

**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:	2025/60/91236/E
Site Address:	Land off, Stocks Moor Road, Stocks Moor, Huddersfield, HD4 6XQ
Description:	Outline application for erection of residential development (one dwelling) with all matters reserved
Recommending Officer:	Kerri Simpson

DECISION – REFUSAL

I hereby authorise the refusal 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: 01-Jul-2025

Officer Report – 2025/91236

Land off, Stocks Moor Road, Stocks Moor, Huddersfield, HD4 6XQ

Site Description

The application site is circa 0.10 Hectares located on the southern side of Stocks Moor Road. The lawful use of the site is agricultural and currently comprises undeveloped greenfield land and temporary container. There is an existing access gate adjacent to Stocks Moor Road. The topography of the site appears to be slightly undulated with a gentle slope down towards the highway. The site is bounded to the north by the highway of Stocks Moor Road with greenfield land beyond, to the west by greenfield land with dwellings on Whitestones Road beyond and to the east by greenfield land with dwellings beyond and to the south by greenfield land.

The application site falls within the following planning designations and constraints:

- Green Belt
- Development Low Risk Area Coal

Description of Proposal

The Scheme

The applicant is seeking outline planning permission with all matters (access, layout, scale, appearance & landscaping) being reserved. The proposal is to establish the principle of development for one dwelling on the site. The proposed access would be from Stocks Moor Road. An indicative proposed site plan has been submitted showing the proposed access in situ with a detached dwelling set back from the highways with vegetated boundaries.

Supporting Information

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

- Design and Access Statement incorporating Planning Statement (Prepared by AK Planning).

History of Negotiations and Amendments Received

No negotiations have taken place, nor have any amendments been received.

Relevant Planning History

2019/90847- Formation of access (Granted – 26.07.2019 and implemented)

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2015 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015. The application was publicised by way of neighbor notification letters and via the Council's website. The statutory publicity period expired on 30th June 2025.

Neighbour Comments

A total of 62 public letters of objection, one letter of objection from the Kirkburton ward councillor and 1 general comment was received.

The material planning considerations raised are summarised as follows:

- Proximity to TPO ID:27/93/t5
- Inappropriate development in the Green Belt due to agricultural land use and the land not falling within the definition of Previously Developed Land
- Inappropriate development in the Green Belt due to failure to meet exceptions set out in Paragraph 155 of the National Planning Policy Framework.
- Lack of visibility splays from proposed access
- Unsustainable location with limited access to infrastructure such public transport and amenities
- Absence of Biodiversity Net Gain information
- Highway safety concerns
- Objectors consider that one dwelling would not demonstrate that the development meets an unmet need

Ward Councillor for Kirkburton Ward

A formal objection was received from the Kirkburton ward councillor. This is summarised as follows:

This site is in the greenbelt and is prime agricultural land which is farmed today. For this development to proceed it would need to either demonstrate that this is land that qualifies as grey belt under the new NPPF guidance or alternatively that there are exceptional circumstances which could justify the development of prime agricultural land for housing.

For it to qualify as grey belt they would need to be able to show that this land was previously developed land and this is clearly not the case in this circumstance and in any case, the building of a property here on a proportion of a larger field would definitely affect the character and openness of the site, which would also be a reason for refusal. If we now look at special circumstances, the applicant has not demonstrated any justification for building on this site other than the fact that the Council has declared that it currently does not have a 5-year supply of land to meet housing needs. The development of this property on greenbelt does not significantly contribute to this position

and therefore does not meet the evidential bar for exceptional circumstances to apply.

It is requested that the Council refuses this application on the ground of inappropriate development in the Green Belt.

General comments

One general comment was received regarding the absence of a site notice and public consultation.

Comments of Support

There were no comments of support received.

These matters are addressed within the relevant sections of this report.

Consultation Responses

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

KC Ecology and Biodiversity Team – A Preliminary Ecological Appraisal is not required, however there is a mature tree on the site. Should this be impacted due to the works then an assessment will need to be made, and potentially a tree protection plan will need to be conditioned. The application does not include any information regarding Biodiversity Net Gain; a Biodiversity Metric should be provided prior to determination.

KC Highways Team – No formal response was received prior to determination. Notwithstanding this, it is considered the LPA is still able to determine the application in the absence of comments being received.

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

Allocation and Policy

The site is within the Green Belt as defined within the Kirklees local Plan (Adopted 2019). The site also falls in a Coal Mining low risk area (at lower risk of ground instability) as identified by the Mining Remediation Authority. A protected tree (ref: 27/93/t5) is adjacent to the site.

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

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping

LP3 Location of new development
LP7 Efficient and effective use of land and buildings
LP11 Housing Mix and Affordable Housing
LP20 Sustainable travel
LP21 Highway and Access
LP22 Parking
LP24 Design
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP32 Landscape
LP38 Minerals safeguarding
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and Unstable land

National Policies and Guidance

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12th December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017
Biodiversity Net Gain Technical Advice Note 2021

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

Assessment

1 – Principle of Development

Sustainable Development

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

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

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

Principle of development within the Green Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- 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.

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition harmful to the Green Belt and should not be*

approved except in very special circumstances. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- 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 (footnote 56);
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
- d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157

Annex 2 of the NPPF 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”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Meeting Green Belt Purposes – Land (Paragraph 155a)

Planning Practice Guidance (PPG) published 27 February pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes. In considering the contribution the land makes to the relevant Green Belt purposes the PPG sets out that for Paragraph 143:

- Purpose (a) - This purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas.
- Purpose (b) - This purpose relates to the merging of towns, not villages.
- Purpose (d) - This purpose relates to historic towns, not villages.

The areas with the closest proximity to the site are Stocksmoor (village) and Thurstonland circa 37m to 100m circa to the east. The site is located adjacent to the village of Stocksmoor, which is not classified as a large built-up area nor is it near to a large built-up area as such the land does not contribute to Green Belt purpose (a).

The land lies between the settlement of Stocksmoor and the smaller cluster of development at Whitestones Road, with the village of Thurstonland further west. However, these are rural villages rather than towns. The PPG confirms that assessment against this purpose specifically relates to the merging of towns and not villages. Although the land contributes to maintain separation between the dispersed rural settlements, it forms only a very small part of the gap between surrounding towns including Holmfirth Town Centre and Dewsbury Town Centre, as well as those outside the borough boundary to the south and east. The land therefore makes a weak contribution to purpose (b)

There are no designated historic towns in the immediate vicinity of the site. Stocksmoor itself does not have a Conservation Area status nor any other designation that formally establishes it as an historic town centre. The site is not visually or physically connected to any settlement that would meet the definition of a historic town for the purposes of (d). As a result, the land does not contribute to purpose (d).

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Meeting Green Belt Purposes – Development (Paragraph 155a)

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

The application site lies beyond the built extent of Stocksmoor village, forming part of an open field that has historically marked the transition from the village to the countryside. The built form at Whitestones Road appears on 19th Century mapping, along with clusters of development between Thurstonland and Stocksmoor, comprising a loose collection of likely farm buildings and dwellings dispersed across the landscape which are integral to the Green Belt landscape, predating the Green Belt designation. The intervening land between Thurstonland, Whitestones Road and Stocksmoor, including the application site, has remained open throughout successive mapping periods despite the emergence of development to Stocksmoor, evident in 20th century mapping and

continues to serve as part of the wider Green Belt. The proposed development would introduce new built form and associated residential infrastructure including access into this parcel, projecting development westward from the established edge and visually breaching the transition between village and open countryside.

The proposal would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. The site is not constrained by strong landscape features or defensible boundaries, and its development would diminish the visual and spatial openness that defines the area. While the proposal is limited to a single dwelling and matters pertaining to layout, scale, appearance and landscaping are reserved matters, the siting of a dwelling upon this site would represent an unacceptable extension of the village footprint and would lead to encroachment of residential development into the Green Belt.

The site does not adjoin a large built-up area, and as such the development would not contribute to sprawl in the context of purpose (a). Although the land lies between Stockmoor and Thurstonland, these are both villages rather than towns and therefore the proposal does not conflict with purpose (b), which relates to merging of towns. The site is not connected to the setting of a historic town, and there would be no conflict with purpose (d).

Conclusion on Grey Belt Land and Development

The proposal constitutes inappropriate development in the Green Belt. While limited in scale, it would result in encroachment into open countryside, conflicting with Green Belt purpose (c) of Paragraph 143 of the NPPF. Under Paragraph 155(a) of the NPPF, development may be acceptable where it does not fundamentally undermine the purposes of the Green Belt; however, the proposal would erode a sensitive rural edge, lacking containment, and would undermine the Green Belt's function in this location.

It is considered that the siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case, on the basis that it would lead to a level of encroachment that has a significant and detrimental impact in relation to this purpose.

Demonstrable Unmet Need and Sustainable Location (Paragraph 155b and 155c)

The development would not fall within the exception set out in Paragraph 155(a) of the NPPF (2024), as the development would undermine the Green Belts purposes. As such Paragraph 155a is not engaged in full, and sub criterion (b), (c) and (d) are only relevant where the development is first considered to fall within the scope of 'grey belt' under Paragraph 155a.

Notwithstanding this, even if the proposals were regarded as 'grey belt', it is reasonable to note that Kirklees currently has a 3.96-year housing land supply, which falls below the required five-year supply. The 2022 Housing Delivery Test

results also indicate under-delivery with only 67% of required housing being delivered. This shortfall is a material consideration and supports the principle of development on Green Belt land, subject to the applicant demonstrating a specific unmet housing need. Footnote 56 of the NPPF requires evidence that the proposed dwelling would meet an identified need. While there are no details pertaining to the number of bedrooms of the resultant dwelling, the proposal would contribute a family sized dwelling to the local housing supply. Given the evidential five-year supply shortfall, the proposal is considered to amount to a demonstrable unmet housing need.

It is acknowledged that the site has limited access to local transport services and local amenities. Stocks Moor Road is served by a limited public bus service providing routes towards Huddersfield Town Centre and Stocksmoor. There are also school bus services provide transport to Shelley College and Kirkburton School. Stocksmoor is served by a train station providing limited services towards Sheffield and Huddersfield. Local amenities such as shops would likely require vehicular access to surrounding local and district centres. The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged that it would be dependent on private vehicle use, which would not be uncommon in a semi-rural/rural setting.

However, the failure to satisfy 155(a) remains determinative, and the proposal is therefore contrary to Paragraph 155 of the NPPF and constitutes inappropriate development in the Green Belt.

Very Special Circumstances

No very special circumstances have been advanced by the applicant. In the absence of any such justification and given the identified harm to the Green Belt by reason of inappropriateness and encroachment into the countryside, the proposal remains contrary to paragraphs 153 and 155 of the NPPF.

Principle of development – Conclusion

The proposal constitutes inappropriate development in the Green Belt. It would result in encroachment into open countryside. The siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case and fails to meet the exception criteria set out in Paragraph 155(a) of the NPPF 2024. No very special circumstances have been demonstrated to outweigh this harm. The development is therefore contrary to Chapter 15 of the NPPF.

Principle of Housing Development

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 which is assessed within the earlier sections of this report pertaining to development within the Green Belt.

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. In this case it is considered the density of development which is provided by the proposal (approx 10 per hectare) could not be substantiated as a reason for refusal, whilst having regard to the aforementioned policies, taking account of the siting, and access arrangements.

2 – Visual Amenity and Access

This section of the report assesses the proposed development in relation to its access arrangements and visual impact, having regard to both national and local planning policy.

As the application seeks outline permission with all matters reserved, matters pertaining to access, layout, scale, appearance and landscaping would be formally assessed at the Reserved Matters stage. A proposed site plan has been submitted to support the application which demonstrates the proposed access arrangement and indicative layout of the development. The submitted

plan allows for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of national and local planning policies.

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

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

Policy LP21 and LP22 of the Kirklees Local Plan relate to highways, access and parking. Policy LP21 requires development to be accessed effectively and safely by all users. It seeks to ensure proposals do not create or exacerbate highway safety issues, and that they integrate with the existing highway network while supporting sustainable modes of travel.

Policy LP22 sets out the requirement for adequate parking provision in line with the Council's adopted standards, taking into account the type of development, accessibility of the site, and the need to avoid highway obstruction.

Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Although landscaping is a reserved matter, Policy LP32 of the Kirklees Local Plan is of relevance. LP32 seeks to ensure that development responds to the landscape character of the area and incorporate appropriate landscape treatment. While full details will be considered at the reserved matters stage, the submitted plans allow for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of this policy.

Visual Amenity

The proposed development would introduce a detached dwelling and associated domestic infrastructure into an open and visually exposed part of the rural landscape. The site currently forms part of a wider undeveloped field that contributes to the landscape setting of Stocksmoor and provides a clear transition between the built form of the village, tight clusters of dwellings and the surrounding countryside. The indicative layout shows a centrally positioned dwelling with boundary treatments, hardstanding, and domestic landscaping, none of which are present in the current greenfield context.

The introduction of built form engineered access, and suburban boundary features in this particular location would result in a visually discordant and

urbanising presence, disconnected from the nearby dwellings on Stocks Moor Road. It would appear dominant when viewed from Stocks Moor Road and surrounding vantage points. The development would disrupt the natural rural gain of the landscape, with no clear visual containment or defensible edge, and would lead to an erosion of local landscape character.

While landscaping is a reserved matter, it is acknowledged that boundary planting could, in theory, help soften the visual impact of development. However, in this case, the site is slightly elevated above the highway, with long views across open countryside. Given the scale of the open land surrounding the site, and the lack of existing vegetation on boundaries, any future planting would take time to establish to a degree that would fully mitigate the visual harm caused by introducing built form in this context and in itself appear less integral to the character of the area.

As such, it is considered that development in principle would fail to respect and enhance the character of its surroundings including the landscape, contrary to Policy LP24 of the Kirklees Local Plan and Paragraph 135 of the National Planning Policy Framework 2024.

Access and Highways Safety

The application has been submitted in outline with all matters reserved. The proposed access would be taken from Stocks Moor Road, serving a single dwelling positioned adjacent to the highway. No formal response has been received from the Council's Highways Development Management team on the proposal.

However, the application is seeking outline consent only, and it is noted it is within an area where an existing vehicular access exists already and was previously consented (application ref: 2019/90847). Upon the previous consent it was concluded the access achieved acceptable sightlines. Given this application not seeking access & layout at this stage, it is considered that ensuring adequate sightlines can be achieved is a matter that can be secured at the Reserved Matters stage.

It is considered that the principle of using the vehicular access would be acceptable on the basis adequate parking, turning and sightlines are demonstrated and this would be able to be revisited and ensured at the reserved matters stage given this application is outline with all matters reserved.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, Paragraph 130 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 House Builders Design Guide sets out 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 text supporting this principle states that:

“For two storey houses typical minimum separation distances are advised:

- *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.”*

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Neighbouring Amenity

The nearest neighbouring residential property to the application site is “Field Head” on the north side of Stocks Moor Road, which is an offset position from the proposed site access. The northern boundary of the site retains a separation distance of circa 24m from the front elevation of this neighbour, as such, any proposed dwelling within the red line boundary would likely retain a separation distance exceeding the 21m minimum set out in Principle 6 of the Housebuilders Design Guide SPD. The residential properties on Whitestone to the west and on Stocks Moor Road to the east are some circa 95m to 105m from the respective site boundary, as such, any proposed dwelling within the site would likely achieve the minimum separations set out in the SPD.

As the proposal is seeking outline consent, it is not necessary for full demonstration of accordance with NDSS standards / amenity space provision. It is considered that these standards and a level of amenity space commensurate with the dwelling could be achieved at the site.

As such, it is considered that if the development was acceptable in principle, a dwelling could be accommodated on the site without material harm to the

amenity of neighbouring properties with respect to daylight/sunlight provisions, overbearingness and overlooking and would be acceptable in relation to future occupiers in accordance with Policy LP24(b) and (c) of the Kirklees Local Plan and Chapter 12 of the NPPF 2024.

4. Contaminated Land

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The application site is located within the Mining Remediation Authority (Coal Authority's) Development Low Risk Area, as such a Coal Mining Remediation Assessment is not required and standing advice would apply. The site is not identified as contaminated or potentially contaminated land; however the land is known to have been in agricultural use, which presents a potential risk of contamination from the historic use of pesticides, herbicides, or storage of agricultural fuels and chemicals.

Had the development been acceptable in principle, a condition securing a Phase 1 Site Investigation would have been recommended in line with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF.

5. Flood and Drainage

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated flood zone and is identified via the Environment Agency's flood risk mapping as being at very low risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this instance.

However, in accordance with Policy LP28 of the Kirklees Local Plan and the objectives of Chapter 14 of the NPPF, new development is still expected to incorporate sustainable drainage measures to ensure that surface water is

appropriately managed and does not increase flood risk either on or off site. Had the development been acceptable in principle, a condition will be attached to the permission to ensure parking areas are constructed in permeable material and appropriately drained in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

6. Biodiversity, Ecology & impact upon Protected Tree(s)

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The site is not subject to any ecological designations and does not fall within any statutory or non-statutory wildlife sites. The Council's Biodiversity Officer has confirmed there are no-designation related considerations in this case.

In terms of onsite habitat and species, the Biodiversity Officer advised that a Preliminary Ecological Appraisal (PEA) is not required. However, there is a mature tree present on the site and there are concerns about the scope of the proposed work and their proximity to the trees, as such whilst an Arboricultural Impact Assessment and a tree protection plan would be necessary to ensure the tree's retention and protection. Due to the fact this application is outline with all matters reserved, it is considered conditions requiring this information to be submitted pursuant with the Reserved Matters application could be included to satisfactorily address this.

It is noted the existing access permits the movement of vehicles in proximity to the tree already, therefore it is considered the subsequent impact would not be

significantly greater than exists already subject to submission of the necessary information which assesses the finalised scheme, subsequent impact and details protection measures during construction.

Subject to conditions it is considered the proposal would be in accordance with LP33 of the Kirklees Local Plan.

Regarding Biodiversity Net Gain (BNG), no BNG has been submitted with the application. The Council's Biodiversity Officer has advised that a small-sites metric should be provided before any final assessment regarding BNG can be made. Given the sites current greenfield status and the scale of the proposal, it is likely that some level of off-site compensation or habitat enhancement would be necessary to meet the 10% BNG requirement.

Officers note that the applicant has declared the scheme exempt from BNG requirements on the basis that it is a self-build development. While Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021) makes provision for self-build and custom-build exemptions, such exemptions are not automatic and require formal confirmation in accordance with Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This includes evidence that the proposed development meets the definition of Self-build and Custom Build under Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and will be occupied by the person commission its construction.

It is considered that on the basis the proposal is a self build as set out in the submission documents, there would not be a requirement for BNG as set out in the aforementioned regulations. However it is considered that a level of net gain should be provided to ensure compliance with policies LP30 and Principle 9 of the SPD. Subject to inclusion of a condition requiring submission of a scheme of biodiversity net gain measures to be submitted pursuant with the Reserved Matters application for landscaping, it is considered the proposal would be acceptable in this regard and meet the requirements of the aforementioned policies.

7. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is submitted in outline with all matters reserved. These elements typically inform how a proposal responds to climate change through energy efficiency, low carbon design and resilience measures.

While it is accepted that these details would be more appropriately considered at reserved matters stage, the applicant has not provided a Climate Change Statement or set out any overarching sustainability principles to demonstrate how climate mitigation and adaptation have been considered at this early stage. Should development be considered acceptable in principle, any reserved matters submission would need to secure appropriate carbon reduction measures in line with the Kirklees Climate Change Guidance and the Council's declared climate emergency. This would also be expected in order to comply with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan.

8. Representations

A total of 63 letters of objections were received, including one from the local ward councillor. Objectors predominately raised concerns regarding the principle of development in the Green Belt, highlighting that the application site comprises agricultural land and therefore would not fall within the definition of Previously Developed Land nor fall within the definition of "Grey Belt". Officers acknowledge the interpretation of the term "Grey Belt" as introduced in the National Planning Policy Framework, published 12th December 2024.

Annex 2: Glossary of the NPPF 2024 defines "Grey Belt" as follows:

"Grey Belt: 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".

While Green Belt land can include Previously Developed Land, it is not exclusive to it. The definition also encompasses “any other land” which, in this case, has been assessed in full.

All other matters have been comprehensively assessed and set out in the body of this report.

9. 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 proposed development constitutes inappropriate development in the Green Belt, as it would not fall within the exceptions set out in Paragraphs 154 or 155 of the National Planning Policy Framework 2024 and no very special circumstances have been demonstrated. The scheme would result in encroachment into open countryside, undermining the Green Belt purposes. In addition, by introducing built form into an undeveloped and visual open parcel of land, the proposal would result in significant harm to visual amenity and landscape character. The application is therefore contrary to Chapter 15 of the NPPF and Policies LP24 and LP32 of the Kirklees Local Plan.

Recommendation

REFUSE

Decision Authorisation: Delegated Powers

Application Number: 2025/91236

Officer Recommendation: REFUSE

Reasons for Refusal

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive rural edge, lacking containment, and would undermine the Green Belt’s function in this location. The siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development, by reason of the siting and the introduction of built form into an undeveloped and prominent parcel of land, would result in undue harm to the open and rural character of the area. The proposal would fail to conserve and enhance the visual amenity and landscape character of the area, contrary to Policy LP24 and Chapter 12 of the National Planning Policy Framework 2024.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	06/05/2025
Existing Site Plan	01	-	06/05/2025
Proposed Site Plan	02	-	06/05/2025
Design and Access Statement Incorporating Planning Statement	-	-	06/05/2025

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 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.

Given the fundamental policy conflict with national Green Belt policy and the resulting harm to the landscape character and visual amenity, the application was not considered capable of being made acceptable through negotiation or amendment. As such, the Local Planning Authority did not seek to engage further with the applicant, as doing so would not have overcome the principal reasons for refusal.

Report Dated: 30th June 2025