

**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:	2025/62/91132/E
Site Address:	15 Mulberry Barn, Parkhead, Park Head Lane, Birds Edge, Huddersfield, HD8 8XW
Description:	Installation of solar panels to detached garage and rooflights to dwelling
Recommending Officer:	Edward Cheseldine

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.

Emma Thompson

AUTHORISED OFFICER

Date: 01-Aug-2025

Officer Report

2025/91132 - 15 Mulberry Barn, Parkhead, Park Head Lane, Birds Edge, Huddersfield, HD8 8XW

Site Description

15 Mulberry Park Barn is a residential property constructed with stone exterior walls and stone roof slates. The property has an agricultural appearance due to its former use, it has a rectangular footprint, with high eaves and a low pitch roof. Fenestration is simplistic.

The property is accessed from a shared driveway leading from Park Head Lane. The wider property group includes residential buildings, with an agricultural appearance.

The application site is within the Green Belt.

Proposal Description

The applicant is seeking permission for the installation of solar panels to detached garage and rooflights to a dwelling.

No.10 solar PV panels will be installed on the south-east facing roof plane of the detached garage.

No.4 rooflights will be installed on the north-west facing roof plane of the dwelling.

Negotiations/Amendments

The applicant was asked to provide a statement on the use of the solar energy should paragraph 160 of the National Planning Policy Framework apply.

The applicant raised the solar energy would be used for the residential property of 15 Mulberry Barn, to generate 50% of the householder energy from renewable sources.

It was assessed that the placement of the solar panels would not be inappropriate, given their placement on the existing roof plane of the detached garage.

The applicant signed Certificate B, notifying the joint owners of the access. It was later identified that one of the neighbouring property owners had been inadvertently overlooked during this process; however, they have since been duly notified.

Public Representations

The application was advertised by way of a site notice, which expired on the 10-Jul-2025. As a result of the publicity, there were 3 representations.

Comments raise no objections in principle but relate to the Location Plan, as it does not reflect the land ownership boundaries on Title Deeds.

Officer Comments: The correct ownership certificate has been signed, noting the land within the redline boundary is not all within the ownership of the occupier. The inclusion of third-party land within the redline boundary does not carry any weight in terms of ownership or rights over that land. It is solely for planning purposes to show the extent of land relevant to the development proposals, which includes shared accesses.

The applicant signed Certificate B, notifying the joint owners of the access. It was later identified that one of the neighbouring property owners had been inadvertently overlooked during this process; however, they have since been duly notified.

Relevant Planning History

99/93458 – Erection of detached garage – Full permission granted

99/90068 – Rese of existing barns, erection of extension and adaptation to form two dwellings, erection of no.1 dwelling with detached double garage.

Consultation Responses

None required.

Policy & Legislation

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

The site is located within the Green Belt on the Kirklees Local Plan.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 57** – Extensions, alterations & replacement buildings (Green Belt)

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, and 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 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

Assessment

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF states *the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*

Chapter 13 of the NPPF requires local Planning Authorities to regard the development in the Green Belt as inappropriate development unless one of the exemptions applies.

Exceptions of which include, *'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'* (paragraph 154 c).

Policy LP57 of the Kirklees Local Plan also regards alterations to existing buildings in the Green Belt.

Criterion relative to this assessment include,

a) in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact 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; and

C) the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access;

The application relates to the alterations to an existing dwelling and detached garage for roof alterations which include no.4 skylights and no.10 solar panels.

The new openings will increase the number of rooflights within the north-west facing roof plane to no.6. Visibility of this roof place is screened from Parkhead

Lane by residential properties (no.1-10). There are no other, nearby, public vantage points from the public domain. The roof has a low pitch, shortening the appearance of the rooflights from ground level. The increase in the number of rooflights is relative to the size of the building.

In terms of the solar pv panels, these will be placed the south-east roof plane, which face towards the shared access for the surrounding cluster of dwellings. The garage is single-storey. Given the location of the panels, it is not considered the panels will disrupt the character of the Green Belt.

The window alterations and solar panels are set within existing roof planes, therefore there will be no impact to openness.

The alterations, therefore, are considered to respect the character of the Green Belt and will not lead to a greater impact to openness, meeting an exemption listed within paragraph 154 of the National Planning Policy Framework and according with LP57 of the Kirklees Local Plan.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful 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 significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Development is for alterations to the existing building within the site. Window openings are proportionate in size, being well placed to present a symmetrical appearance within the roof plane.

Solar pv panels are isolated to the detached garage, which is a single-storey building. The roof plane faces towards surrounding residential development. The panels are placed below the ridgeline and above the eaves lines of the garage. It is considered the appearance of the panels respects the surrounding residential building group.

The application therefore accords with Chapter 12 of the National Planning Policy Framework and LP24 of the Kirklees Local Plan, in respect of the impact on visual amenity.

Impact on Residential Amenity

Section B of LP24 states development should:

‘...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.

Alterations include new window openings on the north-west roof plane of the building. The building is a two-storey structure. Dwellings to the north-west are two storey structures. Openings are set within the roof plane, they are therefore angled away from neighbouring dwellings. It is not considered a negative impact to privacy will arise from the new openings due to this.

In terms of a loss of outlook, a loss of light or an overbearing impact, there are no extensions to the existing footprint of the building, therefore permission would not lead to a negative impact in terms of these impacts. Development therefore accords with LP24b and paragraph 135 of the National Planning Policy Framework.

Impact on Highways Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

It is not considered that the alterations will lead to an increase in the number of vehicles parked within the property of the building, therefore the alterations will not lead to a change in terms of parking requirements or highway safety.

Environmental Matters

Ecology

The development is for works to the roof of an existing property and detached garage. The property is located in an area which is known to include bat, therefore a cautionary note will be added to the Decision Notice, that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Representations:

Comments raise no objections in principle but relate to the Location Plan, as it does not reflect the land ownership boundaries on Title Deeds.

Officer Comments: The correct ownership certificate has been signed, noting the land within the redline boundary is not all within the ownership of the occupier. The inclusion of third-party land within the redline boundary does not carry any weight in terms of ownership or rights over that land. It is solely for planning purposes to show the extent of land relevant to the development proposals, which includes shared accesses.

Conclusion

The application for roof alterations has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, the Kirklees Local Plan and other material considerations. Given the acceptable principle of development, and the impact to visual amenity, residential amenity, impact to highway safety and environmental matters, the proposed roof alterations are 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.

As set out above, 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

Approval

Recommendation: Approval

Decision Authorisation – Delegated Powers

Application Number: 2025/91132

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 Policy LP24 & LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	303-25-PL03	A	24 April 2025
Existing grouped plans	303-25-PL01	A	24 April 2025
Proposed grouped plans	303-25-PL02	B	24 April 2025
Climate change statement	-	-	24 April 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The applicant was asked to provide a statement on the use of the solar energy should paragraph 160 of the National Planning Policy Framework apply.

The applicant raised the solar energy would be used for the residential property of 15 Mulberry Barn, to generate 50% of the householder energy from renewable sources.

It was assessed that the placement of the solar panels would not be inappropriate, given their placement on the existing roof plane of the detached garage.

