

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:	2025/60/90938/W
Site Address:	adj, 2, Dam Head, Holmbridge, Holmfirth, HD9 2PB
Description:	Outline application for erection of one dwelling (all matters reserved)
Recommending Officer:	John Holmes

DECISION - Refuse

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 04-Aug-2025

Officer Report.

Reference: 2025/90938

Location: adj, 2, Dam Head, Holmbridge, HD9 2PB

Proposal: Outline application for erection of one dwelling

Site Description.

The site comprises part of Dam Head and part of a rough grassed parcel of land to the south east of Dam Head. Dam Head which is an unsurfaced and unadopted road accessed off Dobb Lane to the south west. The field element of the site is situated between residential properties to either side, with No's 9, 10 and 14 Dam Head to the south west and No.2 Dam Head to the north east (with planting sitting on these shared boundaries).

From Dam Head, the site and surrounding land slopes uphill from north west to the south east. A stone wall sits between Dam Head and the site, but there is a gated access off this highway.

The locality has a semi-rural character, but properties are predominantly residential. Neighbouring residential properties on Dam Head are mainly constructed from stone and vary from 2 storey to 3 storey in height. Properties to the south west front Dam Head, but there are also other properties which are set behind these dwellings which are accessed from a lane adjacent to the application site. To the rear (south east) of the site is open countryside.

The site is Allocated within the Green Belt in the Kirklees Local Plan.

Part of the site is within the Hinchcliffe Mill Conservation Area (Dam Head), but the field is not within this conservation area (but is adjacent to it). No. 1 Dam Head, to the north west of the site, is Grade II listed, as is No. 5 Dam Head to the south west of the site.

Across Dam Head from the site are a number of trees, which are protected by virtue of them being located within a Conservation Area.

Description of Proposal.

Outline planning permission is sought for the erection of one dwelling. All matters are reserved for approval at a later stage.

Nevertheless it is clear that access is proposed to be taken from Dobb Lane to the north west, via the unadopted road of Dam Head. The submitted details indicate the scheme could provide a passing place and wider carriageway to Dam Head, and the dwelling would have its own separate access point off Dam Head.

The application form outlines that the dwelling would have an unknown quantity of bedrooms and that the dwelling would be a self build dwelling.

During the course of the application further information (Preliminary Ecological Appraisal) was received. Given the extent of the detail and documents submitted as part of the application as initially publicised, it was not considered necessary for the further information submitted to be subject to further publicity.

Following an email advising of the recommendation, the applicants' agent sent two emails dated 28th July advising they consider the site constitutes a grey belt site, within a village, and do not consider that its development as proposed *'fundamentally effects the purposes of the green belt when taken as a whole'*. They also advise that in relation to visual impact *'the question of visual impact was dealt with at appeal, with the Inspector just noting that the proposal (as was) was set too far back which has been rectified with this submission'*

The points raised by the applicants' agent (as detailed in italics above) are taken into account in the assessment of this application.

Relevant Planning History.

92/01337 – Outline application for erection of one dwelling. *Withdrawn.*

2021/93125 – Outline application for the erection of two dwellings. *Refused 11th January 2022 for the following reasons:*

- 1. The proposed development would constitute inappropriate development in the Green Belt, which would unduly affect its openness, would conflict with one of the purposes of including land within Green Belts and would cause harm to its visual amenities. Very special circumstances which clearly outweigh the harm caused by inappropriateness and other harm have not been demonstrated. The development is therefore contrary to Policy LP59 of the Kirklees Local Plan, Policy 6 of the Holme Valley Neighbourhood Development Plan and Chapter 13 of the National Planning Policy Framework.*
- 2. In the absence of a Heritage Impact Assessment which describes the significance of the affected designated heritage assets (Hinchcliffe Mill Conservation Area, No.1 Dam Head and No.5 Dam Head) and the contribution made by their setting, the application has failed to comply with the requirements of Paragraph 194 of the National Planning Policy Framework. Nonetheless, residential development on the site, including hardstanding, domestic paraphernalia and likely retaining walls, would urbanise a visually valuable open field thereby causing less than substantial harm to the significance of Hinchcliffe Mill Conservation Area and the Grade II listed building of No.1 Dam Head. Such urbanisation of this open and green site would also cause detrimental harm to the character and appearance of the area, as well*

as the visual amenities of the locality. No public benefits have been demonstrated which would outweigh the harm identified and the proposal is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3. *The application provides insufficient ecological information to determine whether the development could be undertaken without causing unacceptable harm to protected species and safeguard the Strategic Green Infrastructure Network. It would therefore conflict with Policies LP30 and LP31 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.*

No appeal was submitted in relation to this refusal.

2023/93784 – Outline application for erection of one dwelling – Refused 5th April 2024 for the following reasons:

1. *The proposed development would constitute inappropriate development in the Green Belt, which would unduly affect its openness, would conflict with one of the purposes of including land within Green Belts and would cause harm to its visual amenities. Very special circumstances which clearly outweigh the harm caused by inappropriateness and other harm have not been demonstrated. The development is therefore contrary to Policy LP59 of the Kirklees Local Plan, Policy 6 of the Holme Valley Neighbourhood Development Plan and Chapter 13 of the National Planning Policy Framework.*
2. *The proposed development of the site would result in significant harm to the visual amenity and character of the locality due to the layout and siting of the proposed dwelling and parking dominated frontage. To approve the development would cause harm to visual amenity and the character and appearance of the area, contrary to Policies LP1, LP2 and LP24a of the Kirklees Local Plan, Principles 2, 6 and 12 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.*
3. *In the absence of a Heritage Impact Assessment, which sufficiently describes the significance of all affected designated heritage assets (Hinchcliffe Mill Conservation Area, No. 1 Dam Head and No. 5 Dam Head) and the contribution made by their setting, the application has failed to comply with the requirements of Paragraph 200 of the National Planning Policy Framework. Nonetheless, residential development on the site, including hardstanding, domestic paraphernalia and likely retaining walls, would urbanise a visually valuable open field thereby causing less than substantial harm to the significance of Hinchcliffe Mill Conservation Area and the Grade II listed building of No.1 Dam Head.*

Such urbanisation of this open and green site would also cause detrimental harm to the character and appearance of the area, as well as the visual amenities of the locality. No public benefits have been demonstrated which would outweigh the harm identified and the proposal is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

A subsequent appeal to this refusal (ref: APP/Z4718/W/24/3342024) was dismissed by the Planning Inspectorate on 11th October 2024. Considered relevant in the consideration of this application are the conclusions drawn within the following listed paragraphs of the Inspectorates decision:

- 11. 'The layout of the proposal would see the proposed dwelling set back significantly from the highway behind a parking area. This would not reflect the predominant built form where buildings are sited close to the highway, and the layout would therefore detract from the character of the area.'
- 12. 'I conclude that the development would have an unacceptable harmful impact on the character and appearance of the area. As such, it would be contrary to Local Plan Policies LP1, LP2 and LP24, NDP Policies 1 and 2, the Housebuilders Design Guide Supplementary Planning Document and Section 12 of the Framework, which seek, amongst other matters, development that is sympathetic to local character.'
- 15. 'The proposal would introduce additional built development at the edge of the Conservation Area, and although the proposed dwelling's setback positioning would be uncharacteristic of the area, the rising topography of the appeal site and the area beyond to it to the rear, would still provide views of surrounding open areas of land. I do not therefore consider that it would be unduly harmful to the rural setting of the Conservation Area. Consequently, I conclude that the proposal would not unacceptably harm the setting of the Conservation Area nor the setting of listed buildings.'
- 17. 'The proposed dwelling would contribute to the housing supply in Kirklees and the scheme would also deliver ecological enhancements. Given the proposal is for one net additional dwelling, such benefits would attract limited positive weight. The road widening by the site to provide an improved passing place weighs in favour of the proposal, but as this benefit could be achieved without the development proposal, I attach very limited weight to this.'
- 18. 'The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the

Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.'

It should be noted that in the consideration of this application the development was considered by the LPA and Planning Inspectorate to be inappropriate development within the Green Belt. Since the October 2024 determination, by the Inspectorate, the NPPF has been updated. Whether the updated NPPF can be considered to be such that it relates to a material change in circumstances to overcome the previous refusal is considered in more detail in the 'Assessment' section of this report.

It is noted that the previous refusal sought a scheme with a layout which differs from that as shown on the submitted plans the subject of this application. The layout the subject of the April 24 refusal saw a dwelling set back within the site, with a vehicular parking area in front. The application has shown a dwelling sited further forward, with limited parking availability (although it is not clear if parking would be internal within the dwelling).

It is noted the scheme the subject of this application seeks all matters to be reserved including layout.

Representations.

The application has been publicised by newspaper advert, site notice and on the Council's website in accordance with the Council's Development Management Charter. Final publicity date expired 29th May 2025.

In response to publicity, ten representations were received in total, including an objection by Holme Valley Parish Council. Of the representations received from the public consultation, five are in objection and four are in support of the development.

The objections that have been received are summarised as follows:

- Applications for similar developments at this location were submitted in 2021 and 2024 and the same issues still apply.
- The application does not meet the special conditions needed for development in the Green Belt and is therefore inappropriate.
- Issues affect the site with regard to access to the site and loss of biodiversity.
- The area of land cannot be classed as infill.
- A serious impact on the immediate and surrounding road network would arise
- Inadequate road / infrastructure.
- The site does not constitute grey belt.
- The development is inappropriate development in the Green Belt.
- Impact upon the Conservation area and nearby listed buildings

- Urbanisation of this visually valuable open and green site would cause harm to listed buildings / the Conservation Area.
- One dwelling would not warrant use of paragraph 155 of the NPPF.
- The proposal is contrary to policy LP58 of the Kirklees Local Plan.
- No public benefits are associated with the development to outweigh the harm to heritage assets.
- The site has not been previously developed land and should not be considered grey belt.
- Previous applications have been refused by the LPA and Inspectorate
- Land only ever used for grazing and is an area of outstanding beauty
- The land acts as a habitat corridor and contributes to biodiversity.

The letters of support that have been received are summarised as follows:

- Consider all issues now resolved in the current application.
- The proposal complies with paragraph 155 of the NPPF in relation to grey belt.
- Consider the dwelling would enhance the look of Dam Head.
- Recommend a site visit is undertaken for the application.
- Applicant maintains existing property to a high standard.
- Previous issues have been addressed by the current proposal.
- Introduction of grey belt appears applicable to such a situation as this site.
- Other approvals in the locality lend weight to supporting the development the subject of this application.
- Consider the development would not detract from the locality.
- More family dwellings will promote / support existing services.
- Amendments the subject of this application have addressed the previous reasons for refusal of previous applications.

Consultation Responses.

Within the assessment of the previous application (ref: 2023/93784) the following consultations were undertaken, and a summary of the responses is detailed as follows:

KC Environmental Health – No objection to the application subject to conditions.

KC Ecology – No objection to the proposals subject to condition.

KC Highways Development Management – Consider the outline application acceptable in principle on highways grounds.

KC Conservation and Design (informal) – Conclude that there is less than substantial harm, however, consider that the public benefits of the development would not outweigh this harm.

Insofar as they are relevant, the above consultee responses received as part of application 2023/93784 shall be taken into account in the assessment of this application.

Further to the above, as part of this application, consultation has been undertaken with the following:

KC Highways Development Management – No objection

KC Highways Structures – No objection

KC Conservation and Design – Confirm they do not support the proposal.

Within their response the Conservation and Design Team set out they consider that the proposed development would cause less than substantial harm (at a medium to high level) to this green field site and the setting of the Conservation Area.

They set out that the drystone wall and narrow track give a clear sense of enclosure and contribute positively to the character at the edge of the Conservation Area and that, as part of the drystone wall would be lost to create space for this dwelling that would be larger than adjacent properties and plot sizes, the road would be widened with an open frontage for the passing place which would alter and reduce the sense of enclosure by the traditional drystone wall feature.

Further to this, it was raised that the character of this part of the Conservation Area is created by the dense grouping of 3 storey terraced dwellings, with very regular fenestration in the form of stone mullion windows with full stone surrounds, tall chimneys and regular coursed stonework, and that this forms a tight-knit development with a very strong sense of character and local identity.

They conclude that the development of a detached dwelling on a larger plot size would erode the character of this dense housing with a strong sense of enclosure.

They note within their response that the outline application gives an indication of layout and size of the proposed dwelling which would remove the green field site and replace it with a larger detached dwelling in a larger plot size than other dwellings in the Conservation Area adjacent and concluded that such development would not preserve or enhance the character or setting of the Conservation Area.

KC Ecology – Initial response (17th April 2025) set out more information was required. Following submission of further information, they state they have no objection to the proposal (email received 29th April 2025) on the basis of inclusion of conditions requiring a Construction Environmental Management Plan and also condition requiring provision of biodiversity net gain (BNG).

Policy.

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

The application site is Allocated within the Green Belt in the Kirklees Local Plan.

Part of the site is within the Hinchcliffe Mill Conservation Area (Dam Head), but the field is not within this conservation area (but is adjacent to it). No. 1 Dam Head, to the north west of the site, is Grade II listed, as is No. 5 Dam Head to the south west of the site.

Across Dam Head from the site are a number of trees, which are protected by virtue of them being located within a Conservation Area.

The site is located within the Strategic Green Infrastructure Network and within an area with a known presence of bats.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highways Safety and Access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees
- **LP35** – Historic Environment
- **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

Holme Valley Neighbourhood Development Plan (2020-2031):

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley

- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 6** – Buildings Homes for the Future
- **Policy 11** – Improving Transport, Accessibility and Local Infrastructure
- **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 20th December 2023, together with Circulars, Parliamentary 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 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)

Assessment.

1) Principle of Development

1.1 – Sustainable Development:

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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."*

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

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

Policy 6 of the Holme Valley Neighbourhood Development Plan (HVNDP) states that proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. That said, the text supporting Policy 6 of the HVNDP states that it is estimated that the housing density in the Holme Valley will be approximately 30 dwellings per hectare. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Given the site is within the green belt and access arrangements, on balance, in respect of the density of development, the proposal is

considered acceptable in respect of Policy LP7 of the Kirklees Local Plan and Policy 6 of the HVNDP.

Policy 6 of the HVNDP also states that developments should have good access to public transport routes. The site would be located within walking distance of Woodhead Road and the number of frequent bus services which stop along it. Given this, the site is considered to have good access to public transport.

1.2 – Land Allocation (Green Belt):

The site is Allocated as Green Belt in the Kirklees Local Plan.

Whether the development constitutes inappropriate Development in the Green Belt:

Policy 6 of the HVNDP states that in addition to the housing states allocated within the Kirklees Local Plan, new housing development will be supported, subject to the proposed housing being located within existing settlements, not over washed by Green Belt or is for housing acceptable in terms of national Green Belt Policy.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraphs 154 or 155 of the NPPF.

Two such exceptions to this were assessed in the consideration of the previous applications seeking residential use of the land, specifically the following:

- the construction of new buildings comprising limited infilling in villages (Paragraph 154(e))
- the construction of new buildings comprising limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a significant impact on the openness of the Green Belt than the existing development (Paragraph 154(g)).

Policy LP59 of the Kirklees Local Plan also sets out that proposals for infilling within existing brownfield sites in Green Belts 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.

Policy LP59 of the Kirklees Local Plan goes on to note that 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 supporting text within Policy LP59 of the Kirklees Local Plan states that any application for infill development within the Green Belt will be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. The stipulation that infill must be within a village avoids allowing new housing wherever a plot could be deemed to be 'infill', however isolated or otherwise lacking in access to services and facilities that plot may be. Allowing new dwellings in unsustainable locations would be contrary both to the purposes of the Green Belt to keep land permanently open and to safeguard the countryside from encroachment, as well as to the overarching principle of sustainable development.

The Local Plan notes that if it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage. The text supporting this policy goes on to note that that 'infilling' for the purposes of this policy is defined as development in a small gap between existing buildings on a brownfield site. What constitutes a small gap will be judged on a case-by-case basis and will depend on the circumstances on the ground at the time of a proposal. The supporting text for this policy outlines that the new building must be proposed on a brownfield site and will not apply to small gaps between separate brownfield sites.

In the case of criteria (a) of Policy LP59 of the Kirklees Local Plan and exception (g) of Paragraph 154 of the NPPF, an assessment is required into whether the proposal constitutes brownfield land as defined within the glossary of the NPPF (annex 2).

In the consideration of the previous application, it was not accepted that the land constituted previously developed land. For completeness, this is copied below as follows:

The submitted statement sets out that the site is an open field which has mostly been used for the grazing of horses. Whilst this use of the site is noted, the application has not been submitted following a certificate of lawfulness being in place which establishes whether the lawful use of the land is an equestrian one. Thus, whether the site is within an equestrian use has not been lawfully established.

Notwithstanding the statement setting out the use of the land is for the keeping of horses, the Town and Country Planning Act 1990 defines agriculture as including the following:

"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of

land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".

The term 'agricultural use' therefore includes the keeping of livestock and the use of land for grazing.

This matter was considered in the case of Sykes v Secretary of State for the Environment [1981] which held that if horses were simply turned out on land with a view to feeding them from that land, clearly it was in use for grazing. It distinguished between horse grazing, which may be carried out without a material change of use of agricultural land, and horse keeping which would be a change of use. This judgement means that if horses are kept on the land for the primary purpose of grazing and for example are not fed any supplement feeds, then its likely planning permission will not be needed, as the use will most likely be deemed agricultural.

An appeal decision in 2015, Davis v South Downs National Park 2015, repeated Sykes and was very clear that "simply grazing horses on the land" was an agricultural use and no planning permission was required.

However, in Sykes v Secretary of State for the Environment it was found that should the land be used in a manner which is more than just grazing then it is likely to amount to the keeping of horses and planning permission would be required for the change in the use of the land.

There is a lack of clarity regarding whether such a claimed use (grazing) has been continuous for 10 years prior to the date of this application, and it is also highly unclear whether such a claimed use covered the whole application site or just part of it. Furthermore, it is not clear if the use would lead to the conclusion the site is not in agricultural use. Of note, when officers visited the site, the site seemed overgrown and looked like it had not been in use for the grazing of horses for quite some time.

Whilst it is accepted that horses may have grazed on the land at some point, this is not the same as being used solely for the keeping of horses / equestrian use and it is unclear whether horses used the whole the whole application site or just part of it. That is to say, Officers hold the view that the supporting evidence provided with this application does not show that during the period of 10 years preceding the application's submission that there has been a material change in the use of the application site from agricultural land to use solely for the purpose of the keeping of horses. In addition to this, it is considered that the appropriate way to establish the lawful use of the site would be through a Certificate of Lawfulness application, which had not been done prior to the submission of this planning application.

In summary, Officers do not consider that the site constitutes brownfield land, and as a consequence the proposals fails to comply with the criteria (a) of Policy LP59 and exception (g) of Paragraph 154 of the NPPF.

Within the assessment of the subsequent appeal, the Inspectorate considered the development of the land for residential purposes to be inappropriate development and therefore this conclusion is considered to still remain relevant in relation to whether the land constitutes previously developed land. Given this, the proposal is not considered to meet the requirements within exception (g) of Paragraph 154 of the NPPF.

Criteria (a) of Policy LP59 of the Kirklees Local Plan also requires development on brownfield land to constitute infilling, and Criteria (e) of Paragraph 154 of the NPPF outlines limited infilling in villages could be appropriate development in the Green Belt.

In terms of infilling, as noted above, this should be a small plot, normally sufficient for no more than two dwellings and within an otherwise continuously built-up frontage. There are dwellings to either side of the site, with three dwellings to the north east fronting Dam Head, and dwellings to the south west also fronting Dam Head. Thus, Officers acknowledged that the site could be argued to be within a continually built-up frontage.

However, Officers do not consider the plot to be a small. The site itself is circa 31 metres in width and circa 40 metres in length, which is considered to be relatively wide and long when considered in context of the development within the locality.

Given this consideration and the fact the previous application was held to constituted inappropriate development by the Inspectorate, the proposal is not considered to constitute infilling. As a consequence, it is considered that the proposal fails to comply with the criteria (a) of Policy LP59 and exception (e) of Paragraph 154 of the NPPF.

Whether the development constitutes inappropriate development – Grey Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belts. 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. The NPPF goes on to establish that the purposes of the Green Belt are:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and

- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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 (footnote 55). Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’”.

Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- a. The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed (footnote 56);
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157

Annex 2 of the NPPF defines Grey Belt as:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Whilst the development is not considered to be any of the exceptions set out in paragraph 154, the application has been submitted with an accompanying statement which refers to the recent update to the NPPF since the previous refusal. Specifically, the statement sets out that the site can be considered to constitute grey belt land.

Within the statement it is contended that such a small development within an existing village cannot fundamentally undermine the purposes of the green belt. The statement goes on to state the site is within an existing village and does not lead to urban sprawl, merging of towns and that it is considered there is no detrimental effect on any historic town.

The statement contends the proposal meets the requirements of paragraph 155 part (a). Reference is made in the statement to the Council's lack of a 5 year housing land supply and that this therefore satisfies the requirements of part (b) of paragraph 155. With reference to paragraphs 110 and 115 of the NPPF, the statement sets out that the site 'is within an existing village and has ready access, via public transport on Woodhead Road, into Holmfirth. There are also sporadic shops, cafes and restaurants on Woodhead Road. There is a safe and suitable access and no significant impact on the transport network' and contends the development meets the requirement of paragraph 155 part (c) of the NPPF.

Planning Practice Guidance (PPG) published 27 February pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes. In considering the contribution the land makes to the relevant Green Belt purposes the PPG sets out that for Paragraph 143:

- Purpose (a) - This purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas.
- Purpose (b) - This purpose relates to the merging of towns, not villages.
- Purpose (d) - This purpose relates to historic towns, not villages.

In the assessment of the previous application / subsequent appeal, the site has been concluded as being within a village setting. Therefore, it is considered the development would not make a strong contribution in relation to purposes a & b of paragraph 143 of the NPPF.

Therefore, it remains to be considered as to whether the proposal would make a strong contribution in relation to purpose (d) of paragraph 143 of the NPPF. In this case the site is immediately adjacent to the Conservation Area, the boundary of which runs to the north and west of the site and further beyond around buildings to the east.

However, whilst the site is in close proximity to the Conservation Area, purpose (d) of paragraph 143 sets out that one of the purposes of the Green Belt is to preserve the setting and special character of historic towns. In this case the proposal relates to a village setting.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

The application site lies beyond the built extent of an existing village. The open land creates a visual break within a Conservation Area setting and leads to two clearly defined 'clusters' of development to the west and east of the site.

The site has a visual contribution to the locality with the site contributing to an absence of development that would create a continuous ribbon development along the highway.

The proposal would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. The development would diminish the visual openness that defines this locality and lead to an increased urbanising impact as a result.

The proposal constitutes inappropriate development in the Green Belt. While limited in scale with details to be finalised at Reserved Matters application stage, the development would result in encroachment into open countryside, conflicting with Green Belt purpose (c) of Paragraph 143 of the NPPF. Under Paragraph 155(a) of the NPPF, development may be acceptable where it does not fundamentally undermine the purposes of the Green Belt; however, the proposal would erode the character of the locality through encroachment of built form and increased urbanisation of this part of the Green Belt and would undermine the Green Belt's function in this location.

It is considered that the siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case, on the basis that it would lead to a level of encroachment that has a significant and detrimental impact in relation to this purpose. The development is therefore considered to fail in relation to paragraph 155(a) of the NPPF.

In coming to this conclusion weight is afforded the fact that the proposal would provide a very limited contribution in terms of meeting an unmet need in relation to housing. Whilst it would meet this requirement in relation to paragraph 155b, the contribution is weighed against the level of identifiable harm created (as well as in the context of the previous refusal and the Inspectorate decision).

The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged there would likely be a requirement for private vehicle use for accessing the site although there are public transport

links in proximity also and the proposal meets the requirement of paragraph 155c in this regard.

However, the failure to satisfy 155(a) remains determinative, and the proposal is therefore concluded to be contrary to Paragraph 155 of the NPPF and constitutes inappropriate development in the Green Belt.

Given the above, the development is considered to constitute inappropriate development in the Green Belt.

Very Special Circumstances

No very special circumstances have explicitly been put forward to outweigh the harm to the Green Belt and none are considered to exist more generally. In the Inspectorate decision it was stated that limited weight could be afforded in relation to provision of further housing, ecological enhancements / provision of a passing place and neutral weight afforded the fact they identified a lack of harm in relation to heritage assets.

The Inspectorate afforded such weight to Green Belt harm and harm to the character and appearance of the area which was such that they concluded there were no very special circumstances considered to outweigh the harm. It is considered that whilst there has been a change to Chapter 13 of the NPPF since the previous application, this has not constituted a change in circumstance such that there are considered to be very special circumstances present to clearly outweigh the harm of the development in this case.

No very special circumstances have been put forward to outweigh the harm to the Green Belt identified above, therefore the proposal is considered to be contrary to Policies LP24 and LP59 of the Kirklees Local Plan, Policy 6 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 13 of the NPPF.

Conclusion:

Officers conclude that the proposal constitutes inappropriate development in the Green Belt. The development is also considered to cause harm to the openness of the Green Belt, the visual amenities of the Green Belt and the character and appearance of the wider area. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt have not been demonstrated. The development is therefore considered to conflict with Policies LP24 and LP59 of Kirklees Local Plan, Policy 6 of the HVNDP and Chapter 13 of the NPPF.

2) Impact on Visual Amenity and Historic Environment

2.1 – Design:

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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) relates to protecting and enhancing the landscape character of Holme Valley, and states that: “All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.

Policy 2 of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

In respect of Policies 1 and 2 of the HVNDP, the site is identified as being within LCA 4 (River Holme Settle Valley Floor). In terms of landscape, the HVNDP notes that key character management principles for this LCA are:

- Ensure new development respects framed views from the settled floor to the upper valley sides and views across to opposing valley slopes and views towards the Peak District National Park.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.

- Maintain and enhance the network of PROW to promote access and consider opportunities to create new links to existing routes particularly physical and visual links to the River Holme.
- Consider opportunities through major developments to provide interpretation of the historic industrial role of the river and mill ponds within the local landscape.

In terms of the built character, the HVNDP states that the key character management principles for this LCA are:

- Regard should be had to the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.
- Strengthen local sense of place through design which reflects connections to past industrial heritage related to each settlement including through retaining or restoring mill buildings and chimneys.
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines 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. Kirklees has an adopted House Extensions and Alterations SPD.

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 6 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.

This is an outline application where all matters are reserved. Under such an application, Officers have to consider whether a dwelling on the site could be

developed without causing detrimental harm to the character and appearance of the area.

The site is visible from Dam Head, and the development would likely be visible from Public Rights of Way to the south west (HOL/92/50) and east (HOL/95/10). The site comprises part of a field between residential development on either side, but as the field appears to be agricultural and extends beyond the rear boundaries of these neighbouring properties, it visually appears to form part of the open countryside. In addition, the dwellings to the north east of the site are considered to appear detached from the built development in the rest of the village as a result of this green and open site. Fields separating development such as this are also not uncommon towards the edge of settlements where development becomes dispersed, and as a result of this the site is considered to make a positive contribution to the character and appearance of the locality.

Residential development on such a site with associated hard surfacing, likely retaining walls and domestic paraphernalia would urbanise this open and green site, thereby altering its rural characteristics and it was previously considered that this would cause significant harm to the character and appearance of the area and visual amenities of the locality. Residential development on the site was therefore considered to be contrary to Policy LP24 of the Kirklees Local Plan, Policy 2 of the HVNDP and Chapter 12 of the NPPF.

As part of this application, an indicative layout has been submitted which indicates a dwelling could be sited further forward / closer to the highway. Whilst the specifics in relation to access, layout, scale, appearance & landscaping would be reserved for consideration at a later stage, it is considered that the overall impact of development of the site for a dwelling is still required to be considered.

The previous assessment set out that dwellings within the immediate locality tend to be traditional semi-detached or terraced ones. It is considered that one relatively large, detached dwelling would not sympathetically integrate with the existing development in the locality.

Within the consideration of residential development of the site previously, it was concluded that the proposed development of one dwelling on the site would have a visually incongruous appearance to the locality and be out of character to the street scene contrary to Principle 2, 5 and 6 of the Housebuilders Design Guide SPD.

The reason for refusal previously referred to layout / siting of the dwelling, subsequently upheld by the Inspectorate at appeal. This current application indicates a revised siting could overcome this previously identified issue through moving the access closer to the highway. The Highways Development Management Team, in their consultation response, acknowledge there would be a need to ensure commensurate parking through an internal garage arrangement.

As such the realistic design of a dwelling would need to either incorporate a tandem length garage of a usable size, or a double width garage with a roller shutter garage door close to the highway edge.

As previously identified, the locality is characterised by dwellings of a historic character and design. The impact of the introduction of a stand alone dwelling with integral parking having to be incorporated within the building is not considered to in keeping appearance in the street. In identifying a potential solution to address a previous reason another detrimental visual impact is introduced as a result.

Whilst this is an outline application (all matters reserved), it is considered that where it is clear the subsequent reserved matters could not be satisfactorily addressed, it is a proportionate and reasonable approach of the LPA to refuse permission on such a basis.

In conclusion, it is considered that the appearance and layout of the dwelling could not be achieved such that it does not lead to harm the character and appearance of the area. Consequently, the proposal would conflict with Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan.

2.2 – Historic Environment:

The site is Allocated within the Green Belt. Hinchcliffe Mill Conservation Area (Dam Head), is adjacent and bounds the site to the north, east and west. The field is not within this conservation area (but is adjacent to it). No.1 Dam Head, to the north west of the site, is Grade II listed, as is No.5 Dam Head to the south west of the site. Across Dam Head from the site are a number of trees, which are protected by virtue of them being located within the conservation area.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be*

permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

Paragraph 207 of the NPPF states that in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution by their setting. Paragraph 207 goes on to note:

“The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.

The Inspectorate decision, and in particular paragraphs 11 and 12 (detailed earlier in this report), is of relevance in this case and is taken into account in relation to impact upon historic assets.

As part of this application, a Heritage Impact Assessment was submitted. Upon consultation with KC Conservation and Design, Conservation Officers raised concerns regarding the proposal (detailed in the ‘Consultations’ section of this report).

The field the site forms part of is bordered by Hinchcliffe Conservation Area on the western side and at the front. This open and green site is considered to make a positive contribution to the character and appearance of the area. It is noted that in the consideration of the previous appeal for one dwelling at the site, the Inspectorate concluded that the residential development of the site would not unacceptably harm the setting of the Conservation Area nor the setting of listed buildings. Weight is afforded to this judgement in the determination of this application.

The development seeks outline consent only, with all matters reserved. The consideration of the visual impact is set out in the previous section of this report and whilst the impact of the development would be considered visually out of keeping it is considered that, having regard to the conclusions drawn by the Planning Inspectorate in their decision, reason no.3 of the previous refusal has been satisfactorily overcome in this case and it is considered refusal on the basis of reason no.3 of previous application 2023/93784 could not be substantiated.

As a result, the proposal is considered to be acceptable, having regard to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

3) 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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

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.”

As all matters are reserved a fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage. However, it is considered that the properties most likely to be affected by such a development would be No's.2, 9, 10 and 14 Dam Head (those adjacent to the site). Consideration will also need to be given to the amenities of the occupiers of the proposed dwellings. It is considered that the site is sufficiently sited so that harm to any other residential properties not referred to above could be avoided, subject to appropriate design.

No. 2 Dam Head:

The indicative layout plan submitted with the application displays one dwelling that would be set off away from the side boundary shared with No. 2 Dam Head (directly to the north east side of the site). The nearest element of No. 2 to the site comprises of a single storey element (integral garage) with a terrace area on the roof. It is considered that such a set off from the side boundary shared with No.2 would help prevent any significant undue impacts of overbearing and overshadowing, including to the balcony area at No. 2 Dam Head, which has open views to the rear.

No elevation details have been provided as part of this application, with no details of proposed fenestration detailing provided either. However, it is considered that, provided windows are sensitively sited (it is advised to avoid clearly glazed windows above ground floor level in elevations facing towards No.2 Dam Head), a scheme could be devised without undue harm to the amenities of No. 2 in terms of loss of privacy or overlooking.

No.'s 9, 10 and 14:

These properties are direct to the south west of the site.

No. 9 comprises a 3-storey end of terraced dwelling which fronts Dam Head but given its set off from the side boundary shared with the site and the lack of any windows in the side elevation, it is considered that a dwelling could be sited on the plot without causing undue harm to No. 9 in terms of loss of light, loss of outlook or the creation of an overbearing effect. Furthermore, given the

distance of No. 9 to the site, it is considered that undue harm in terms of loss of privacy or overlooking could be avoided.

No. 10 and No. 14 are at the end of a terrace row and the split-level building accommodating them is a maximum of three storeys in height. The first two floors appear to accommodate No. 10, which benefits from a small area of amenity space to its frontage, whilst the upper floor accommodates No. 14, which has an entrance to a garden to the rear. The layout plan displays the dwelling set slightly behind the front wall of these neighbouring dwellings and protruding beyond the rear wall of these dwellings.

There are no windows to the side elevation of No. 10 adjacent to the site and the only rear window is considered to serve a bathroom within the interior of the property (based on floorplans available to view on the internet). Therefore, it is considered that harm could be avoided in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

In terms of No. 14, this neighbouring property has a private amenity space to the rear and windows to the rear, which are considered to serve a bathroom and the kitchen (based on floorplans available to view on the internet). Notwithstanding this, whilst these windows are not considered to serve habitable rooms, should a reserved matters application be submitted, care should be taken to avoid harm to this neighbouring property in terms of a detrimental loss of light to rear facing windows and the creation of an undue overbearing effect to the garden of No. 14.

It is noted that no details have been provided regarding the height of the proposed dwelling or the number of storeys it would have, however, it should be noted that the proposed dwelling could appear as oppressive on No. 14, especially given how far the dwelling protrudes beyond No. 14, if careful consideration is not given to the height of the proposed dwelling.

Whilst there is a habitable room window serving a habitable room at the site at No. 14 (a lounge window based on floorplans available to view on the internet), there appears to be two front windows also serving this room and therefore, it is considered that undue harm to this room in terms of loss of light and outlook could be avoided as a result of the scheme for one dwellings at the site.

Again, provided windows are sensitivity sited (it is advised to avoid clearly glazed windows above ground floor level in elevations facing towards No. 14) it is considered that a scheme could be devised without undue harm to the amenities of No. 14 in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Proposed Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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.”

It is considered that there is adequate space on the site to provide a dwelling which meets the minimum recommendations as set out within the NDSS as well as good sized private amenity space for both dwellings.

The proposed development is therefore considered acceptable in terms of residential amenity, and it is considered that the proposed development complies with Local Plan Policy LP24(b), Policy 2 of the HVNDP and Chapter 12 of the National Planning Policy Framework.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Policy 6 of the Holme Valley Neighbourhood Development Plan details that adequate parking should be provided, having reference to the Council’s adopted Highways Design Guide and that additional parking to accommodate delivery vans is encouraged. Furthermore, Policy 6 sets out that development should have good access to public transport routes and encourages walking & cycling.

As part of the determination of this planning application, a formal consultation was undertaken with KC Highways Development Management, where the Highways Officer made the following comments:

‘This is an outline application with all matters reserved for the erection of a detached dwelling with parking and a new access off Dam Head. Dam Head is an unadopted private unsurfaced access track of approximately 4.5m width with no footways or street lighting. Dam Head is also known as Spring Lane on the adjacent application (21/90800). Dam Head joins the adopted highway network approximately 55m from the application site at a junction with Dobb Lane, a 30mph two-way single carriageway local link road of approximately 7.2m width with a footway on one side and street lighting present.

The proposal site is approximately 270m from stops on a medium frequency bus route and approximately 275m to a convenience store and pub and 360m to the closest school. It should be noted that as an unadopted and unfinished private road, the access along Dam Head may be unsuitable for a Kirklees refuse vehicle and so we would recommend that the applicant contacts the Kirklees Cleansing department at the earliest opportunity to discuss refuse collection requirements, and this may include a legal waiver against claims of damage to the unsurfaced road by council refuse collection vehicles.

The application site underwent submissions for a single dwelling as both 21/93125 (for two dwellings) and 23/93784 (for a single dwelling) and both applications were refused with the 2023 application also being dismissed at appeal. Previous applications included access within the outline, but with this application it has been reserved. The current application has moved the dwelling closer to Dam Head and as such has removed driveway parking from the proposals.

No trip generation details were included within the application, however as it is for a single detached dwelling we don't consider that the proposals would generate sufficient vehicle trips as to have a severe impact on the operation or efficiency of the local highway network. It should be noted that there is currently a planning application within the system for 17 dwellings on an adjacent site (21/90800) that is proposing to use of the access along Dam Head and the junction with Dobb Lane and this would cause a large intensification of use of the access track and junction. The increased use of Dam Head as an access may have an impact on the residents on street parking on Dam Head, due to the layout of the existing dwellings and the highway there is very little space for residents parking in this area.

The access to the site is new and will incorporate the creation of a passing place on the south side of Dam Head that is approximately 22m long. This area should be clearly marked on a drawing as a passing place and should be offered up for adoption if the remainder of Dam Head/Spring Lane is to be adopted as part of 21/90800, this would allow TRO protection for the passing place. If it is not to be adopted then the passing place will need a marking sign to indicate it is a passing place and not to be used for parking.

Application 21/90800 has added residents parking spaces for existing Spring Lane residents to the north of Dam Head opposite the proposed passing place widening. With this we consider that the outline application with all matters reserved is acceptable in principle on highways grounds.'

Within their response a number of points are made to provide guidance in relation to the design of the scheme at the reserved matters stage, taking account of the fact the proposal is seeking outline permission with all matters reserved.

In terms of parking standards and waste storage it is considered there is scope to design the dwelling such that a suitable parking provision is possible off street and which also enables there to be storage of waste within the curtilage. The design of the dwelling would need to suitably account for the fact additional parking would need to be provided within an integral garage.

Taking account of the response of the Highways Team, it is considered there is scope for redevelopment of the site to be undertaken that has an acceptable impact upon access and highway safety and in particular access considerations at the Reserved Matters stage.

Given the above, Officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network. The proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5) Other Matters

Ecology:

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraphs within Chapter 15 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan and Policy 13 of the HVNDP echo the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site is included within the Strategic Green Infrastructure Network within the Kirklees Local Plan, and Policy LP31 states that the development proposals should ensure the protection and enhancement of biodiversity and ecological links.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

The Council's Ecologist has been consulted regarding the proposal and has advised that the Preliminary Ecological Appraisal and Impact Assessment is

considered acceptable. They recommend conditions be included upon any grant of permission which relate to provision of soft landscaping and also a Construction Environment Management Plan.

It is noted that within the consideration of the previous application it was stated that, whilst the land may have been grazed, it does appear to have become slightly overgrown grassland and there are some trees and hedges on and adjacent to the site, and the site is within close proximity to a pond to the north of the site. As outlined within Natural England standing advice, grassland has the potential to provide habitats for birds, badgers, bats, reptiles and protected plants, and the trees and vegetation nearby increase the potential for bats and birds. Given the pond nearby, there is also considered to be potential for amphibians. Of note, the site is also within a bat alert layer on the Council's mapping system, as well as a twice buffer area. Given the above, Officers consider the site to have some ecological potential.

In the consideration of the Preliminary Ecological Appraisal (PEA) submitted as part of the previous application it was noted that the report detailed that the habitats on the site are of low to moderate distinctiveness, and in poor to moderate condition. In addition to the above, the PEA determines that the site provides limited opportunities for protected faunal groups.

A Biodiversity Net Gain Assessment including a baseline and post development plan have been submitted with the application, which is welcomed. This information details that the proposals will result in a +0.43 habitat unit gain / 21.63% net gain at the site, which is welcomed.

Given the above, upon formal consultation, the KC Ecology Officer raised no objection to the proposals, as they will result in a biodiversity net gain at the site, for both habitats and protected species. As such, it is determined that the proposals can come forward in line with national and local planning policies pertinent to biodiversity.

It is recommended that to ensure a level of biodiversity is achieved, conditions relating to provision of bat / bird boxes and which also requires submission of a Construction Environment Management Plan and landscaping scheme to be approved by the LPA are included upon any grant of permission.

With the inclusion of the recommended conditions, the scheme is considered to appropriately comply with Policies LP30 and LP31 of the Kirklees Local Plan, Policy 13 of the HVNDP and Chapter 15 of the NPPF.

Climate Change:

Policy 12 of the HVNDP seeks to ensure that energy efficient designs are used in all new buildings.

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.

Due to the nature of the scheme, this being a proposal providing a new dwelling, it is considered that one electric vehicle charging point should be provided to aid in the contribution to climate change. It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval. This is now controlled by Part S of the Building Regulations which came into force in June 2022, and would not be repeated as a planning condition.

On the basis of the measures required to be undertaken to achieve building regulations approval, taking account of the scale of the development it is considered the impact would not be significant in relation to climate change and the proposal is acceptable in this regard.

Construction Practices:

Within the consideration of the previous application the Council's Environmental Health Officer requested that construction site working times are conditioned. Given that construction practices are covered by other regulations it is not considered necessary or reasonable to attach such a condition, but an informative regarding such practices can be attached instead if permission is granted.

6) Representations

Third party representations are addressed as follows:

Objections

- Applications for similar developments at this location were submitted in 2021 and 2024 and the same issues still apply.

Officer response: This application is assessed on the basis of all applicable material considerations at the time of determination and the merits of the scheme as proposed.

- The application does not meet the special conditions needed for development in the green belt and is therefore inappropriate.
- The site does not constitute grey belt
- The development is inappropriate development in the Green Belt
- The area of land cannot be classed as infill
- One dwelling would not warrant use of paragraph 155 of the NPPF.

- The proposal is contrary to policy LP58 of the Kirklees Local Plan
- The site has not been previously developed land and should not be considered grey belt.

Officer response: These representations are addressed in section 1 of this report.

- Issues affect the site with regard to access to the site and loss of biodiversity.

Officer response: These matters are addressed in sections 4 and 5 of this report.

- A serious impact on the immediate and surrounding road network would arise
- Inadequate road / infrastructure

Officer response: These matters are addressed in section 4 of this report.

- Impact upon the Conservation area and nearby listed buildings
- Urbanisation of this visually valuable open and green site would cause harm to listed buildings / the Conservation Area.
- No public benefits are associated with the development to outweigh the harm to heritage assets

Officer response: These matters are addressed in section 2 of this report.

- Previous applications have been refused by the LPA and Inspectorate

Officer response: The planning history of the site is taken into account as a consideration which is material to the determination of this case and addressed where relevant within the 'Assessment' and 'Planning History' sections of this report.

- Land only ever used for grazing and is an area of outstanding beauty
- The land acts as a habitat corridor and contributes to biodiversity

Officer response: These matters are addressed in section 2 and 5 of this report.

The letters of support that have been received are summarised as follows:

- Consider all issues now resolved in the current application
- Applicant maintains existing property to a high standard
- Previous issues have been addressed by the current proposal
- More family dwellings will promote / support existing services
- Amendments the subject of this application have addressed the previous reasons for refusal of previous applications.

Officer response: These points made in support are noted.

- The proposal complies with paragraph 155 of the NPPF in relation to Grey Belt.
- Introduction of Grey Belt appears applicable to such a situation as this site

Officer response: This is considered within section 1 of this report.

- Consider the dwelling would enhance the look of Dam Head
- Consider the development would not detract from the locality

Officer response: This is considered within section 2 of this report.

- Recommend a site visit is undertaken for the application

Officer response: A site visit was undertaken on 8th May 2025.

- Other approvals in the locality lend weight to supporting the development the subject of this application.

The applicable planning history, in this case, is set out in the 'Planning History' section of this report and taken into account in the determination of this application.

7) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development does not accord with the development plan and/or 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 consideration.

Recommendation: Refusal

Decision Authorisation – Delegated Powers

Application Number: 2025/90938

Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive area of the Green Belt and would undermine the Green Belt's function in this location. The proposal would fundamentally undermine the purposes of the

remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development of the site would result in significant harm to the visual amenity and character of the locality due to the requirement for the appearance and / or layout of the resultant dwelling to accommodate requisite parking either within integral garaging within the dwelling or to its frontage. To approve the development would cause harm to visual amenity and the character and appearance of the area, contrary to Policies LP1, LP2 and LP24a of the Kirklees Local Plan, Principles 2, 6 and 12 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Date Received
Location Plan	PP-13912291v1	01/04/2025
Proposed Site Plan	02RevA	01/04/2025
Application Form		01/04/2025
Planning Statement		01/04/2025
Biodiversity Net Gain - Proposed Habitat Creation and Enhancement	Figure 1	24/04/2025
Biodiversity Net Gain Assessment	Dated December 2023	24/04/2025
Preliminary ecological appraisal and impact assessment	Dated December 2023	24/04/2025

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 preapplication advice service available, complied with the Kirklees

Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.