

**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:	2025/62/91371/W
Site Address:	17, Town Gate, Upperthong, Holmfirth, HD9 3UX
Description:	Alterations to convert one dwelling to two dwellings (within a Conservation Area)
Recommending Officer:	Joanna Rednall

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 2-Sep-2025

The Site

17, Town Gate is an unlisted two storey dwelling situated in Upperthong Conservation Area and fronts on to Town Gate. The street is narrow and surrounded on both sides by vernacular stone buildings and drystone walls. The Royal Oak Inn is situated directly to the west of the site, to the further west is a historic footpath (HOL/72/20) which runs in a north / south direction. Grade II listed buildings are 30m to the west and 65m to the east of the site with intervening buildings between.

The Proposal

The application is seeking planning permission for alterations to convert one dwelling to two dwellings (within a Conservation Area).

The proposal aims to convert the existing building into two separate 2-bedroom dwellings.

Plot 1 will feature a living area, kitchen, and shower room on the ground floor, with two bedrooms, two bathrooms, a study, and a store room located on the first floor. To the rear of the property, there will be designated parking and a large lawned garden.

Plot 2 will comprise an open-plan living and dining area and a separate kitchen on the ground floor, with two bedrooms and two bathrooms on the first floor. No external alterations to the existing building are proposed. The parking area is to the side of the dwelling with a large garden to the rear.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

Relevant planning history for this site is summarised as follows:-

- 2022/92799 – Erection of extensions, conversion of existing attached barn to living accommodation and associated works (within a Conservation Area)
Conditional full permission

- 2024/91079 – Work to Tree(s) within a Conservation Area
Granted
- 2024/91486 – Discharge details reserved by conditions 3 (external materials) and 4 (windows/door details) on previous permission 2022/92799 for erection of extensions, conversion of existing attached barn to living accommodation and associated works (within a Conservation Area)
Discharge of condition(s) approved
- 2024/93073 – Part first floor and two storey extension to rear (within a Conservation Area)
Conditional full permission

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice and press notice as affecting the setting of a Conservation Area.

Final publicity date expired: 4th July 2025

Holme Valley Parish Council – support.

2 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

- The parking for Plot 2 is unsuitable
- The swept path diagram for access and exit is misleading as it does not show the pavement opposite or any parked vehicles
- The application will add further congestion on Towngate

Letters of Support

- There is a national and local housing shortage, and the proposal would provide two much-needed homes.

Consultations

KC Highway Development Management: no objections.

Allocation & Policies

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 8th December 2021).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP11 Housing Mix and Affordable Housing
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 Historic Environment

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

Holme Valley Neighbourhood Development Plan

Legislation

The Town & Country Planning Act 1990 (as amended).

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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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”.

New Dwelling:

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “*Where there are no relevant development plan policies, or the policies which are most important for determining the application are outof-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*”

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.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 70 of the NPPF recognises that: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”*.

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.

The application proposes 1 additional dwelling, which would increase the density of development to help meet this requirement. Policy LP11 of the Kirklees Local Plan sets out a requirement for suitable housing mix and affordable homes, the application relates to a single additional dwelling and as such is not required to supply affordable housing in this instance. This quantum of development is acceptable in principle.

Impact upon Historic Environment

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Policies within Chapter 16 of the NPPF are of relevance, this chapter initially sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 207 of the NPPF details that applicants must describe the significance of any heritage assets affected, including any contribution made by their setting and that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 213 of the NPPF details that Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In the event of such harm being considered substantial the justification would need to be exceptional / wholly exceptional if such harm relates to Grade II listed buildings or buildings, parks monuments, battlefields world heritage sites with a higher degree of protection.

This application seeks planning permission of the change of use of the building only and not for any internal or external changes. Given this, it is not considered that the proposal would result in any detriment to the visual amenities or heritage significance of the site and wider area. No harm is concluded to result to the heritage asset as a result of the development proposal. In this case the development is therefore concluded to accord with the aforementioned policy and legislation.

To conclude, for the reasons set out above, it is considered that, on balance, the principle of the proposed development is acceptable, subject to being considered acceptable with regard other considerations addressed within the below sections of this report, is concluded to be acceptable in principle.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon visual amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case River Holme Settled Valley Floor (LCA4).

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area are

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense

of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Principle 2 of the Housebuilders Design Guide SPD sets out that new residential development proposals will be expected to respect and enhance the local character of the area.

In terms of visual amenity to the host building, the proposed development would reinstate the previous pattern of development as there would be no external changes to the host building itself. This would have the positive effect of re-introducing the previous net development density within the locality and appear in keeping with the local character of the area. This would comply with the aforementioned policies.

Taking the above into account, the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan, Chapter 12 in the NPPF and Principles within the Housebuilders Design Guide SPD.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of 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.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Due to the proposal not featuring any external alterations, there would be no increased harm to the residential amenity of neighbouring residents.

Amenity for future occupiers

In respect to the amenity of future occupiers of the dwellings, Plot 1 would have a total floorspace of approximately 161m² with 2 bedrooms and Plot 2 would have a total floorspace of approximately 161m² with 2 bedrooms. As

such, both dwellings would appropriately comply with the Nationally Described Space Standards. The submitted floor plans demonstrate that each habitable room would be served by a window.

With regard to Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”* It is considered that an appropriate extent of outdoor amenity space would be retained to serve two dwellings.

The proposals are not considered to result in any adverse impacts upon the residential amenity of any surrounding neighbouring occupants and are considered to provide an acceptable standard of living for both properties, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and advice within 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 Principle 10 and 12 of the Housebuilders Design Guide SPD seek to ensure sustainable transport modes are supported and acceptable levels of off-street parking are accommodated. The policy background advises that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

NPPF Chapter 9 requires the Council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use. Paragraph 116 of the NPPF provides guidance on the matter stating that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

The proposed development would result in two 2-bedrooms dwellings. Plot 1 would have 2 parking spaces and associated turning spaces to the rear, and Plot 2 would have 2 off-street parking spaces to the side of the property.

KC Highways Development Management officers have been consulted during the course of this application. Officers reviewed the submitted information and confirmed that both dwellings provide an acceptable level of parking relative to the number of proposed bedrooms. They were also satisfied that the proposal would not significantly increase traffic demand beyond the current levels associated with the existing dwelling. It is noted that Plot 1 would be served via the existing access, which was previously assessed and approved under application reference 2022/92799. Plot 2 would be accessed from an area to the east of the building, where parking for two vehicles is proposed in a tandem arrangement. While KC Highways Development Management noted this configuration is not entirely an optimum solution, they consider it to be acceptable in this context and sufficient to serve the dwelling. Furthermore, the parking area is adequately sized and complies with standard parking space dimensions.

For Plot 2, the submitted block plan also includes a swept path diagram demonstrating how the spaces will be accessed. It is acknowledged that on-street parking may occur in the vicinity; however, the submitted swept path shown on drawing 25/975/05a demonstrates that vehicles can safely enter and exit the proposed parking spaces under typical site conditions. Highways Development Management raised no objection to the application on the grounds of access or swept path encroachment.

In conclusion, as the proposed development makes use of an existing access and for the reasons outlined above, Highways Development Management raises no objection to the proposal in terms of parking provision or highway safety.

There are bin storage arrangements for both dwellings to the front and rear of the property.

It is considered that the proposal would be acceptable in highway safety terms, reasonably satisfying the requirements of Policies LP21, LP22 and LP24 of the Kirklees Local Plan and of the Highway Design Guide SPD in this regard.

5 – Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

6 – Representations:

- The parking for Plot 2 is unsuitable
- The swept path diagram for access and exit is misleading as it does not show the pavement opposite or any parked vehicles
- The application will add further congestion on Towngate
Officer response: These comments are noted. Highway safety and parking considerations have been addressed in Section 4 of this report. KC Highways Development Management were consulted as part of the application process, and their response is also set out within Section 4.
- There is a national and local housing shortage, and the proposal would provide two much-needed homes.
Officer response: This is noted.

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: 2025/91371

Officer Recommendation: Approve

Conditions

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 (as amended).

1. 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 accord with Policies LP01, LP02, LP11, LP21, LP22, LP24 & LP35 of the Kirklees Local Plan, Policies 1, 2, 12 & 13 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 5, 9, 12, 14 and 16 of the National Planning Policy Framework

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	25/975/01	-	19/05/2025
Site Plan	25/975/02	-	19/05/2025
Proposed Site Plan	25/975/05a	-	19/05/2025
Existing Elevations and Floor Plans	25/975/03	-	19/05/2025
Proposed Elevations and Floor Plans	25/975/04a	-	19/05/2025
Design and Access	-	-	19/05/2025

Plan Type	Reference	Version	Date Received
Statement and Heritage Statement			
Application form	-	-	19/05/2025

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

01/09/2025

No coal