

**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:	<b>2025/62/90797/W</b>
Site Address:	998, New Hey Road, Outlane, Huddersfield, HD3 3FJ
Description:	Demolition of existing garage and store and erection of new garage and store
Recommending Officer:	Nicole Helliwell

**DECISION - REFUSED**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 29-May-2025**

## **Officer Report**

**Reference No.** 2025/62/90797/E

**Site Address:** 998, New Hey Road, Outlane, Huddersfield, HD3 3FJ

**Proposal:** Demolition of existing garage and store and erection of new garage and store.

## **Site Description**

The application relates to 998 New Hey Road, a two-storey semi-detached property situated in Outlane, Huddersfield. The dwelling is constructed in stone and incorporates a dual-pitched roof finished in slate. The site is located within a residential area and within the designated Green Belt on the Kirklees Local Plan. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

## **Description of Proposal**

The application seeks planning permission for the erection of a new garage and store. The existing garage and store will be demolished to allow for the proposed works. The proposed works have been summarised below:

- The structure would have a maximum length of 11.45m and a maximum depth of approx. 8.81m.
- The building would be single storey in height and would have a maximum height of approx. 4.5m and an eaves height of approx. 2.5m.
- Construction materials - natural coursed stone to the external walls, artificial stone slates for the roof and roller shutters for the doors.

## **History of Negotiations/Amendments Received**

No amendments have been sought or received during the course of the application.

## **Relevant Planning History**

- **2023/91389:** Demolition of existing garage and store and erection of replacement garage and store. [Planning application details | Kirklees Council](#) - Refused
- **2014/90677:** Demolition of existing conservatory and erection of extension to rear. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2009/90606:** Change of use of land to domestic curtilage. [Planning application details | Kirklees Council](#) - Refused
- **2002/94505:** Re-use of existing barn and new extension to form one dwelling, alterations to outbuilding to form garage, erection of attached

single garage, change of use of land to extend domestic curtilage and formation of new access. [Planning application details | Kirklees Council](#) – Conditional Full Permission

### **Representations**

The application was publicised by site notice, which expired on 5<sup>th</sup> May 2025. As a result of the above publicity, no representations have been received.

### **Consultation Responses**

Not Applicable.

### **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 27<sup>th</sup> February 2019).

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

#### **Kirklees Local Plan Policies**

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 57** - The Extension, Alteration or Replacement of Existing 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 that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

#### **In this case, the following SPDs are applicable:**

- House Extensions and Alterations SPD (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

## **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, 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 4** - Decision-Making
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

## **Assessment**

### **1. Principle of development**

#### **Impact on Green Belt**

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be considered acceptable, it is essential that they should not impact on the open character of the Green Belt nor be discordant in themselves or in relation to the host property.

Paragraph 2.12 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

Paragraphs 153 and 154 of the National Planning Policy Framework states that certain forms of development are exceptions to 'inappropriate development'. One of these is 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.

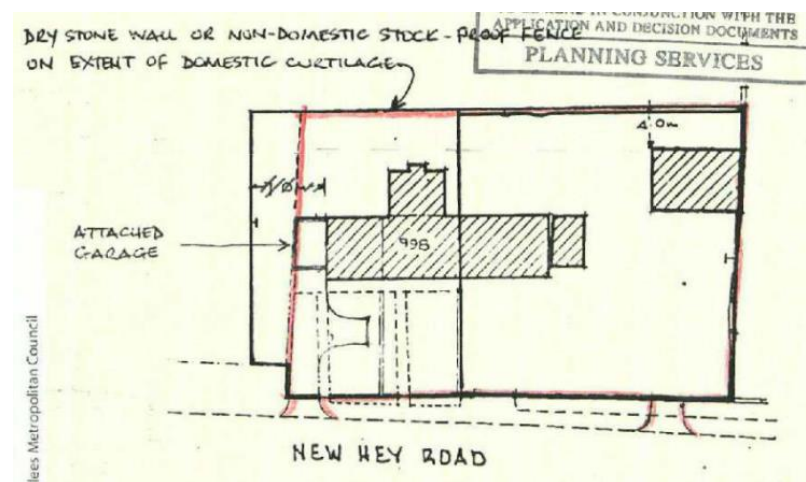
**Is the development inappropriate development in the Green Belt?**

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the NPPF also identifies five purposes of the Green Belt, the most relevant in this instance being to assist in the safeguarding the countryside from encroachment. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 154 and 155 of the NPPF.

It is important to note that the application has two elements for consideration. Firstly, whether or not the land in question where the building would be located is within domestic curtilage or not and secondly, the impact of the replacement building is acceptable in terms of its impact on the Green Belt.

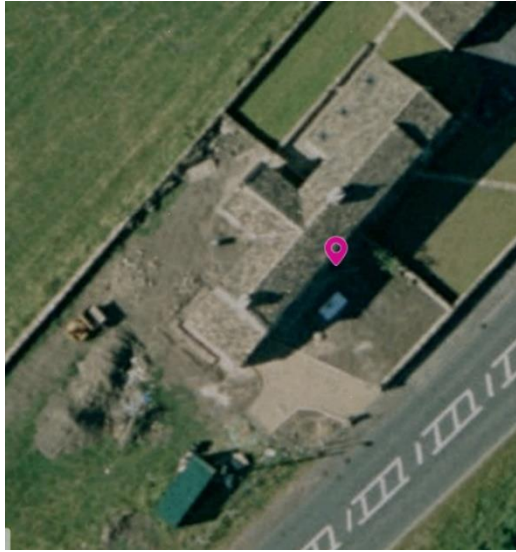
#### Use of land to the side of the property

As part of the 2002/94505 planning application to convert the property, the red line boundary defined the curtilage of the property as follows:

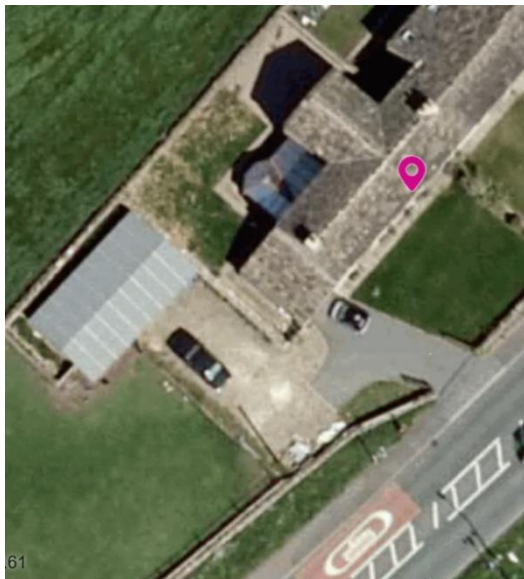


As part of the decision notice, Condition 13 removed permitted development rights for the construction of building or extensions in the area marked red on the approved plans. The reason for imposing this condition was that the site is within the Green Belt and development is not normally permitted for purposes other than those appropriate to the Green Belt.

In 2006, it appears that works to the property were under construction as per the following image:



The 2009 imagery held by the Council's mapping system show that the curtilage of the property had been extended to the south-west and incorporates an outbuilding:



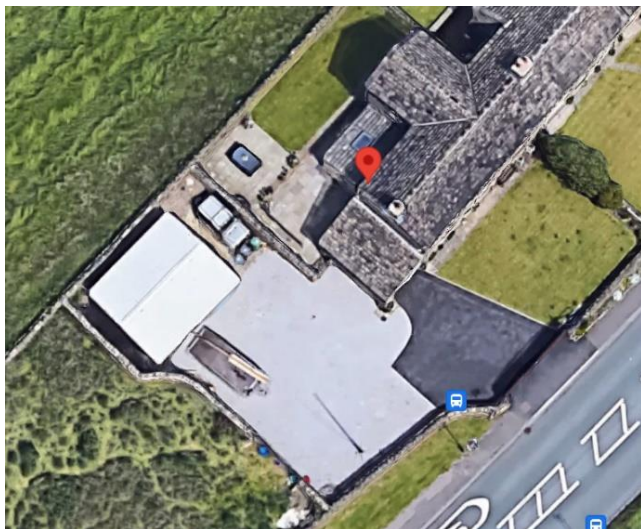
The 2012 imagery identifies the same boundary line with a smaller building in situ:



Imagery taken in 2018 demonstrates that the boundary line has changed and encroaches further to the south-west than previously established:



The latest imagery held by the Council demonstrates that the current boundary line is as above and this is also evident on Google Maps:



It is evident that the existing building has been in situ for more than 4 years and is therefore immune from enforcement action. However, it is considered that the change to the domestic curtilage would be in breach of conditions relating to the plans approved under planning application reference no. 2002/94505, with the most recent changes to extend the curtilage having taken place between 2012 and 2018. Based on the information held by the Council, the change to the extent of curtilage would need to have taken place more than 10 years ago to be immune from enforcement action and therefore a lawful development. As there is no clear and convincing evidence to pinpoint when this change of use occurred, the LPA cannot conclude with certainty that the change of use occurred 10 years or more prior to the date of the application.

The application is for household development, with no change of use application accompanying the application for the extension to the domestic curtilage of the property and the replacement building. As such, it is concluded that in the absence of clear and concise evidence to demonstrate that the works would be with defined domestic curtilage, the proposed building would not be a lawful household development. Therefore, on the balance of probabilities, it has not been demonstrated that the land to the south-west of the host dwelling has been incorporated into the adjacent residential planning unit known as 998 New Hey Road by the making of a material change of use from agriculture to Class C3 of the Use Classes Order.

It is also noted planning application reference no. 2009/90606 for the change of use of the land to the south-west to domestic curtilage was refused for the following reason:

*'The change of use of land to domestic curtilage constitutes inappropriate development in the Green Belt as this would not maintain the character or openness of the Green Belt and would be detrimental to visual amenity. No very circumstances have been put forward which would outweigh the harm caused to the Green Belt by reason inappropriate. To approve the application would thus be contrary to advice within PPG2 (Green Belts).'*

Whilst planning policy has changed since this refusal of permission with the introduction of the National Planning Policy Framework and the implementation of the Kirklees Local Plan, the fundamental aims of development within the Green Belt has remained unchanged and seeks to prevent urban sprawl and encroachment.

It is also noted that the area of land which has been encroached upon is identified as being separate to the host dwelling in terms of land registry.

Although there is questionable evidence in terms of the use of the land and the length of time the land has been used as curtilage, a full assessment of the proposed building shall be made for clarity.

#### Detached Garage and Store

The detached garage and store proposed would replace the existing outbuilding already in situ. The single storey building would measure approx. 11.45m in length and approx. 8.81m in depth. The building would be substantially larger than the existing building and cumulatively with the existing enlargements would equate to a percentage increase in floor space by approximately 78.5% over the original house.

At the time of conversion of the original building, permitted development rights were removed for extensions and outbuilding in order to protect the character and appearance of the Green Belt. This was further emphasised as part of the 2009 application which sought permission to extend domestic curtilage which was subsequently refused on Green Belt grounds. For these reasons, it is considered that the proposed building would be constructed outside of domestic curtilage and therefore would constitute inappropriate development in the Green Belt.

The property benefits from an existing lean-to garage structure. Whilst this was originally approved as a garage, it is noted that this could be altered internally to living accommodation without the requirement of planning permission. Condition 12 under planning application 2002/94505 restricted the use of this lean-to to the garaging of private motor vehicles or for uses ancillary to the dwellinghouse and therefore, if this structure has been converted internally, planning permission would not be required.

Notwithstanding the assessment regarding curtilage, due to the substantial 78.5% increase in footprint, it is considered that such an increase would be disproportionate to the host dwelling and would fail to accord with Paragraph 154 of the NPPF and Policy LP57 of the Kirklees Local Plan.

There is no formal definition of disproportionate additions and each application must be assessed on its own merits. Previous case law has demonstrated that the assessment of disproportionate additions cannot be made purely mathematically way by reference to size and measures floor space, volume or mass, but that the appearance and visual impact are of an important part of a proper evaluation.

#### The Effect of the Proposal on the Openness of the Green Belt and on the Character and Appearance of the Area

The structure would be located to the rear of the property within the upper corner of the site. The area to the front of the building is formed of hardstanding which also has an impact on openness. It is considered that in this case, the proposed works to form the building and the large expanse of hardstanding would lead to an adverse impact on the spatial and visual openness of the Green Belt over and above that of the original dwelling. The increase in built form over and above the extent of the original dwelling impacted, is considered to be harmful.

#### Very Special Circumstances

Paragraphs 153 and 154 of the NPPF state that should development be considered harmful, very special circumstances to allow the development must be demonstrated. No very special circumstances have been demonstrated to outweigh the harm of the development and subsequently justify approval of the scheme whereby the proposed structure would result in disproportionate additions to the original building which constitutes inappropriate development.

#### Conclusion

In conclusion, the proposed development would represent inappropriate development in the Green Belt due to its size, scale and siting whereby no 'very special circumstances' required by the NPPF have been submitted. The proposal would therefore fail to accord with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

In addition, it has been concluded that in the absence of clear and concise evidence to demonstrate that the works would be within defined domestic curtilage, the proposed structure would not be a lawful household development. On the balance of probabilities, it has not been demonstrated that the land to the south-west of the host dwelling has been incorporated into the adjacent residential planning unit known as 998 New Hey Road by the making of a material change of use from agriculture to Class C3 of the Use Classes Order.

## **2. Impact on Visual Amenity**

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or

be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Part of Policy LP57 of the Kirklees Local Plan stipulates that *'the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.'*

The detached garage would be single storey in height and would measure approximately 11.45m in length, approx. 8.81m in depth and approx. 4.5m overall in height. The garage would be constructed from natural coursed stone for the external walls, artificial stone slates for the dual-pitched roof and roller shutters for the doors. Although the structure would be set back approximately 7.3m from the principal elevation and approx. 16.3m from the public footpath, it would have a large footprint and would lack subservience in relation to the host dwelling. Whilst the length of the structure has been reduced by approx. 2m since the previously refused application (2023/91389), this is not considered sufficient in addressing the previous reasons for refusal. The proposed garage by virtue of its scale and massing would cause detriment to the open character of the site. Furthermore, given the level of development that has previously taken place at the site, including engineering works and that fact it has not been established to what extent any unauthorised works are indeed, lawful, the application cannot be supported in this case.

### Summary

Having taken the above into account, the proposed development would cause significant harm to the visual amenity of the host dwelling and the wider street scene and would materially detract from its Green Belt setting. Therefore, the proposal would fail to accord with Policies LP24 and LP57 of the Kirklees Local Plan, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework.

### **1. Impact on Residential Amenity of Neighbouring Residents**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

### Impact on 998a New Hey Road

998a New Hey Road is a residential property located north-east of the application site. The submitted plans demonstrate that the proposed outbuilding would occupy a position approximately 17.5m from the common boundary shared with no.998a. Given that the structure would be single storey in height and that the separation distance retained would be sufficient, it is considered that the proposed development would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

### Summary

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

## **2. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. The existing access and internal vehicle turning arrangements are unchanged by this proposal and sufficient space would be retained for off-street parking. As such, the proposed development would be acceptable in terms of highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

## **3. Other Matters**

### 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

There are no other matters considered relevant to the determination of this application.

#### **4. Representations**

No representations were received following the statutory publicity.

#### **5. Conclusion**

This application for the erection of a new garage and store at 998 New Hey Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation: Refuse**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2025/90797

**Officer Recommendation:** Refuse

### **Reasons for Refusal**

1. By virtue of its design, size and scale, the detached garage and store would be disproportionately large in relation to the original dwelling and would represent inappropriate development which is harmful to the Green Belt and the visual amenity of the area. Further harm would be caused to the visual and spatial openness of the Green Belt by developing land that is currently open and, in part, the encroachment of development into the countryside. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The proposed development is therefore contrary to Policy LP57 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.
1. The detached garage and store by virtue of its size, scale and siting, would lack subservience to the host dwelling and would fail to harmonise with the existing dwelling and the wider character and appearance of the area. To permit the proposal would be contrary to Policies LP24 and LP57 of the Kirklees Local Plan, the House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

### **Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	02	31/03/2025
Planning Drawing	01A	31/03/2025
Climate Change Statement	-	31/03/2025

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 Planning 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. In this case, the submitted plans were considered unacceptable due to the impact of the proposal on visual amenity and the Green Belt. As such, no amendments were sought thereafter as the alterations required would be beyond the scope of the application.

**Report Dated: 22/05/2025**

