

**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>2025/62/91053/W</b>
Site Address:	land off, Wood Lane, Colnebridge, Huddersfield, HD5 0PX
Description:	Change of use and alterations to barn to form three dwellings including associated works
Recommending Officer:	Nicole Helliwell

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 28 October 2025**

## **Officer Report**

**Reference No.** 2025/62/91053/E

**Site Address:** Land off, Wood Lane, Colnebridge, Huddersfield, HD5 0PX

**Proposal:** Change of use and alterations to barn to form three dwellings including associated works

## **Site Description**

The application relates to an agricultural building which is located off Wood Lane in Colnebridge, Huddersfield. The building is faced in green profile steel sheeting and incorporates a dual-pitched roof. The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The site is not within a conservation area, nor are there any listed buildings nearby. However, Public Right of Way (KIR/251/10) is located adjacent to the northern boundary of the site.

## **Description of Proposal**

The proposal seeks a change of use and alterations to convert the existing agricultural building to three dwellings including associated works. The existing agricultural unit measures approx. 18.6m in length, approx. 12.4m in depth and approx. 7.1m in height. The resultant dwellings would cumulatively measure approximately 19.5m in length, approx. 14.5m in depth and approx. 7.1m in height. The submitted plans confirm that three dwellings are proposed across two floors. The existing structure would be faced reclaimed stone walling with timber cladding at ground floor level and would be faced in metal cladding at first floor level. The roof of the dwellings would be finished in metal cladding and would feature seven velux windows within the roof planes. Private outdoor amenity spaces are proposed south of the dwellings. A 1.8m high wall would be erected along the northern boundary of the site to enclose the gardens and a low level stone walling is proposed to the north and west of the dwellings. Furthermore, the plans confirm that a permeable driveway would be formed with gated access.

## **Relevant Planning History**

- **2024/93367:** Prior notification for change of use from agricultural buildings to 3 dwellings. [Planning application details | Kirklees Council](#) – Refused
- **2024/91312:** Discharge conditions 5-10 on previous permission 2022/91532 for alterations to existing agricultural barn to form one dwelling. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Split Decision
- **2022/91532:** Alterations to existing agricultural barn to form one dwelling. [Planning application details | Kirklees Council](#) – Conditional Full Permission

- **2021/93188:** Prior notification for change of use from agricultural building to one dwelling with building operations. [Planning application details | Kirklees Council](#) – Details Approved
- **2006/94747:** Agricultural notification for the prior approval of details for erection of animal feed store. [Planning application details | Kirklees Council](#) – Details Approved
- **2003/95052:** Construction of shared use footpath (walking/cycling and walking/cycling/horse riding) using a combination of existing paths, dismantled railway line and canal towpath with associated access points. [Planning application details | Kirklees Council](#) – Granted Under Reg.3 General Regulations
- **2002/93749:** Agricultural notification for the prior approval of details for erection of animal feed store and alterations to access. [Planning application details | Kirklees Council](#) – Details Approved

### **Representations**

The application was publicised by site notice and press advertisement, which expired on 17<sup>th</sup> June 2025. As a result of the above publicity, no representations have been received from members of the public.

Councillor Martyn Bolt raised concerns in respect to the current obstruction of the bridleway which runs to the rear of the site.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

[KC Highways Development Management](#) – No objection subject to recommended conditions

[KC Environmental Health](#) – No objection subject to recommended conditions

[KC Ecology](#) – No objection subject to recommended conditions

[KC Public Right of Way](#) – No objection

### **Policy**

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

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

### **Kirklees Local Plan Policies**

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 60** - The Re-use and Conversion of Buildings

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 11** - Making Effective 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

### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

## **Assessment**

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

#### **Housing Land Supply**

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:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- i) 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 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%). As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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 outof-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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF Footnote 9).”

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

The proposal seeks to convert an agricultural building to three dwellings within Colnebridge, Huddersfield and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often builtout relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

#### Impact on Green Belt Land

The application site is located within the designated Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP60 and Chapter 13 of the NPPF.

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.

Policy LP60 of the Kirklees Local Plan states that *proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;*

- a. the building to be re-used or converted is of a permanent and substantial construction;*
- a. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
- b. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety*

The application seeks planning permission for the change of use and alterations to form three dwellings. The application site relates to an existing agricultural building located on Green Belt Land off Wood Lane in Colnebridge, Huddersfield.

The agricultural building and its curtilage benefits from previous consents to be converted to residential use which although now expired would form a material planning consideration. Whilst no structural surveys have been provided with the application to evidence whether the building is capable of accommodating the proposed building works, aerial Maps indicate that the building has been of a permanent / substantial construction since 2009. As such, the proposal is considered to accord with part a of Policy LP60.

With regard to Part b of Policy LP60, the proposed change of use to residential would see an increased presence and use which is not typically expected to be seen in a countryside setting. However, the proposal would retain its agricultural form and would utilise the existing vehicular access off Wood Lane. Whilst the existing area of hardstanding would be altered to form parking for the dwellings, given the scale of the alterations, it is considered that the proposal would not introduce a prominent urban element into a countryside location. As such, it is considered that the proposal would be acceptable in this regard. However, in this instance, it is considered necessary to remove permitted development rights to preserve the open character of the area.

In relation to Part C of Policy LP60, the existing structure would be faced reclaimed stone walling with timber cladding at ground floor level and would be faced in metal cladding at first floor level. The roof of the dwellings would be finished in metal cladding and would feature seven velux windows within the roof planes. Although this material palette is not typical for the site and wider area, it is considered that the appearance of the proposed dwellings

would be sympathetic to the original building and the surrounding rural character and would accord with part c of Policy LP60.

On this basis, it is considered that the proposed development would preserve openness and would constitute appropriate development in the Green Belt in accordance with Policy LP60 of the Kirklees Local Plan and the guidance contained within Chapter 13 of the NPPF. As such, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

### **1. Impact on Visual Amenity**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 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 LP24 all 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. Policy 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, heritage assets and landscape...”*

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states 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. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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.”*

Further to this, Principle 13 of the Housebuilders Design Guide 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.

The resultant dwellings would be of a contemporary appearance and cumulatively measure approximately 19.5m in length, approx. 14.5m in depth and approx. 7.1m in height. The submitted plans confirm that three dwellings are proposed across two floors. The existing structure would be faced reclaimed stone walling with timber cladding at ground floor level and would be faced in metal cladding at first floor level. The roof of the dwellings would be finished in metal cladding and would feature seven velux windows within the roof planes. Although this material palette is not typical for the site and wider area, it is considered that the appearance of the proposed dwellings would be sympathetic to the original building and the surrounding rural character. Therefore, it is considered that the resultant dwelling would not appear discordant and would harmonise well into the surrounding townscape.

The application site is also of a sufficient size to support three dwellings, as proposed with a parking area to the west and private outdoor amenity spaces to the south. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. However, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

It is therefore considered that, subject to conditions, the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

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

Sections B and C of Policy LP24 state 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(f) 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.

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.”

The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The submitted plans confirm that the host dwelling is situated in an isolated location with the nearest residential property, 6 Wheatley Terrace, located approximately 174m away from the proposed development. Given that the separation distance retained would be substantial, it is considered that the proposal would have an acceptable impact on the neighbour’s residential amenity.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

### **3. Impact on Residential Amenity of Future Occupiers**

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

*‘All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations’ and that ‘All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24.’*

National described space standards require the following gross internal floor area for a two-storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storey - 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storey - 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storey - 102 square metres

The proposed floor plans demonstrate that the three dwellings would each have an internal floor space of approximately 140m which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, private outdoor amenity spaces are proposed south of the dwellings and off road parking would be located west of the site. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with Policy LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council’s Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

Private outdoor amenity spaces are proposed south of the dwellings. A 1.8m high wall would be erected along the northern boundary of the site to enclose the gardens and a low level stone walling is proposed to the north and west of the dwellings. Furthermore, the plans confirm that a permeable driveway would be formed with gated access.

#### **4. Impact on Highway Safety**

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

This application seeks approval to the change of use and alterations to barn to form three dwellings including associated works at land off, Wood Lane, Colnebridge, Huddersfield. As such, KC Highways Development Management have been formally consulted on the proposed scheme. The proposals show

an existing agricultural building divided into three 3 bedroomed dwellings. Six off-street parking spaces are shown within a parking court on the western side of the proposed development served by a shared private driveway leading to Wood Lane. Access is via an existing access onto Wood Lane, gates are shown set back from Wood Lane and internal vehicle turning is also shown for a refuse vehicle. Given that the proposals utilise an existing access, sufficient off-street parking is shown to be provided together with internal refuse vehicle turning, KC Highways Development Management have no objection to these proposals.

On this basis, subject to the recommended conditions, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## **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.

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

### Contaminated Land

This site has been identified on the Council's mapping system as potentially contaminated land and is located in close proximity to a landfill site (EA0777). Therefore, KC Environmental Health have confirmed that full contaminated land conditions are necessary.

### Ecology

KC Ecology have stated that the Preliminary Ecological Appraisal is reasonable and acceptable. Officers have confirmed that there are recommendations for birds, reptiles, amphibians, badgers, and hedgehogs which will be covered by a condition for a CEMP. 9 invasive species have

also been observed onsite and as such, a condition for an invasive species survey will also be added to the decision notice. Furthermore, enhancements for invertebrates, bats, birds, and hedgehogs will also be conditioned.

### Biodiversity Net Gain

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 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 193 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 echoes the NPPF in respect of biodiversity and 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.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

The submitted Small Sites Metric demonstrates that has confirmed that the 10% net gain will be achieved onsite. An informative has been added to the decision notice to reflect this.

### Public Right of Way

Public Bridleway KIR/251/10 runs through the application site. KC Public Right of Way did initially object to the application as the development proposes to build on the bridleway and the route is currently obstructed by fencing. Revised drawings were submitted by the agent to address their comments. As the route of the bridleway would remain on its current alignment, KC PROW now has no objection to the planning application.

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

## **6. Representations**

No representations were received during the course of the application from members of the public. In respect of Cllr Bolt's concern regarding obstruction

of the bridleway, this has been investigated, and also in respect of its alignment, amended plans have been received as set out above.

## **7. Negotiations**

Amendments and additional information were sought during the course of the application to address consultation responses from KC Public Right of Way and KC Ecology. The information received was considered acceptable.

## **8. Conclusion**

This application for the change of use and alterations to barn to form three dwellings including associated works at Land off, Wood Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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:** 2025/91053

**Officer 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP31, LP51, LP52, LP53, and LP60 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The dwellings hereby approved shall be faced in reclaimed stone walling with timber cladding at ground floor level and would be faced in metal cladding at first floor level as shown on 'Proposed GA' (reference no. (20)001, rev. A). The roof of the dwellings would be finished in metal cladding. The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwellings hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

**Reason:** This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

5. Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by

the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Before construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including rail noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- a) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** This pre-commencement condition is necessary to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. Before any building / dwelling is occupied, turning facilities shall be provided in accordance with the details shown on the approved Block Plan (reference no. (20)002 revision B, dated 20/08/2025). The turning facilities shall thereafter be always made available for use by vehicles and shall be kept free from obstruction to such use.

**Reason:** In the interests of highway safety and to ensure satisfactory layout in accordance with Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Before the development is brought into use, the first 10m of the proposed shared driveway shall be surfaced/hard paved in accordance with details that have been approved in writing by the Local Planning Authority. The surfacing/hard paving approved shall thereafter be retained.

**Reason:** In the interests of highway safety and to ensure satisfactory layout in accordance with Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking and re-enacting that order any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 10m from the carriageway edge of Wood Lane and shall be hung as to only open inwards. So long as such gates or barriers are in position, they shall be retained to only open inwards.

**Reason:** In the interests of highway safety and to avoid the need for vehicles to wait in the Highway in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

12. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in

accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The parking space shall be so retained, free of obstructions and available for the use thereafter.

**Reason:** In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason:** This pre-commencement condition is necessary in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Prior to the commencement of development, an invasive species survey shall be submitted to and approved by the local planning authority, detailing the measures for the containment, control and removal on site. The measures shall be carried out strictly in accordance with the approved scheme.

**Reason:** This pre-commencement condition is necessary to prevent the spread of invasive species within and outside of the site during and after development in line with the requirements of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. No works shall take place until a Biodiversity Enhancement Management Plan has been submitted to and approved in writing by the local planning authority. The plan must include the following:

- 2no bat boxes
- 2no bird boxes for buildings
- 2no bird boxes for trees
- Small holes within fences (and other mechanisms) for hedgehogs' mobility.
- A planting scheme should be implemented within the scheme to create a trees and hedgerows. Plantings should comprise native species of high biodiversity value

**Reason:** This pre-commencement condition is necessary in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the

Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** Bridleway KIR/251/10 is located within the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public Rights of Way is based at PO Box 1720, Huddersfield HD1 9EL and the email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk).

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

**Plans and specifications schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	(EX)002	-	01/05/2025
Existing GA	(EX)001	-	01/05/2025
Proposed GA	(20)001	A	11/07/2025
Block Plan	(20)002	B	17/09/2025
Phase 1 Environmental Desk Study & Coal Mining Risk Assessment Report	C3637/23/E/5509	-	15/08/2025
Phase 2 Geo-Environmental Report	C3637/23/E/5969	1	15/08/2025
Preliminary Ecological Appraisal and Roost Assessment	-	-	18/09/2025
Small Sites Metric (The Statutory Biodiversity Metric)	-	1.2.3	07/10/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendments and additional information were sought during the course of the application to address consultation responses from KC Public Right of Way and KC Ecology. The information received was considered acceptable. The agent has confirmed their agreement to the pre-commencement conditions.

**INFORMATIVE NOTE – Biodiversity Net Gain:**

Based on the information available, this permission is considered to be one which requires the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

*Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being: 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- i) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not

an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high-speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High-Speed Rail (Preparation) Act 2013.

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

*The effect of section 73D of the Town and Country Planning Act 1990*

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.