

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:	2025/62/90734/W
Site Address:	Whinney Dene, West Field Lane, Wooldale, Holmfirth, HD9 1RD
Description:	Demolition of existing stables building and erection of detached dwelling
Recommending Officer:	Danielle Cooper

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.

John Holmes

AUTHORISED OFFICER

Date: 25th June 2025

Site Description

The application site relates to an open field which features two stable blocks. The site is located within a rural area that is located north to an existing bungalow. A track surfaced in broken stone lies between the two sites.

The site is bound by hedges and a low stone wall.

The site is located within the green belt. A public right of way

The application site comprises an open field which has two stables and featureless field in a rural area located on the north-western side of Westfield Lane. The land has an upward gradient to the north-west. It is bounded by dry stone walls.

The track leading to the site carries the route of a Public Right of Way, footpath reference HOL/114/20.

The site is also designated as Strategic Green Infrastructure Network.

The site is located within the Holme Valley Neighbourhood Development Plan – Settled Slopes of the Holme Valley.

Description of Proposal

The applicant is seeking permission for the demolition of existing stables and outbuildings and erection of detached dwelling.

The existing stables on the site will be demolished.

The proposed rectangular dwelling will be situated within the middle of the site and will cover a floor area of 220sqm. The dwelling will be single storey in height with dormers within the roofscape. The overall height of the building will be 7.1m and eaves of 3.8m. A path will be sited around the dwelling.

The existing stone track leading to the site will be utilised by the proposed dwelling, providing 2 on site parking spaces and the driveway will be shared with the adjacent bungalow.

History of Negotiations

The officer raised concern of the harm the proposed dwelling would have on the openness of the green belt setting as a result of its size in footprint and the residential use intensifying the site. The officer requested that the size and location of the dwelling should be reduced and re sited. The agent has revised the proposal by reducing the overall footprint, revising the design of the scheme and relocating the proposed dwelling. The revised plans are considered to address the original concerns raised.

Relevant Planning History

The following is noted:

2023/92276: Erection of stables. Conditional full permission.

Application 2023/92276 relates to another land parcel, although included the application site the subject of this application in the blue line boundary.

Representations

The application has been advertised by neighbour notification letters, site notice, in the press and on the web. Final publicity expired on 4th May 2025. No representations have been received.

Holme Valley Parish Council – Oppose the proposal. Object on the basis that a new dwelling does not comply with policy within the NPPF and is therefore inappropriate development in the green belt. Concern of access due to an unmade road.

Officer comment: These comments are noted and are addressed under principle of development within the section of the officer report. In regard to the access, the vehicle access to the site would need to be surfaced and drained and would be conditioned as such.

Consultation Responses

KC Highways Development Management – No objections. The approved vehicle parking area will need to be surfaced and drained.

KC Environmental Health – no objections subject to conditions relating to reporting of unexpected contamination and construction times.

KC PROW – No comments received.

Policy

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

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

The site is designated as Strategic Green Infrastructure Network.

The track leading to the site carries the route of a Public Right of Way, footpath reference HOL/114/20.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development

- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land.
- LP59 – Brownfield sites in the Green Belt

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 3 Conserving and Enhancing Local Heritage Assets
- Policy 10 Protecting Local Green Space
- Policy 12 Promoting Sustainability
- Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local

planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1. Principle of development (including impact on the green Belt and visual amenity)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Ecology
6. Contaminated Land
7. Public Right of Way
8. Representations
9. Conclusion

1 – Principle of Development (Including impact on the Green Belt and visual amenity):

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

It is noted that this site is within the Green Belt. Irrespective of the Council's position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

Green Belt

The site is located on Green Belt land. The NPPF states that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

Paragraph 153 states that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

Paragraph 154 of the NPPF states “*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*

- a) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) *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;*
- c) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) *limited infilling in villages;*
- e) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”*

LP59 of the Kirklees Local Plan is relevant, this sets out that:

‘Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

Land at Storthes Hall has been designated in the Local Plan in order to recognise it is a major brownfield site in the Green Belt. Development proposals should be accompanied by a masterplan with special attention paid to the impact of any proposal on the openness of the Green Belt. In all cases regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.’

The NPPF has since been republished with paragraph 154g updated since the adoption of the Kirklees Local Plan. Therefore, given there is a degree of conflict in terms of not exceeding the existing footprint (as this could only realistically be achieved where no greater impact upon the Green Belt is also achieved). The fact the term *‘no greater impact’* has been changed to *‘which would not cause substantial harm’* in relation to openness is considered to be at odds with the wording of LP59 in respect of part b of the policy and therefore non-conformance with LP59, where there is identified conformance with the NPPF, is considered to be such that approval could be granted in such circumstances.

Of particular relevance to this application proposal is part g) of paragraph 154, as the proposal would result in redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The application site currently serves a stable for personal use which, for the purposes of assessment of development in the green belt under para 154(g), is considered previously developed land. The proposal comprises the demolition of the existing stables and the erection of a detached dwelling.

Government guidance relating to assessments of the impact of a proposal upon the openness of the Green Belt states that each application will require a judgement to be made based on the circumstances of each case and that openness can be capable of having both spatial and visual aspects.

The existing structures serve as stables, and the design is typical of a stable building. The buildings have formally been used in connection with the keeping of horses and therefore, their presence has a lesser impact upon the countryside location given they are associated with an outdoor sport and recreation use of the land. The proposed development will introduce a residential dwelling which is 1.5 storeys high and will therefore have a greater impact on the openness of the green belt setting. However, the LPA must assess whether the new building will cause substantial harm to the openness of the green belt as set out in paragraph 154 part g.

The agent has provided legal opinion detailing how 'substantial harm' to the green belt should be interpreted. The Local Planning Authority (LPA) note that the statement states that "substantial harm to openness must be so harmful that it in some way undermines the purposes of the Green Belt and results in seriously harmful urban sprawl".

Following a revised scheme, the LPA consider the proposed design, scale and location of the proposed dwelling to be greater in terms of impact than the existing site, although not leading to substantial harm to the openness of the Green Belt. In forming this conclusion weight is afforded the context the building would be viewed adjacent to an existing dwelling.

It is concluded the proposal will not result in harmful urban sprawl that would constitute substantial harm to the openness of the green belt setting. It is noted that the dwelling which spreads predominantly across the full width of the site will be similar to the existing footprint width of the existing stable block which is to be demolished. The dwelling will also retain sufficient gaps to the side boundaries which ensures a sense of openness across the site is maintained.

The proposal would have a greater footprint, and will introduce a more urbanising use. It is considered that to ensure the impact is sympathetic and

does not substantially impact upon openness a degree of soft landscaping be achieved as part of the development, and a condition to ensure this is the case is recommended.

As such, although the new dwelling will have a greater impact on the openness of the green belt, the LPA do not consider the impact to cause substantial harm to the openness of the Green Belt and the proposal and is therefore considered to meet the requirements of the exception set out at paragraph 154(g).

For the reasons discussed above, it is therefore considered that the principle of the proposal does not constitute inappropriate development within the Green Belt and it accords with paragraph 154 exceptions G of the NPPF. Limited weight is afforded to policy LP59 in this case given the recent update to the NPPF in December 2024 and the fact the proposal does not accord with policy LP59(b) is not considered to be a reason for refusal that could be substantiated in this case.

Notwithstanding the conclusions drawn, it is noted that the development would have potential to undertake substantial additions through utilisation of pd rights, which could lead to the conclusion the impact is substantially harmful upon the openness of the green belt. As such it is therefore considered exceptional circumstances exist in this case which justify the inclusion of a condition by the LPA removing permitted development rights for development within Classes A, AA, B, C, E & F of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (As amended).

Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

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, 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.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Settled Slopes of the Holme Valley (LCA 8). Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

The proposal seeks to demolish the existing stables and erect a new dwelling which will be 1 and a half storey tall. The proposed dwelling will be in line with the adjacent bungalow so that it follows a similar vernacular which is considered to retain the character and appearance of the existing rural setting. Large extents of open field will be retained to the front of the dwelling which is welcomed. It is also noted that the proposed dwelling will retain a sense of space to the side boundaries. The proposed rear grassed area will be retained and used as the private amenity space. The existing low stone walls and hedges will be retained which is welcomed by the LPA, protecting the existing rural landscape.

In terms of visual appearance, the proposed dwelling is 1.5 storeys with dormer type windows within the roofscape. The overall height and scale of the dwelling is considered acceptable and given that the adjacent property is a bungalow the proposal, when viewed within this context, and accounting for its size and overall height is considered acceptable.

The proposed dwelling is of a rural, contemporary appearance with boxed dormer windows. Given the mix of residential dwellings surrounding the site which consists of stone, brick and render, it is not considered necessary to require natural materials or a more simplistic design in this instance. Nevertheless, a condition will be imposed to ensure external walling and roofings materials of the dwelling are submitted prior to construction of the dwelling to ensure they are suitable in terms of visual impact.

The proposed path surrounding the dwelling is considered necessary for the operation of the site of this scale and will not cause any detriment on the character of openness of the green belt. A condition will be imposed to ensure the new path is laid with loose limestone to ensure it is not permanent in appearance.

The large open field retained to the front of the dwelling will ensure the openness of the rural setting is protected. It is considered there is scope for landscaping, such as planting of an oak tree to the eastern corner of the site, as well as native hedgerows and a condition requiring a scheme of soft landscaping to be submitted to the LPA shall be included upon any grant of permission to ensure this is detailed. In addition it is noted that no patio areas are shown on the submitted plan, a such the inclusion of this condition will refer to hard landscaping to enable additional hard landscaping areas to be lawfully undertaken upon the site / provision of patio areas which are of a size commensurate to the scale of the development.

The proposal represents conventional but good quality design that is considered both contextual and appropriate within its varied surroundings. The design and layout of the proposal is reflective of the surrounding area and subject to conditions is considered to be acceptable therefore complying with policy LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, and principle 2 of the Housebuilders Design Guide.

2. Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

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

The nearest residential dwelling located to the south of the dwelling has a separation of approx. 7.3m. The proposed side window facing the bungalow will be conditioned to be obscurely glazed to ensure there are no concern of potential overlooking impact. No habitable windows will face the adjacent bungalow and as such there are no concerns to potential overlooking impact. As the proposed dwelling is 1 and half storey tall and will retain a distance of 7.3m to the adjacent bungalow, there are no concerns to potential overbearing or overshadowing impact. As such, the proposed dwelling is not considered to cause any significant harm to amenity of neighbouring occupiers.

An informative will be attached to control the hours of construction to protect residential amenity of surrounding residential properties.

The amenity of the future occupiers must also be considered. Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is considered the proposed window would have sufficient outlook and natural light for the amenity of future occupants.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposal has been reviewed by KC Highways and consider the parking arrangement and access acceptable.

The proposal is for 2 bedrooms, and as such is not considered to intensify the use of the road to unacceptable level in regard to impeding on highway safety. The existing vehicle access to the site from West Field Lane will remain as existing and the existing stone track will be shared by both this site and the existing adjacent bungalow.

A condition would be implemented to ensure the stone track is surfaced and drained.

The proposed block plan shows 2 on site parking spaces which is considered acceptable for a dwelling of this scale, with internal turning which is considered acceptable.

No details of bin collection or storage have been provided. Should this application be approved, these can be detailed under a condition.

An informative will be attached to advise the applicant to install electric charging vehicle points should permission be granted.

As such, the proposed development is considered acceptable in regard to highway safety, complying with policy LP21 of the Kirklees Local Plan.

4. 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.

Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The proposal has been accompanied by a climate change statement, which indicated locally sourced material would be used, rainwater harvesting, consideration of solar panels, which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

5. Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

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 submitted application form outlines that the application falls under the self-build and custom-built exemption. Therefore, there is no legislative requirement for BNG.

The site is within 350m of a site where swifts have been known to nest but is not under any other special constraints for the purposes of biological conservation. As the site is for one dwelling, a condition would be implemented to ensure habitat boxes would be installed to the new dwelling.

The site has potential to undertake landscaping such as tree planting / provision of hedgerows which would improve / increase biodiversity value of the site and meet the requirements of the aforementioned planning policies in this regard. It is considered appropriate and reason able for the LPA to require this provision through inclusion of a landscaping condition.

Given the above, an informative will also be imposed to ensure that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist.

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

6. Land contamination & Drainage

KC Environmental Health (EH) officers were consulted on the proposed scheme and have raised no objection subject to conditions.

The site of the proposal is not shown as being on potentially contaminated land, the area has been used as a stable block and may have housed farm type machinery. Groundworks will be necessary; and as such if permission was to be granted, a condition would be implemented to report any unexpected land contamination.

Provision of an adequate system of foul water drainage is a requirement of the Building Regulations and the applicant should contact their Building Control Provider for further information.

7. Public Right of Way

A Public Right of Way, footpath reference HOL/114/20 is located close to the site. The proposed dwelling will not affect the PROW and as such raises no concern in this regard.

8. Representations

Holmey Valley Parish Council oppose the proposal. Their reasons have been summarised below:

- A new dwelling does not comply with policy within the NPPF and is therefore inappropriate development in the green belt.
- Concern of access due to an unmade road.

Officer comment: These comments are noted and have been assessed under principle of development within the section of the officer report. In regard to the access, the vehicle access to the site would need to be surfaced and drained and would be conditioned as such.

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 proposals does accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/90734

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 3, 11, 21, 22, 24, 30, 51, 52, 53 & 59 of the Kirklees Local Plan, the Council's adopted Housebuilders SPD, Policies 1, 3, 10, 12 & 13 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 5, 11, 12, 13 & 15 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing

materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained.

Reason: In the interests of visual amenity and to protect the green belt setting to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

4. The development shall not be occupied until the first floor south side window of the hereby approved scheme has been obscurely glazed (to a minimum 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 Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 2555-4A, received 18/06/2025, 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.

7. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.

Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of

any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. The approved path as shown on the Drawing No. 2555-4A, received 18/06/2025, shall be fully laid out from loose limestone gravel. The path shall thereafter be retained.

Reason: In the interests of visual amenity and to protect the green belt setting to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

9. Prior to the first occupation of the dwelling hereby approved, one integrated bird nesting feature shall be installed within the fabric of the building. The nesting features shall be retained thereafter.

Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

10. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity, providing biodiversity measures and mitigating impact upon openness of the Green Belt to accord with policies LP24 and LP30 of the Kirklees Local Plan, principles 7 & 9 of the Housebuilders Design Guide, policy 13 of the Holme Valley Neighbourhood

Development Plan and policies within chapters 12, 13 and 15 of the National Planning Policy Framework.

11. 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 class(es) A, AA, B, C, E and F 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 Green Belt and Visual Amenity to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 13 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

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. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise should 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

NOTE: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

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.

Approval of EVCPs 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: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2555-OS		18/03/2025
Proposed Site Plan	2555-4A		18/06/2025
Proposed Plans and Elevations	2555-1A		16/06/2025
Proposed 3D Views	2555-2A		16/06/2025
Climate Change Statement			18/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. A revised scheme was submitted which reduced the footprint of the proposed dwelling and altered its location. The revised scheme was considered acceptable.

Report Dated: 25/06/2025

Coal – low

