



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2025/62/90884/W**

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**To:** Paul Briggs,  
Northern Design Partnership  
The Chapel  
Mill Moor Road  
Meltham  
Holmfirth  
HD9 5JU

**For:** ELIZABETH ELLIOTT, B ELLIOTT PROPERTY LTD

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

CHANGE OF USE OF BARN TO DWELLING AND ASSOCIATED WORKS

**At:** 33, GAWTHORPE LANE, LEPTON, HUDDERSFIELD, HD5 0NY

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**In accordance with the plan(s) and applications submitted to the Council on 28-Mar-2025, subject to the condition(s) specified hereunder:-**

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

**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

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, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP33, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Chapters 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. The external facing materials shall be as specified in the submitted application form and drawings and thereafter retained.

**Reason:** In the interest of visual amenity and to ensure the development preserves the rural character of the building in accordance with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide Supplementary Planning Document and policies within chapter 12 of the National Planning Policy Framework 2024.

4. The front boundary wall adjacent to the site access with Gawthorpe Lane shall not be raised above 900mm in height above ground level. The wall shall be retained at or below this height thereafter.

**Reason:** To ensure adequate visibility for vehicles entering and exiting the site, in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes A, AA, B, C, D, E, F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority.

**Reason:** In the interest of visual amenity and so as to preserve the openness of the Green Belt and the character of the dwelling in accordance with Policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

6. All works shall be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist shall advise on suitable species-specific works exclusion zones. The exclusion zones shall be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

**Reason:** To ensure the development has an acceptable impact upon birds to accord with policy LP30 of the Kirklees Local Plan and the Wildlife and Countryside Act 1981 (as amended).

7. No development shall commence until;

- a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and
- b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

**Reason:** To ensure the safety and stability of the development in accordance with Paragraphs 196 and 197 of the National Planning Policy Framework 2024 and Policy LP53 of the Kirklees Local Plan.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either:

- a) A Remediation Strategy 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

9. A Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site, including site clearance and delivery of materials. The submitted Hedgerow and Tree Protection Plan shall include temporary fencing for the protection of hedgerows in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Any alternative fencing type or position not in accordance with BS 5837:2012 will be agreed in writing by the LPA prior to the start of development. The Hedgerow and Tree Protection Plan shall include root protection fencing and define the works exclusion zone around hedgerows and trees. The approved Hedgerow and Tree Protection Plan measures will remain in place until the completion of development unless otherwise agreed in writing.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan, Principle 7 of the housebuilders Design Guide and Chapter 15 of the National Planning Policy Framework 2024.

10. Prior to the occupation of the dwelling hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To ensure the safety and stability of the development in accordance with Paragraphs 196 and 197 of the National Planning Policy Framework 2024 and Policy LP53 of the Kirklees Local Plan.

11. Prior to any works to the roof being undertaken, demolition or other development likely to disturb potential bat roosting features, further bat emergence surveys shall be carried out during the active bat season (1st May to 31st August inclusive). If roosting bats are identified, no such works shall take place until a Natural England license has been obtained, and development shall thereafter proceed in accordance with the license conditions and any approved mitigation measures.

**Reason:** To safeguard protected species and ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

12. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

13. Prior to first occupation of the dwelling hereby approved, the soft landscaping works shown on submitted drawing no.03 Rev A –Proposed Site Plan, dated 03.25 including the grassland area and planting of 12 native trees to the north shall be completed in full. The grassland and tree planting area shall be retained thereafter. Any trees or planting that fail within the first five years shall be replaced on a like-for-like basis during the next available planting season. All areas of soft landscaping shown on submitted drawing no.03 Rev A – Proposed Site Plan shall be retained as soft landscaping.

**Reason:** To ensure the delivery of appropriate landscape design and measurable biodiversity net gain across the site, in accordance with Policies LP24, LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. The dwelling hereby approved shall not be brought into use until all areas to be hard surfaced for access and parking have been and 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 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

**Reason:** In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

15. Prior to the first occupation of the dwelling hereby approved, all parking spaces shown on submitted drawing no. 03 Rev A – Proposed Site Plan, dated 03.25 shall be laid out in fully, clearly marked or otherwise identified for their respective dwellings, and thereafter used solely for the parking of vehicles associated with the relevant properties.

**Reason:** To ensure the adequate provision of off-street parking for the approved dwelling and to retain adequate parking for the existing dwelling, in the interests of residential amenity and highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.

16. Prior to the first occupation of the dwelling hereby approved, two integrated bird nesting features 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.

17. Notwithstanding any details shown of the submitted plans, prior to the first occupation of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of materials, height, and design of all fences, walls, or other means of enclosure across the site. The approved boundary treatments shall be implemented prior to the first occupation of the dwelling hereby approved and thereafter retained.

**Reason:** In the interest of visual amenity, the character of the Green Belt, and to ensure appropriate landscape integration in accordance with Policies LP24 and LP30 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

**NOTE:** The applicant is advised that any works to create or alter a vehicular access to the public highways, including the installation or alteration of dropped kerbs, will require a separate application to the Council as the Local Highways Authority. Approval under the Highways Act 1980 must be obtained prior to any such works commencing.

**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:** Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

**NOTE:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk/)

**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: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	2380	-	31/03/2025
Existing Plans and Elevations	01	-	31/03/2025
Proposed Site Plan	03	Rev A	21/05/2025
Proposed Plans and Elevations	02		31/03/2025
Preliminary Bat Roost Assessment and Biodiversity Net Gain Assessment	2059a	Rev 2	10/06/2025
Coal Mining Risk Assessment Report	C4970/25/E/7572	-	31/03/2025
Structural Assessment	-	-	31/03/2025
Planning Statement	-	-	31/03/2025
The Statutory Biodiversity Metric	-	Iteration 2	10/06/2025
The Statutory Biodiversity Metric - Technical Annex 1: Conditions Assessment and Methodology	-		21/05/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. In response to a comment from the Council's Ecology Officer, the applicant submitted an update Small Sites Biodiversity Metric, Conditions Assessment and Proposed Site Plan (reference 03 Rev A) to address concerns regarding the absence of information pertaining to Biodiversity Net Gain. The information was reviewed by the Council's Ecology Officer and considered acceptable subject to conditions.

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

### **Details Reserved by Condition**

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.**
- **You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

## **Development within a Coal Mining Area**

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water.

Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>  
[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

**Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 18-Jun-2025

Signed:



David Shepherd  
Executive Director for Place

#### Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2025/62/90884/W .

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Write to: Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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