

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 59A

DELEGATED DECISION FOR APPLICATION FOR PERMISSION IN PRINCIPLE

Reference no.:	2025/59/91167/E
Site:	land at, Windmill Farm, Busker Lane, Skelmanthorpe, Huddersfield, HD8 9EP
Description:	Application for permission in principle for erection of one dwelling
Case Office:	Nina Sayers
Decision Reference:	Approval of Permission in Principle

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

Kirsty Nicholls

AUTHORISED OFFICER

Date 20-Jun-2025

Officer Report

Application: 2025/91167 land at, Windmill Farm, Busker Lane, Skelmanthorpe, Huddersfield, HD8 9EP

Proposal: Permission in principle for erection of one dwelling.

Site Description

The application site relates to a plot of land located to the east of Windmill Farm, off Busker Lane in Skelmanthorpe which serves a mixture of residential and agricultural buildings. The site is bounded by hedgerow and is accessed to the north via the adjacent field which forms part of Windmill Farm. To the east of the site is an outbuilding associated with 7 Busker Lane.

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

Description of Proposal

The application is seeking permission in principle for the erection of one dwelling. As this is permission in principle stage, the information provided is limited to a location plan and an indicative block plan. The block plan shows a detached dwelling with a new access onto Busker Lane, however these details cannot be taken into account due to the nature of the application, merely the type of development and the quantum.

History of Negotiations

No amended plans were sought or provided.

Consultation Responses

KC Ecology – comments received and discussed in Section 1 of this report.

Public / Local Representations

The application was advertised by a site notice and on the web. Final publicity expired on 22nd May 2025. No representations received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 as demonstrated within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP24 – Design
- LP59 – Brownfield sites in the Green Belt

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

Assessment

1. Permission in Principle Purpose

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) District Judge Capstick's Judgment (October 2022) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage (Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and the amount of development. The Local Planning Authority (LPA) can inform the applicants what they expect to see at the technical details stage. Furthermore, it is not possible to secure a planning obligation at the permission in principle stage.

The LPA may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this case the development is for 5 units and the site has an area of less than 1 hectare. The floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details Stage.

The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development.

Local Planning Authorities must not grant permission in principle for development which is likely to affect a Habitats Site (as defined within the NPPF). The Councils Ecologist has confirmed that development of this site is not likely to effect a Habitats Site.

2. Housing Land Supply

It is appropriate to consider the Local Planning Authority's overall housing position.

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 out-of-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.”

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 officer's assessment.

It is noted that this site is within the Green Belt. Irrespective of the Council's position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

3. Location and Land Use – Green Belt

The application site is within the Green Belt as allocated on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development.

It is noted that there have been multiple applications refused for residential development on this site. Since the last application was determined in 2023 (2022/91564), there have been significant changes to national green belt policy which is given significant weighting in the assessment of this application. As outlined above, there have also been

changes to the councils overall housing land supply position and this will also be given weighting in the planning balance.

Paragraph 155 of the NPPF states:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below”

The NPPF glossary defines grey belt as: “For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

Regarding paragraph 155(a), the NPPF outlines the 5 purposes of including land within the Green Belt in paragraph 143:

- a) “to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

The application site is located between Skelmanthorpe, which is identified on the Kirklees Local Plan as a town and Scissett which is identified in the local plan as a local centre. The section of green belt land in which this application site is located forms an important function preventing the unrestricted sprawl of Skelmanthorpe and preventing Skelmanthorpe and Scissett from merging into one another. The application site is located between existing built development which follows Busker Lane. Whilst the open fields to the north of the site are clearly characteristic of green belt land, the application site itself appears to fall between the existing built development as such does not appear to contribute to the unrestricted sprawl of Skelmanthorpe (143(a)) nor does it contribute to preventing neighbouring towns from merging together (143 (b)). The site is not within, or near, a historic town and therefore paragraph 143(d) is not relevant in this instance. It is therefore considered that the application would not conflict with purposes a, b or d of paragraph 143 and therefore would be considered grey belt land.

To comply with 155(a) of the NPPF, the development must not fundamentally undermine the purposes (taken together) outlined in paragraph 143 and therefore the development must also be assessed against 143(c) and (e). As outlined above, the application site is located within existing built development and when considering the site within its wider context, there is a clear separation between the application site and the land to the north by virtue of the surfacing and boundary treatment which separates the site from the open fields which are characteristic of the green belt. It is therefore considered on balance that the proposal would not result in significant encroachment into the green belt over and above the existing arrangements on site. The application is not within an urban area therefore 143(e) is not relevant in this instance. Taking the above into consideration, the development is considered to comply with paragraph 155(a) of the NPPF.

This application is for residential development and as explained in footnote 56 of the NPPF, the lack of a five-year supply of deliverable housing sites is considered a demonstrable unmet need for housing. As detailed in section 2 of this report, the Council's inability to demonstrate a five-year supply of housing land means this development complies with paragraph 155(b).

Regarding paragraph 155(c), the application site is within walkable distance to Skelmanthorpe Town Centre (~800m/14min walk) and Scissett Local Centre (~750m/11min walk) both of which serve convenience stores, public houses and primary and secondary schools. There is a bus stop ~140m from the application site with regular buses to Denby Dale Town Centre, Shepley, Huddersfield and Wakefield. It is considered, that due to the proximity to nearby local and town centres, essential services public transport links, it is considered on balance that the proposal is in a sustainable location, in close proximity to existing dwellings and as such is considered to comply with 155(c) of the NPPF.

Paragraph 155(d) relates to major planning application and is therefore not applicable to this application.

Taking all of the above into careful consideration, it is considered on balance that the proposed development would comply with paragraph 155 of the NPPF and would therefore not be regarded as inappropriate development in the green belt and as such the principle of residential development, in its broadest form, on this site is acceptable.

4. Amount of Development

The proposed development is seeking permission in principle for up to one dwelling. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 3 to 4 dwellings. One dwelling is proposed in this instance, which is considered appropriate given the density of development would not be dissimilar from the existing dwellings on Busker Lane. 4 dwellings on this site would likely result in a cramped form of development which would not be in keeping with the existing development in the area.

For this reason, the amount of development proposed, is considered to accord with Local Plan policy LP7 and Chapter 11 of the NPPF.

5. Other Matters

Highways

It is noted that the previous application for residential development on this site (2022/91564) was refused partly due to insufficient information to demonstrate that there would not be significant harm to highway safety. In attempt to overcome this, the applicant has submitted a Technical Note for the access work completed by SCP Transport Planning.

This application is a permission in principle, and all highway matters are to be considered at the Technical Details Stage. Therefore, officers have not assessed this information at this stage, and it has not been included within the plans table. These details should however be submitted at Technical Details Stage so officers can consider the impact on the highway.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Similarly, the site is located within a Coal Development High Risk Coal area. This matter would be dealt with at the Technical Details Stage.

Biodiversity

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant is required to provide details of BNG at Technical Details Stage.

All other matters would be dealt with at the Technical Details stage.

6. Representations

No representation received.

6. Conclusion

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of this Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

This application is considered to comply with paragraph 155 of the NPPF and would therefore not constitute inappropriate development in the Green Belt. The density of development is considered appropriate for the wider setting of the site. Given such, this permission in principle application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the permission in principle would constitute sustainable development and is therefore recommended for approval.

Recommendation: **Approval of Permission in Principle**

Application: 2025/91167

Proposal: Permission in principle for the erection of one dwelling.

1. Approval of all details of the proposal (hereinafter called “the technical details”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the technical details shall be made to the Local Planning Authority before the expiration of three years from the date of this permission in principle.
3. The development hereby permitted in principle shall be begun before the expiration of three years of the final approval of the technical details.

Kirklees Council hereby give notice that **PERMISSION IN PRINCIPLE HAS BEEN GRANTED** for the carrying out of the above development in accordance with the application plans and documents submitted or as may otherwise be amended following written approval by the Local Planning Authority. The Permission in Principle Approved is for the erection of one dwelling.

Note: You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan and Site Plan (indicative only)	HA25017(PL)001	A	29/04/2025
Planning Statement		April 2025	29/04/2025

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 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. As this application was considered acceptable, no amendments were sought or provided.