

**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:	2025/62/91085/W
Site Address:	Keepers Cottage, 18, Brownhill Lane, Holmbridge, Holmfirth, HD9 2QW
Description:	Erection of two storey detached store/workshop 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: 27-Aug-2025

Officer Report

Site Description

Keepers Cottage, 18 Brownhill Lane is a detached dwelling located within a secluded location within the Green Belt. The property is accessed via a single width driveway which is approximately 125 metres in length and slopes downwards from the entrance gates off Brownhill Lane.

The dwelling is within a woodland setting with no close neighbouring properties. The River Holme lies to the south of the site on a lower ground level than the floor level of the property. To the west of the property is a detached garage. The property also has a modern side extension to the east which was granted permission in 2018.

The site lies within Yateholme Reservoirs and Plantations Local Wildlife Site.

Description of Proposal

Planning permission is sought for the erection of a two storey detached store/workshop building.

The outbuilding will be located to the side (west) of the site, within the existing driveway. The outbuilding will have a height to the eaves of 2.6m with an overall height of 5.4m and have a gable roof design with a front and rear flat roof dormers. The footprint of the building will measure 8.6m x 4.55m, this will create a store and workshop on the first floor and a store and artists studio on the ground floor. The upper level of this structure is accessed via an external stairway set between the rear of the structure and the retaining wall behind. This leads up to a raised external platform, set at the level of the bank behind, which has two access doors housed in a metal clad dormer structure. One door leads into a store and the other into a workshop space. The workshop space has a dormer window to the front which provides head height, light and views.

This is the same sized footprint as existing but brought forward by 0.2m. To the west there will also be a canopy with a green roof - this covered area will be used for supplementary equipment required for the artist's work. The canopy replaces the existing poor quality structure and provides cover for external working and siting of certain equipment required for the artist's work. This canopy takes the form of a green roof sitting over a raised stone boundary wall on two sides and timber posts to the front.

The outbuilding is proposed to be clad in timber shingles, on both wall and roof surfaces, with powder coated metal detailing to eaves, ridges and gutters. Glazing is set within timber clad surfaces and features external shutters of the same material which slide over the glazing when not in use.

History of Negotiations

The agent was contacted as it was considered that the original plans showing an additional side extension to the main property as well as the outbuilding would be considered to have a significant increase in volume and constitute a disproportionate addition to the original dwelling. This would have been as a result of the previous extension and the proposed extensions. This development would have been considered inappropriate in the Green Belt. This would be contrary to and Policy LP57 of the Kirklees Local Plan. As it would be considered disproportionate it would also not benefit from NPPF paragraph 154c.

The agent responded with amended plans showing the side extension omitted from the scheme.

Relevant Planning History

98/92436 – Change of use of existing building to form dwelling – Conditional Full Permission.

2012/90382 - Erection of two storey side extension, alterations and replacement garage – Conditional Full Permission.

This permission has was not implemented and has now lapsed.

2018/93356 – Erection of single storey side extension – Conditional Full Permission.

Publicity/Representations

We are currently undertaking 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 which expired on 30th May 2025 – no representations were received.

Consultation Responses

Ecology: KC Ecology were consulted as the site lies within Yateholme Reservoirs and Plantations Local Wildlife Site.

They stated that the proposed appears to be intended to be developed on land that is originally hardstanding. As a result, Biodiversity Net Gain is exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

They also recommended a Construction Environment Management Plan, Precautionary Working Method Statement, Hedgerow and Tree Protection Plan and lighting scheme be provided and that these be secured by conditions

attached to any grant of permission. This is discussed in greater detail in the 'Assessment' section of this report.

POLICY

The site is allocated as Green Belt on the adopted Kirklees Local Plan and falls within the adopted Holme Valley Neighbourhood Development Plan and is within an associated landscape character area (ref:- LCA2, Holme Moorland Fringe).

The site is in an area with a known presence of Bats. The site also falls in an area at low risk of ground movement from former mining activity as identified by the Coal Authority.

The following policies are therefore considered to be applicable in the consideration of this application: -

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 51** – Air Quality
- **LP 57** – The extension, alteration or replacement of existing buildings

Neighbourhood Development Plan

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

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

The application site is within Landscape Character Area 2 - Holme Moorland Fringe.

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 the Green Belt
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.

Supplementary Planning Documents

- House Extensions and Alterations Supplementary Planning Guidance (SPD) 2021

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 the Holme Valley Neighbourhood Development Plan (adopted December 2021).

Assessment.

1) Principle of Development

Green Belt

The general principle of extending and making alterations to a property are assessed against Policies LP1, LP2 & LP24 of the Local Plan, Policies of the HVNDP and Chapter 12 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety 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 Local Plan Policy LP57.
- 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 very special circumstances to outweigh the harm to the Green Belt.

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 152 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.

The construction of new buildings is regarded as inappropriate development in the Green Belt. 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.

Policy LP57 continues that 'in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative effect of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building...'. It also goes on to say that the proposal should not result in a greater impact on openness in terms of the treatment of outdoors areas, including hard standing, curtilages and means of access.

In terms of this particular application, the existing and proposed volumes have been calculated to assess whether the cumulative impact of the extension would be disproportionate to the original dwelling. The 2012/90382 application was never implemented and is now expired. However the side extension approved under application 2018/93356 is classed as an 'extension' in the assessment of the scheme against Green Belt Policy. It is also noted that a garage already exists at the site and in terms of footprint the proposed new structure is almost identical in size and location, with only slight adjustment to its location to enable the discreet rear stair to access the upper floor. However, it should be noted that this garage was a later addition and would not be classified as an original feature. Therefore, with the whole outbuilding and previous extension the overall percentage increase would be 67.3%.

Whilst it is acknowledged that this is a larger increase it is also noted that there is no formal definition of disproportionate additions and each application must be assessed on its own merits. The assessment of disproportionate additions is not one made solely in a mathematical way by reference to size when measured in floor space, volume or mass, but that appearance and visual impact are an important part of a holistic evaluation. In this instance weight is given to the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area. The proposed extension would be located to the side of the property which does not front the highway (instead

located in an isolated location down an access track) and would be of an improved design than existing. As a result of this scheme the footprint of the building would not increase and would replace an existing structure. The proposed replacement structure only represents a 48.7 cu.m. increase in volume which equates to a 6.5% increase against what currently exists.

Therefore, on balance it is considered that the outbuilding would not significantly affect the openness of the green belt or the appearance of the area and would comply with policy LP57 of the local plan and would be acceptable when assessed against this Policy and Chapter 13 of the NPPF. However it is considered that any future development be controlled to ensure further protection of openness, as such, a condition will be attached to any grant of permission to remove permitted development rights for any further development at the site to ensure the openness, character and appearance of the Green Belt is retained.

Within the 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 polies 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.”

5.6 of the Supplementary Planning Document refers to the general rules in relation to outbuildings, and its states:

“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building”

Outbuildings should normally:

- *be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;*
- *be set back behind the building line of the original building so that they do not impact on the street scene; and*
- *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”*

These principles and the relevant design guidance of the House Extensions and Alterations SPD are taken into account within the following report.

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”. Policies 1 and 2 of the HVNDP, and the LCA will also be considered.

In this case, the principle of extending the existing dwelling is considered to be acceptable and shall be assessed against the applicable material planning considerations within the following report.

2) 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 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.”*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’*
- *‘c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

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...’*

and

- *‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’*

Policies 1 and 2 of the HVNDP provides specific guidance for proposals in the Holme Valley area. The most pertinent point of LCA 8 relevant to this application

is that Vernacular building materials include millstone grit walls with grey slate roofs.

Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Section 5.6 of this SPD also provides specific advice for outbuildings and states the following:

“Outbuildings, such as garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building”

Outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”

The outbuilding will be set back approximately 35m from Brownhill Lane behind a row of houses and down an access track. It is also located at a significantly lower land level than the highway. Although the outbuilding will be two storey it is to be located at a lower ground level than the main property and will have a significantly lower overall height. Therefore, the outbuilding will not appear to compete with prominence with the existing dwelling or the surrounding development. The location of the proposed outbuilding is therefore considered acceptable from a visual amenity perspective.

With regard to the design of the proposed outbuilding, the total garden space at the property is of a sufficient area to support it without appearing cramped. Furthermore, the outbuilding will have a gable roof form to match that of existing property. In turn, the siting and design works to mitigate undue bulking or massing from the overall appearance of the outbuilding. The proposed construction materials will be timber clad shingles, on both wall and roof surfaces, with powder coated metal detailing to eaves, ridges and gutters. With glazing to be set within timber clad surfaces and features external shutters of the same material which slide over the glazing when not in use. These materials will give the building a modern appearance without appearing out of place.

Therefore, the outbuilding is concluded to be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan, principles

1, 2 and 7 of the Supplementary Planning Document on House Extensions (SPD) and policies within Chapter 12 of the National Planning Policy Framework.

3) Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 5 and 6 of the Council's adopted House Extensions & Alterations SPD require that development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

With regards to residential amenity, there are no dwellings within such close proximity of the site that would be impacted on in terms of overlooking, by the extension being overbearing or by it overshadowing to the detriment to any neighbouring occupiers. The site is screened from the other properties on Brownhill Lane by the woodland to the north which are on a higher ground level and separated from the site by approximately 25 metres.

The proposal is therefore concluded to accord with policies LP1, LP2 & LP24 of the Kirklees Local Plan, the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as chapter 12 of the National Planning Policy Framework.

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 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.

The proposed development will not directly increase the domestic function Keepers Cottage (with no new bedrooms proposed), nor will it reduce existing parking arrangements on site it should also be noted sufficient parking will still be retained by the remaining driveway on the site. Due to this and access to and from the adjoining highway not being impacted, the proposal is considered to be acceptable from a highway safety perspective.

It is also considered that waste storage and collection arrangement would likely remain as is as a result of the proposal, in compliance with Principle 16 of the House Extensions and Alterations SPD.

In turn, erecting the proposed outbuilding at Sunnydale would appropriately accord with Chapter 9 of the NPPF, Policies LP21 and LP22 of the Kirklees

Local Plan and Key Design Principles 15 and 16 of the House Extensions and Alterations SPD.

5) Other Matters

Biodiversity:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework are 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.

The agent submitted a Preliminary Ecological Appraisal Report and a biodiversity statement which stated that the dwelling supports several potential roost features that could be used by individual bats opportunistically. However, none of these potential roost features will be affected by proposals. The garage (which is to be demolished) contained potential for roosting bats, however there was a further inspection and an emergence survey, which confirms that it is highly unlikely that roosting bats are using the garage.

The Ecology team were consulted on this application and stated the proposed appears to be intended to be developed on land that is originally hardstanding. As a result, Biodiversity Net Gain is exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Following review of the submitted appraisal the Council's Ecology Team state they have no objection and recommended conditions requiring a Construction Environmental Management Plan (CEMP: Biodiversity) to be submitted to and approved in writing by the local planning authority. In addition, a condition stating that no works are to commence unless a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. Furthermore, a tree protection condition was recommended. Finally a Precautionary Working Method Statement (PWMS) condition to minimise risk and harm to bats

It is considered that submission of a lighting scheme and Construction Environmental Management Plan (CEMP: Biodiversity) is unnecessary in this case given that the scheme relates to the replacement of a relatively small outbuilding. Furthermore, it is considered that the condition recommending enhancements could not be reasonably included in this case taking account of

the nature of the development and fact the proposal would not impact significantly upon existing habitats. It is also considered that a tree protection condition would be unnecessary as unprotected trees can be removed in any event.

An informative note drawing the legislative protection of bats to the developers would be included upon any grant of permission and on such a basis is considered to be sufficient in this regard.

The extent of the works would have an impact to some extent, however taking account of the submitted appraisal it is considered this would not be significant and weighing up the extent of the submitted detail and the nature of the proposal it is concluded the development would have an acceptable impact upon ecology subject to inclusion of the recommended informative.

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change, over and above that in the submitted Climate Change Statement.

6) Representations

No representations were received.

7) Conclusion

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

view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/91085

Officer Recommendation: Approve

Conditions and Reasons:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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: In the interests of visual amenity and so as to preserve the openness of the Green Belt, in accordance with Policies LP01, LP02, LP24 & LP57 of the Kirklees Local Plan, Policies 1, 2 and 12 of the Holme Valley Neighbourhood Development Plan, principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the Council's adopted Supplementary Planning Document on House Extensions and Alterations and to accord with policies within chapters 2, 12, 13 and 14 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E inclusive 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 prevent disproportionate additions to the property and within the curtilage so as to ensure the openness, character and appearance of the Green Belt is retained in accordance with Policy LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to

proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Existing site plan	000	-	17/04/2025
Site location plan	LP01	B	19/08/2025
Existing elevations	010	-	17/04/2025
Existing floor plans	001	-	17/04/2025
Proposed plans	101	A	19/08/2025
Proposed elevations	110	A	19/08/2025
Proposed wider site	120	A	19/08/2025
Block plan	LP02	B	19/08/2025
Perspectives of garage replacement	121	A	19/08/2025
Application form	-	-	17/04/2025
Ecological/biodiversity statement	-	-	28/05/2025
Design and assess statement	-	-	19/08/2025
Preliminary Ecological Appraisal Report	-	-	17/04/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted due to concerns with regard to over development in the Green Belt. The agent omitted the side extension which overcame these concerns.

Report Dated:

19 th August 2025
