

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

|                       |                                                        |
|-----------------------|--------------------------------------------------------|
| Reference No:         | <b>2025/62/91031/W</b>                                 |
| Site Address:         | 11, Flush House Lane, Holmbridge, Holmfirth, HD9 2QY   |
| Description:          | Installation of air source heat pump (Listed Building) |
| Recommending Officer: | Joshua Merriman                                        |

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 26-Jun-2025**

## **Officer Report – 2025/91031**

### **Site Description**

The application site refers to Grade II Listed 11, Flush House Lane, Holmbridge, Holmfirth, a two-storey detached property. The dwelling benefits from garden space to the front and rear, as well as a hard-standing parking area to the North East. The property forms a single dwelling, and the listed description is as follows:

*“Terrace. Late C18-early C19 (some modern rebuilding). Hammer dressed stone. Quoins. Concrete tiled roof. Coped gables. Moulded kneelers. Two storeys. South-east elevation: Ground floor: three 4-light and one 3-light stone mullioned windows. First floor: two 2-light, one 3-light, one 4-light and two 5-light stone mullioned windows. Some lights are blocked. North-west: various 2-light windows, with some alterations.”*

### **Description of Proposal**

#### *The Scheme*

The application is seeking planning permission for the installation of an air source heat pump (Listed Building).

The supporting information submitted, outlined below, has set out that the ASHP would be the Vaillant aroTHERM plus 7kW model.

The dimensions of the ASHP are as follows:

- Width – 1.1m.
- Height – 0.76m.
- Depth – 0.44m.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Noise Assessment
- Climate Change Statement
- Heritage Statement
- Arotherm-plus-spec-sheet-1892564

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

No amendments have been requested by Officers.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

2000/92369 – Listed Building Consent for alterations to roof of existing garage – Conditional Full Permission.

2024/90816 – Erection of freestanding 10Kw air source heat pump – Refused.

- The Air source heat pump would cause less than substantial harm to the setting of the listed building due to its siting and overall height. Paragraph 208 of the National Planning Policy Framework considers that great weight should be given in terms of the public benefit of development against the harm to the heritage asset from the proposed development. Public benefits are limited and it has not been demonstrated that there are any evident benefits that would outweigh the harm to the setting of the listed building in this case. In addition the siting and design of the air source heat pump would appear incongruous with the character of the locality and historic property leading to detrimental visual harm.

An appeal to this refusal was dismissed by the Planning Inspectorate (ref: APP/Z4718/D/24/3350203). Within their decision they set out the following:

Para 3: 'Despite the description, the proposal is for the installation of a 10kw air source heat pump that would be situated in the front walled garden. The dwelling is the eastern property of this short terrace. These terraced properties are Grade II listed. The dwelling only has a front garden. The outdoor unit would be freestanding and the site plan shows it midway between the house and the front wall of the garden. Based on the brochure details, the external cabinet would be just over 1.5 metres in height, 1.1 metres wide and just under 0.5 metres deep'.

Para 5: 'There is nothing before me that suggests that measures could be put in place to significantly reduce the wider impact of this proposed cabinet in the short term. As such, I consider that this relatively high unit, would undoubtedly be at odds with the simple historic character of these properties and would detract from their setting. As proposed, it would be unacceptably harmful to their character and appearance. The proposal would be at odds with policies LP24 and LP35 of the Kirklees Local Plan 2019 (LP) as it would not respect or enhance these heritage assets; or preserve or enhance the significance of the assets. The Holme Valley Neighbourhood Development Plan policies are not relevant as they accept that existing listed buildings have adequate protection from legislation and other policies. These include that special regard must be had for the desirability of preserving the building or its setting as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Para 8: 'The need for the heat pump to be located in the front garden is a land ownership issue given that the appellant does not control land to the rear or side of the building. Nevertheless, I agree that the proposal gains support from national policies and would result in significant public benefits. However,

in the absence of any proposals that might further mitigate the harm, other than those I have mentioned, I am not satisfied that the public benefits would be sufficient, in these particular circumstances, to outweigh the harm that would result to the setting of these listed buildings. On balance, I therefore find conflict with the Framework overall.'

Para 9: 'I have had regard to the limited options available to the appellant with regard to the position of the structure; the characteristics and contents of this and the neighbouring gardens; and the possibility that burning oil for heating may be an option if this appeal fails. Whilst I have considered all the matters put forward by the appellant, I conclude that the benefits of the proposal, do not provide sufficient weight in favour of the proposal to outweigh my main concern. I therefore dismiss the appeal.'

The scheme the subject of this application seeks to site an 'aroTHERM plus 7kW' air source heat pump unit on a concrete base. The submitted plans show it would be 1m in height (taking account of the base) and 1.1m in width with a depth of 0.5m. The siting is amended from that of the previously refused scheme with the unit immediately adjacent to the buildings. In addition the proposal would be screened by a fence which would tie into the existing boundary treatment.

Whether the amendments to the previously refused scheme, which are proposed as part of this application, have adequately overcome the previous reason for refusal is assessed in the 'Assessment' section of this report.

2025/91032 – Listed Building Consent for installation of air source heat pump – Consent Granted.

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting the setting of a listed building, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 14/06/2025.

### *Letters of Comment*

Holme Valley Parish Council have offered no comments on the application, deferring to Kirklees Officers.

## **Consultation Responses**

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Conservation & Design (Informal) – No objections, the new placement and screening of the air source heat pump is a vast improvement on previous application 2024/90816.

KC Environmental Health (Informal) – No objections as the unit has been demonstrated to pass the noise assessment.

KC Trees (Formal) - There will be no impact on any of the surrounding trees. Some small hedge or shrubs may need to be removed to facilitate the new pump, however, no concerns raised. There is no objection and no further comments.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

### **Allocation and Policy**

The site is allocated in the Green Belt within the Kirklees Local Plan (adopted 2019). The site is also allocated Grade II Listed status and is located within a Strategic Green Infrastructure Network area, and a twice buffer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

#### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality

#### *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. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
- Policy 3 – Conserving and Enhancing Heritage Assets .
- Policy 12 – Promoting Sustainability.

## Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is located in Landscape Character Area 2 of the Holme Valley Neighbourhood Development Plan. The key characteristics of which are listed below:

- There are many elevated vantage points with panoramic and long-distance views across the settled valley floor of the River Holme.
- There are key vistas towards the open moorland and into the Holme Valley from Holme Conservation Area and views into the Conservation Area from Fieldhead Lane and Woodhead Road West (A6024).
- Agricultural fields are enclosed by stone walls and deciduous tree cover.
- Open access land to the south of Holme, upland reservoirs, Kirklees Way long distance walking route and the Holme Valley Circular Walk all provide recreational opportunities.
- Historic cart tracks such as Nether Lane with distinctive grooved pavements.

### *National Policies and Guidance*

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

|           |                                                                      |
|-----------|----------------------------------------------------------------------|
| Chapter2  | Achieving sustainable development                                    |
| Chapter12 | Achieving well-designed places                                       |
| Chapter13 | Protecting Green Belt land                                           |
| Chapter14 | Meeting the challenge of climate change, flooding and coastal change |
| Chapter15 | Conserving and enhancing the natural environment                     |
| Chapter16 | Conserving and enhancing the historic environment                    |

### *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)  
House Extensions and Alterations SPD  
Holme Valley Neighbourhood Development Plan – 2021

The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990  
The Planning and Compulsory Purchase Act 2004.  
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

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'.

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

## **1 – Principle of Development**

### *Sustainable Development*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

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

Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area (including impact upon historic environment):**

### *Visual Amenity*

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

### *Historic Environment*

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 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is 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.”*

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD are designed to ensure development is subservient to the host property and in keeping with the character of the local area. Furthermore, machinery within residential settings should appear discreet, ensuring it does not visually dominate the locality.

The planning history, and reason for refusal of planning permission for a

similar development at the site previously is a key consideration, and in particular the appeal decision. As set out in the 'Planning History' section of this report, the Planning Inspectorate considered that in the absence of suitable mitigation, the scheme as previously proposed could not be considered to have such public benefits to outweigh the less than substantial harm of the development.

In this case a number of amendments from that of the previous refusal are set out, specifically they are as follows:

- Re – sited to the corner of the site adjacent to existing boundary treatment and the dwelling
- Reduced height of air source heat pump
- Screen fencing around the air source heat pump

It is noted that in paragraph 8 of the appeal decision the Inspector concluded 'in the absence of any proposals that might further mitigate the harm, other than those I have mentioned, I am not satisfied that the public benefits would be sufficient'. In this case a number of measures form part of the proposal including reducing the scale of the Air source heat pump, resiting and screen fencing.

The proposed ASHP would be 1.1m in width, 0.76m in height, 0.44m deep, and black and white in colour, according to the documents submitted alongside the application.

The heat pump is proposed to be installed in front of the front elevation of the application property, surrounded by newly erected timber fencing to provide screening from the street. This fencing would mean the heat pump is not visible from surrounding properties and does not significant impact the visual amenity of the local character and street scene.

It should also be noted that, Policy LP26 of the Kirklees Local Plan establishes a general principle in favour of renewable and low carbon energy.

Having regard to the impact the scheme the subject of this application would have, it is concluded that the less than substantial harm which would result from the development, following implementation of the mitigation measures, would be suitably outweighed by the public benefit of introducing carbon reducing technology to the site. Therefore, on balance, the proposed air source heat pump would be of a satisfactory design and would not cause any significant harm to the visual amenity of the surrounding area, thus complying with Chapter 12 of the NPPF, policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

### **3. Impact on Residential Amenity**

Sections 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.

As the proposal includes the installation of an air source heat pump in a residential area, the Environmental Health team have been informally consulted, with their response being as aforementioned in the ‘Consultation Responses’ section of the report. This will be assessed in accordance with Policy LP52 of the Kirklees Local Plan.

Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing. The proposal would not significantly reduce the amount of outdoor amenity space within the site of the dwelling, therefore, appropriately complying with Key Design Principle 7 of the House Extensions and Alterations SPD.

Given the size and scale of the proposed ASHP, the installation of the proposed air source heat pump would not result in any unacceptable overbearing or overshadowing onto neighbouring properties. Furthermore, it would not detriment their privacy in any manner.

With regard to the heat pumps noise assessment, the applicant submitted the following information: -

- MCS 020 Noise Assessment Calculations, indicating the unit had passed the necessary assessment.
- Proposed floor plans showing the location of the proposed machinery.
- Proposed elevations showing the location of the proposed pump in relation to the newly erected screening fences and to the property.
- Data sheet providing information about Vaillant’s air source heat pump units.

The submitted information shows that the ASHP would comply with the accepted noise limits. The Council’s Environmental Health team have also indicated that they consider this to be the case and thus have no objections to the proposal.

As a result, the proposal is considered to be acceptable on residential amenity, complying with Chapter 12 of the NPPF, Policy LP24 of the Kirklees Local Plan, and Key Design Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD.

#### **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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD), and Policy LP46 of the Kirklees Local Plan require the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Although the submitted plans do not detail the storage of bins at the property, there is adequate space retained on the site to do so.

The proposed development would not increase the number of bedrooms on site, nor would it be considered that the number of occupants within the property would increase. As a result, given that no parking provision is lost on the site, the proposal is considered acceptable on parking provision and highway safety grounds.

It is therefore considered that with regard to parking provision and highway safety, the proposal would comply with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees Local Plan, Principles 15 and 19 of the House Extensions and Alterations SPD, and the Council's adopted Highway Design Guide.

## **5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## 6. Other Matters

### *Impact upon 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. Whilst it is acknowledged that the site is located within an identified twite buffer area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the twite population. An informative would be included making the applicant aware that if twites are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

## 7. Representations

No representations have been received.

## 8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**  
**PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/91031

**Officer Recommendation:** Conditional Full Permission

### **Conditions**

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

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

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP26, LP51 and LP52 of the Kirklees Local Plan, Principles of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14, 15 of the National Planning Policy Framework.

**NOTE:** The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites 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     | Version | Date Received |
|----------------------------------|---------------|---------|---------------|
| Grouped Plans and Elevations     | 25018D-01-P01 | -       | 02/05/2025    |
| Topographical Survey             | 25018D        | -       | 02/05/2025    |
| Application Forms                | -             | -       | 02/05/2025    |
| Noise Assessment                 | -             | -       | 02/05/2025    |
| Climate Change Statement         | 25018         | -       | 02/05/2025    |
| Heritage Statement               | 25018         | -       | 02/05/2025    |
| Arotherm-plus-spec-sheet-1892564 | -             | -       | 02/05/2025    |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:** 23/06/2025

