Very Special Circumstances.

Comments in support included the following:

- Conversion of the unit would bring the building into a productive use.
- There would not be an increase in traffic from 1 dwelling
- Visual changes are sympathetic to the rural character of the area.

Planning matters relating to the points raised above will be assessed throughout the report, with a conclusion to the responses published within the *Representations* section of the report.

Amendments/Negotiations

The applicant was requested to provide a structural report to evidence that the existing building could be converted into a dwelling.

KC Highways also requested a tracking diagram, to indicate an access to the dwelling for fire service vehicles, and bins presentation and collection points on a site plan.

These documents were provided. The structural report confirms the existing building can structurally withstand the domestic additions and solar panels.

KC Highways DM subsequently had no objection upon reviewing the provided tracking diagram and updated site plan. This is expanded within the *Highway Safety* Section of the report.

Relevant Planning History

2016/90875 - Prior notification for erection of agricultural building – Details approved

2015/91634 - Erection of extension and alterations to convert stables to dwelling and alterations to access – Approved

Consultation Responses

KC Highways DM – No objection.

KC Ecology – No objection.

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 located within the Green Belt on the Kirklees Local Plan.

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 57** – Extensions, alterations & replacement buildings in the Green Belt
- **LP 60** – The re-use and conversion of buildings

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

National Policies and Guidance:

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

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

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).

- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Housebuilders Design Guide SPD (2021).
- Gov UK Biodiversity Net Gain Technical Guidance.
- Gov UK Nationally Described Space Standards

Assessment

- 1) Principle of Development
 - a. Sustainable Development
 - b. Green Belt
 - c. New Dwellings
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

“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...”

Green Belt

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF states *the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*

Chapter 13 of the NPPF requires local Planning Authorities to regard the development in the Green Belt as inappropriate development unless one of the exemptions applies.

Exceptions of which include, *'the re-use of buildings provided that the buildings are of permanent and substantial construction'* (paragraph 154 h iv.) and,

'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building' (paragraph 154 c).

The Kirklees Local Plan (2019) regards local policies relevant to this application.

Policy LP57 of the Kirklees Local Plan states that *'extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.'*

Policy LP60 of the Kirklees Local Plan states,

'Proposals for the conversion or 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, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
- c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.*

As the core of the application is based on the reuse of the existing building, an assessment will first be made against Paragraph 154(h)(iv) and Policy LP60.

Following this, the proposed extension will be considered in the context of Paragraph 154(c) and Policy LP57.

In this case, the submitted planning statement outlines that the application seeks permission for the conversion of an existing agricultural building to a dwelling. The building is formed of metal sheeting material which, whilst visual appears to be in good condition, raised questions to its integrity. Officers therefore requested a structural report was submitted. Report authored by H M Chambers & Partners, reference N8841-ml-RRE, dated 19 June 2025 was submitted in support of the building's weight bearing ability.

The report demonstrates that the removal and repositioning of metal cladding to domesticate the property with window openings can be achieved without affecting the structural integrity of the building. The report recommends methods to secure the integrity of the building without its replacement or damage to for its stability, indicating a conversion to a domestic property can be achieved. This leads to the conclusion that the building is of permanent and substantial construction and the current framing of the building would remain in situ, albeit, by being upgraded cosmetically. The removal of the fabric of the existing building would not be required.

The building currently hosts a gravel curtilage. Parking would be positioned to the front of the property on the existing surfacing. Given permission would result in residential development there would naturally be some additional domestic paraphernalia associated with the dwelling. The resultant scheme would change the character of the land from agricultural to residential, due to the expected change of use. Careful consideration has been given as to the design in order to retain and enhance past its agricultural use. The residential curtilage has been kept to a minimum, it is defined within an area of development adjacent to a menage and existing access.

The proposed development would make use of an existing and defined access route with no further enhancements, which in turn minimises the urbanisation of the site beyond the change of use.

Surrounding land is relatively open, therefore it is considered necessary, in order to comply with Green Belt policy that permitted development rights for extensions, roof alterations and outbuildings are removed to safeguard the Green Belt from further encroachments from unsympathetic alterations that would impact upon openness.

Point C relates to the visual appearance of the site, including boundary treatments, as well as residential amenity and highway safety, which is expanded within the further assessment.

In respect of Policy LP57, permission includes a side extension with a volume of ~89.10m³. The extension will be formed within an area of previously open land, although it falls within the line of development from Birch Lodge which includes residential garden space and the menage. The extension is set down from the original roofline and back by 0.25m, whilst being less than half the width of the original building. In a visual and spatial sense, the extension is subservient to the host dwelling in size and overall appearance. The building and extensions will be timber clad, whilst retaining the metal clad roof providing an agricultural appearance to the dwelling.

Should permission be granted, a condition removing Permitted Development Rights is considered reasonable, due to the impact that could result to the openness of the site from disproportionate additions which would be contrary to national and local planning policy.

The proposed reuse and extensions are acceptable in principle, according with paragraph 154 c) & 154(h)(iv) of the NPPF and Policy LP57 & LP60 of the Kirklees Local Plan.

New Dwellings

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.'

One additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places therefore an assessment will be made on the impact set within national and local policy. Therefore, a balance will be formed, within this assessment, against the benefits one dwelling would bring to the supply.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 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..."

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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.”*

In this instance, the development site is located in a rural location, the impact to the character of the Green Belt will therefore apply, as well as the wider building group and landscape. The building is in a relatively isolated position and is existing. Its appearance will retain that of the agricultural storage unit given the retention of its shape, whilst being timber clad, which is not uncommon for buildings in rural areas. It is considered the identity of the area will be maintained due to these design features. Solar panels will be placed on the roof of the building to generate power for the dwelling. These are placed on the rear roof plane and not considered to be to the detriment of visual amenity or the character of the Green Belt.

New openings will be formed on the building on the front, side and rear of the building, the number of which is moderate, they are well placed and appropriately sized.

The proposed boundary treatments have not been included within the submitted details. It will be conditioned that should boundaries be required details will be submitted and approved in writing by the Local Planning Authority. Given the setting of the dwelling, low picket fencing or estate style fencing would be supported.

In terms of a wider assessment, the land rises to the north-west mitigating its visibility. Public view points are limited, when in the case the building is present, it will continue to be single storey and have an appearance that is fitting for its setting.

The application is therefore acceptable in terms of Policies LP24 a) & c), LP57 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide SPD and the NPPF.

Impact on Residential Amenity

Section B of LP24 states development should:

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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 application building sits 51.00m from the nearest residential building. All properties in the locality are therefore over 21.00m away from the new windows or a distance that would not result in a loss of outlook, loss of light or an overbearing impact due to the extension.

It has been raised within comments that the area is tranquil and new development in the area would create an undue impact in terms of sound. The change of use of no.1 building to residential would not meet the threshold to require a construction management plan. Given the position of the building, Officers would not consider there to be an impact from noise to the detriment of neighbouring residents.

Amenity of 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.”*

“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 1 storey dwelling with 2 bedrooms requires a minimum internal floorspace of 50m².

Internal floorspace measurements have been provided, the dwelling would have an internal floorspace of 96.50m² which is above the minimum threshold.

NDSS requires double bedrooms have an internal floor space of 11.50m² and be at least 2.75m wide. Plans indicate the double bedroom to be 14.80m² being 3.60m wide. NDSS require a single bedroom to be 7.5m² and at least 2.15m², which the single bedroom accords with by being 8.80m² and 2.35m wide.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. All habitable rooms have a suitable level of light due to the placement of window openings. Rooms are rectangular in footprint, when accounting for storage and doorways, there is a suitable amount of functionable space for occupants.

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.”*

When considering the context of the site the occupant would have access to the surrounding open spaces. The redline boundary indicates the residential curtilage would not be extended into open fields, domestic paraphernalia would therefore not be permitted within the fields beyond the site. In any event, should boundaries be erected within the building's curtilage, they will be assessed against Principle 17 of the Kirklees Housebuilders Design Guide SPD.

Given a dwelling is being erected which is encircled by land that could be owned by separate occupier, it will be conditioned that the bathroom and ensuite windows are obscurely glazed to protect the amenity of future occupiers.

Having considered the above factors, subject to the inclusion of the condition mentioned, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Builders Design Guide SPD.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Development will result in a moderate intensification of use to the existing access and driveway/access track and two parking spaces.

KC Highways DM were consulted informally on the proposal. They raised no concerns to the use of the existing access. In addition, they confirmed the number of parking spaces was suitable for a 2 bedroom dwelling.

The dwelling is located 110m from the public highway. As such, KC Highways DM requested additional information that fire service vehicles could be accommodated on the access track, manoeuvre and turn to exit in a forward gear. The applicant submitted vehicle tracking site plan 5003-006 on 25 June 2025. KC Highways DM were reconsulted and confirmed the tracking diagram demonstrated the ability for fire service vehicles to safely enter and exit the site.

In addition, KC Highways DM requested that bin collection and storage points were identified. Site plan 5003-004 revC was submitted, which contained bin storage points that do not impact access. During consultation it was requested the collection point was located near the highway next to the waste collection point of Birch Lodge. They did not require further information given the width of access.

Given the response from KC Highways DM, the proposals are considered to be acceptable from a highway safety perspective and the plans accords with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

Coal Legacy

The applicant has submitted a Coal Mining Risk Assessment. Authored by EMCUS, reference MJH/J2194/D1/1, dated 04 November 2024. The development site is not within a high-risk coal mining area according to the Council's GIS mapping system. In addition, the works are above surface level. A consultation with The Mining Remediation Authority therefore, is not a statutory requirement.

Biodiversity Net Gain & Ecology

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are 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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The agent has stated the application falls under the 'self-build' exemption category within the application forms. The agent has confirmed the development complies with the Self-build and Custom Housebuilding Act 2015, and officers have no reason to dispute this, therefore the application is exempt from a BNG uplift.

Nonetheless, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework state that biodiversity enhancement is required for all developments.

It is noted that the dwelling is single-storey with the main elevations being below 4.00m. Considering this, bird and bat boxes would not be located at suitable heights for animal occupancy.

A preliminary roost assessment authored by Whitcher Wildlife Ltd, reference 250409, dated 8 April 2025 was submitted as the site is located in a bat alert area on the Council's GIS mapping system. The document was assessed by KC Ecology. They concluded the findings within the document were acceptable and no further information or conditions are necessary.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Representations

It has been considered whether the objections brought forward would have a material weight in the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development

- The application site is not part of an agricultural holding.
- The existing building does not function as an agricultural building.
- Development would impact upon the open character of the Green Belt.

Officer comments: The reuse of the building has been assessed against relevant national and local policies. The function of the site and building is relevant to an assessment in the impact to openness. However, whether the current use of the building is agricultural or it has fallen out of use is not a criterion in such an assessment. It has been concluded that the proposal will not impact upon the open character of the Green Belt, which is expanded within the *Principle of Development* paragraph of this report.

- The footprint of the building will increase.

Officer comments: An assessment has been made in respect of the extension; it has been concluded that it would not result in disproportionate additions over and above the size of the original building.

- The applicant has not demonstrated Very Special Circumstances.

Officer comments: Unless exemptions apply, development in the Green Belt is inappropriate and should not be approved except in very special circumstances which must be demonstrated. The reuse and extensions fall within exemptions within the National Planning Policy Framework, therefore very special circumstances are not required to be demonstrated.

Visual Amenity

- The appearance of the building will change.
- The building is visible from the public highway.

Officer comments: The visual changes are considered to respect the rural character of the area and Green Belt.

Residential Amenity:

- A parking area will change the footprint of the land and be to the detriment of habitats.

Officer comments: There are no changes proposed to the existing area of gravel to the front of the building.

- Development will create noise disruption.

Officer comments: The application building sits 51.00m from the nearest residential building. It is not considered, due to its location, the change of use will create an impact from noise to the detriment of neighbours. In addition, the change of use of no.1 building to residential would not meet the threshold to require a construction management plan.

Highway Safety:

- Access is unsuitable for two dwellings.

Officer comments: KC Highways raised no concern with the intensification in use of the existing access to 2 dwellings. There is suitable visibility and space for waiting for cars to pass on the single lane sections.

- Development will impact the existing highway network.

Officer comments: KC Highways raised no concerns, that development would be to the detriment of safety of the existing highway network. The existing egress is suitable for the number of dwellings that use the property and parking standards have been met.

Environmental Matters:

- A safe disposal of waste and connection to mains water supply has not been demonstrated.

Officer comments: Whilst not given weight within the planning balance, the applicant is responsible for provided mechanisms to provide safe waste disposal and water supply which should not be to the detriment of the wider environment. There is a main sewer that runs along Howroyd Lane. Given the location of the application site, it is not considered unachievable that a dwelling in this location could be provided with provisions for waste disposal and a safe water supply.

- There will be an impact to trees and hedgerows.

Officer comments: Trees and hedgerows in close proximity to the dwelling are not protected under a tree preservation order. The council is unable to control the management of these areas. Trees and hedgerows in close proximity of the application site fall outside of the redline boundary. Nevertheless, it is not considered the reuse of the building and extension would cause harm to established vegetation. The applicant is responsible for damage or loss of trees/hedgerow that fall outside of their ownership.

- Development would have an impact on wildlife including owls, hedgehogs, kestrels and other species.

Officer comments: The application has been assessed by KC Ecology. The site is within a priority habitat layer for bats, therefore a preliminary roost assessment was submitted and the details confirmed with KC Ecology. Given the changes on site, being mainly cosmetic to the building with a side extension that would not lead to the removal of habitats, they raised no further concern to other species.

Supporting Comments:

Officer comments: Supporting comments have been noted.

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: Approval

Decision Authorisation – Delegated Powers

Application Number: 2025/90715

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.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. The external facing and roofing materials used in the development hereby approved shall accord with the material key on drawing 5003-003 revC and be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no extensions, roof extensions, porches or outbuildings (Class A, AA, B, D & E), other than those expressly authorised by this permission shall be constructed on the site.

Reason: In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework.

4. The development shall not be occupied until the W/C & ensuite windows of the dwelling hereby approved have been obscurely glazed (to a minimum privacy level of Grade 4). 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) the obscure glazing (to a minimum privacy level of Grade 4) shall thereafter be retained.

Reason: To protect the privacy of future and neighbouring occupants and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design SPD (2021) and the aims of the National Planning Policy Framework.

5. Notwithstanding the details shown on the submitted drawings, new boundary treatment details shall be submitted and approved in writing by the Local Planning Authority, prior to their erection. The works shall then be carried out in complete accordance with the approved details and shall be retained thereafter.

Reason: In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework and to accord with Principle 17 of the Kirklees Housebuilders Design Guide SPD.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	5003-001	-	14 March 2025
Existing site / block layout	5003-002	-	14 March 2025
Proposed site / block layout	5003-004	revC	25 June 2025
Existing plans and elevations	5003-003	-	14 March 2025

Plan Type	Reference	Version	Date Received
Proposed plans and elevations	5003-005	RevC	17 March 2025
Preliminary roost assessment	250409	-	14 March 2025
Coal mining risk assessment	MJH/J2194/D1/1	-	14 March 2025
Planning statement	-	-	14 March 2025
Structural Survey	N8841-mI-RRE	-	25 June 2025
Fire Engine Vehicle Tracking	5003-006	-	25 June 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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The applicant was requested to provide a structural report to support the existing building could be converted into a dwelling.

KC Highways DM also requested a tracking diagram, to indicate an access to the dwelling for fire service vehicles, and bins presentation and collection points on a site plan. All

These documents were provided. The structural report confirms the existing building can structurally withstand the domestic additions and solar panels.

KC Highways DM subsequently had no objection upon reviewing the provided tracking diagram and updated site plan. This is expanded within the *Highway Safety* section of the report.

