

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/91014/W
Site Address:	Fox House Farm, Moor Lane, Netherthong, Holmfirth, HD9 3UP
Description:	Installation of roof mounted solar panels (Listed Building)
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 16-Jun-2025

Officer Report

Site Description

The application site relates to Fox House Farm, a Grade II Listed building located in Netherthong, Holmfirth. The original property is an L-shaped dwelling which has had a modern extension to the side. The dwelling benefits from garden amenity space to front and rear with a driveway to the side. It is situated in a secluded location surrounded by green fields and green belt land.

List Description:

Formerly 2 handed dwellings, with adjoining barn at 90° to west (now all one dwelling). Mid to late C18. Deeply coursed millstone grit. Quoins. Stone slate roof with gable copings on moulded kneelers. House: near symmetrical facade. Two central doorways, one part blocked, with deep lintels and quoins. To each side is one 4-light stone mullioned window slightly chamfered and with outer mullions removed. Over doorways is modern timber canopy. To first floor are two 4-light stone mullioned windows and central 2-light window. Barn: East elevation: large doorway (glass infill) with segmental arch and quoins to left side, the right side being flush with house. To left is recent 3-light window to each floor. West elevation: large doorway with deep lintel, opposite main doorway, blocked and part obscured by later building.

Description of Proposal

Planning permission is sought for the installation of roof mounted solar panels.

There are 6 roof mounted solar panels proposed on the modern extension element of the existing dwelling. These are to be located on the southeast facing front elevation with 2 rows of three panels each measuring 1708mm x 1134mm.

History of Negotiations / Amendments Received

The agent was contacted following discussions with conservation officers. It was advised that conditions would be considered necessary in the event of any grant of permission to ensure that the solar panels are to be constructed using black glass and black frames. The agent agreed to this.

Public Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice and newspaper advertisement.

Final publicity date expired 14th June – no representations received

Parish/ Town Council – not applicable

Relevant Planning History

2015/93386 - Change of use of land to residential curtilage, erection of side extension and alterations (Listed Building) – Conditional Full Permission.

2015/93387 - Listed Building Consent for erection of side extension and works – Consent Granted.

Consultation Responses

KC Conservation & Design – No objections, subject to conditions.

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is within the Green Belt as identified within the Kirklees Local Plan and relates to a Grade II listed building.

The application site is located within an area with a known presence of bats.

The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Parking
- LP22 – Highway Safety
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP57 – Green Belt

Holme Valley Neighbourhood Development Plan:

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

The site falls within Local Characteristic Area 5 – Netherthong Rural Fringe.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and enhancing the landscape character of Holme Valley
- Policy 2 – Protecting and enhancing the built character of the Holme Valley and promoting high quality design
- Policy 12 – Promoting sustainability

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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 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 Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

The following matters are considered in the assessment below –

1 – Principle of development:

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

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

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of

the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

Chapter 14 encourages local planning authorities to take a positive stance on proposals for renewable or low-carbon energy. In assessing applications of this type, the most relevant policy in the Local Plan is LP26:

Renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:

- a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
- b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
- c. the statutory protection of any area would not be compromised by the development;
- d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.

Where the above criteria are met, the council encourages dialogue with local community groups promoting community renewable and low carbon energy schemes.

With specific regard to the House Extensions and Alterations SPD the other key design principles for consideration are:

- Key design principle 8: Energy efficiency
- Key design principle 10: Renewable energy
- Key design principle 12: Natural environment
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to the proposed development the SPD states that in terms of Key Design Principle 8 (energy efficiency), opportunities should be

considered to achieve energy efficiencies and plan for climate change. This includes, amongst other things, ensuring that roof structures include south facing slopes to facilitate the installation of solar panels.

Key Design Principle 10 relates specifically to renewable energy and states that:

Proposals should have regard to opportunities to include renewable microgeneration technologies such as solar photovoltaics, solar water heating (aka solar thermal), ground, air and water source heating/cooling systems and hydro-electric generation.....

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Impact on the Green Belt:

The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity and other material considerations.

The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

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

Within paragraph 154, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate

additions over and above the size of the original buildings. In this instance, whilst there are no additions to the existing building proposed the development would relate to alterations.

The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area:

The solar panels would be installed on the south-east facing elevation of the two storey property. The information states that the dimensions of each panel would be 1134mm x 1708mm. The panels would be installed as 2 no. rows of 3 no. panels.

There would be no increase to the footprint of the building and non-reflecting coated panels can be secured via an appropriate condition to ensure that the proposal does not detract from its Green Belt setting. The host building would remain the dominant element in terms of size and overall appearance.

As the proposed works are not considered to be disproportionate and would comply with Green Belt policy such that it is not considered that very special circumstances would be required in this instance.

Taking the above into account, it is considered that the effect on the Green Belt would be minimal. Accordingly, the proposal is considered to comply with Chapter 13 of the National Planning Policy Framework and Policy LP57 of the Kirklees Local Plan.

In this case, the principle of development is considered acceptable, and the proposal shall be assessed against all other material planning considerations. These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity & Heritage

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Policy LP35 of the Kirklees Local Plan is relevant stating that: '*Development proposal affecting a designated heritage asset should preserve or enhance the significant of the asset. In cases likely to result in substantial harm or loss will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.*'

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Local Character Area 7 – River Holme Wooded Valley.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

6 solar panels are proposed in this case, positioned as 2 no. rows of 3 no. panels. They would be black in colour and would sit within the existing roof plane as shown on the submitted plans.

Paragraph 207 of the NPPF requires that the applicants describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 212 of the NPPF states that: *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*

Paragraph 214 goes on to state: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

In addition, with specific reference to heritage and climate change, Policy LP35 states that consideration should be given to the need to *‘identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets’ significance.’*

In this instance, the application is accompanied by a Planning and Heritage Statement which acknowledges the site as a Grade II Listed Building. The panels would be within the roof plane of modern extension element of the existing dwelling which differs in terms of visual appearance to the original Listed Building. The side extension is constructed from grey cladding and black metal roofing which gives it a modern appearance.

The Council’s Conservation Team was consulted about the proposal and stated that although the solar panels will appear as modern enhancements to the Grade II Listed building, they will appear in keeping with the previously approved extension. It is considered that the instillation of solar panels in this instance would provide renewable energy for the property and as it is placed on the modern extension it would not have an unacceptable impact on the

heritage asset. The public benefit of producing renewable energy will outweigh the slight harm. In addition, Conservation officers recommended that conditions be attached to any grant of permission to ensure that the solar panels are to be constructed using black glass and black frames to encourage harmonisation with the appearance of the roof tiles and to minimise their visual impact.

For the reasons above, with the inclusion of the conditions, it is concluded that the proposal complies with Policy LP24 and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 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 Holme Valley Neighbourhood Development Plan states that ‘*designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties*’

Due to the nature of the development, solar panels, there will be no significant impact to the residential amenity of neighbouring occupants with regard to overbearing, overshadowing and / or overlooking.

Glare arising from the panels is not considered to be significant in this case given the height the panels would be sited, and distance in relation to neighbouring residential properties. The proposal is therefore concluded as being acceptable in this regard.

4 - Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 also seeks to ensure acceptable levels of off-street parking are retained is also considered to be of relevance.

Given the nature of the development, solar panels, it is not considered that the proposed developments will result in a material increase in the use of the dwelling. Therefore, the proposal is considered to be acceptable with regard to matters of highway safety and parking.

5 - Other Matters

Climate Change:

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

The application is for 6 solar panels on the roof of Fox House Farm and a Climate Change Statement has been submitted.

Given the above, the application is considered to be acceptable with regards to Climate Change, with no further measures required to be submitted with regards to carbon emissions.

Biodiversity / Ecology:

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that albeit the extension will connect into the existing roof, the property in this case appears to be well sealed and maintained with little opportunity for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

6 Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2025/91014
Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
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, LP21, LP22, LP24, LP26, LP30, LP35 & LP57 of the Kirklees Local Plan, Policies 1, 2, & 12 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 8, 12, 14, 15 & 16 of the National Planning Policy Framework.
3. The solar panels shall be constructed using black glass and black frames and retained as such thereafter
Reason: To conserve the significance of the Conservation Area and to conserve and protect the character of the Green Belt and in the interests of visual amenity in accordance with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and policies within Chapters 12, 13 and 16 of the National Planning Policy Framework.
4. The solar panels hereby approved shall be non-reflective and retained as such thereafter.
Reason: To conserve the significance of the Conservation Area and to conserve and protect the character of the Green Belt and in the interests of visual amenity in accordance with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and policies within Chapters 12, 13 and 16 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

Plan Type	Reference	Date Received
Location plan	283-24- PL03_A	30/04/2025
Plans and elevations	283-24- PL02_A	30/04/2025
Climate change statement	-	30/04/2025
Conservation/heritage statement	-	30/04/2025
Application form	-	30/04/2025

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 2025 and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted following discussions with conservation officers. Conditions were discussed and agreed to.

Report Dated: 16th June 2025