

**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:	2025/60/91464/W
Site Address:	Land Off, Ryecroft Lane, Scholes, Holmfirth, HD9 1ST
Description:	Outline application for erection of residential development (one dwelling)
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL OUTLINE 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22-Oct-2025

Officer Report.

Reference: 2025/91464

Location: Land Off, Ryecroft Lane, Scholes, Holmfirth, HD9 1ST

Proposal: Outline application for erection of residential development (one dwelling).

Site Description.

The application site encompasses an open field off Ryecroft Lane at Scholes. The primary use of the site is for keeping horses who occupy most of the land, with some other animals kept on small areas of the land from time to time. The keeping of the horses is for personal use. The site includes an agricultural building and a stables building.

Access into the site is off of Ryecroft Lane. The site lies west of residential dwellings.

The red line boundary includes the existing stables and access route only.

The existing stables have been in situ for more than 10 years as evidenced by the agent and from google imagery.

When the case officer visited the site, it was apparent that two buildings had been erected without planning permission. The applicant is advised to remove unauthorised structures as they appear to be within the applicant's ownership. These structures are located outside of the red line boundary.

The site is also located within the Holme Valley Neighbourhood Development Plan, character area LCA3 - Hade Edge Upland Pastures.

Description of Proposal.

The application is for outline application for erection of residential development (one dwelling).

The residential development would be on the existing footprint of the stables, with all other matters reserved.

Access to the site would be directly off Ryecroft Lane via a single point of access.

History of Negotiations / Amendments Received.

A preliminary roost assessment was submitted and reviewed by KC Ecology who found the report reasonable and acceptable.

Relevant Planning History.

93/03365

FORMATION OF 9 HOLE PITCH AND PUTT GOLF COURSE AND DRIVING RANGE WITH ANCILLARY

Refused

2012/93882

Erection of agricultural building

Representations.

The application was advertised by site notice and press advert. Final publicity date expired 15th August 2025.

No representations received.

Holme Valley Parish Council – Oppose. This development is inappropriate in the Green Belt.

Officer comment: The proposal meets criteria (g) of paragraph 154 of the NPPF and as such is considered appropriate development within the Green Belt.

Consultation Responses.

KC Highways Development Management – No objection. Off-street parking and Waste storage and collection will need to be addressed at reserved matters stage.

KC Ecology – No objection subject to advisory notes re birds and bats.

Policy

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

The site is unallocated within the Kirklees Local Plan

Kirklees Local Plan:

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP28 – Drainage

- LP30** – Biodiversity and geodiversity
- LP33** – Trees
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP59** – Brownfield sites in the green belt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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 11 – Making efficient 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

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies most relevant to this application are listed below.

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley.

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”.

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should

protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...".

Policy 11: Improving Transport, Accessibility and Local Infrastructure.

"New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design".

Policy 12: Promoting Sustainability.

"All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions".

Assessment.

1) Principle of Development

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

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

Policy LP7 of the Kirklees Local Plan states encourages 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 site measures 300m³ and seeks outline permission for residential development for 1 dwelling. The site is considered a sufficient size to accommodate 1 new dwelling, therefore complying with policy LP7 of the Kirklees Local Plan.

The site is considered to be located within a moderately sustainable location, with residential development already established to the east of the site.

Therefore, in relation to density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

Green Belt

The site is located on Green Belt land. The NPPF states that '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’.

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: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

Paragraph 154 of the NPPF states “*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*
- a) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- c) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) limited infilling in villages;*
- e) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”*

Paragraph 155 of the NPPF is also relevant and outlines:

“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; and*
- 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 LPA acknowledges that the proposed development would meet the criteria of a-d as listed within Paragraph 155 of the NPPF. However, of particular relevance to this application proposal is part g) of paragraph 154, as

the proposal would result in redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The agent has confirmed that the existing stables is for personal use and therefore does meet part g of paragraph 154. The proposal is to demolish the existing stables and to erect one new dwelling within the same footprint.

Government guidance relating to assessments of the impact of a proposal upon the openness of the Green Belt states that each application will require a judgement to be made based on the circumstances of each case and that openness can be capable of having both spatial and visual aspects.

The existing structure serves a stables, and the design is typical of a stable building. The buildings have formally been used in connection with the keeping of horses and therefore, their presence has a lesser impact upon the countryside location given they are associated with an outdoor sport and recreation use of the land. The proposed development will introduce a residential dwelling which the agent has confirmed via email would be single storey (a bungalow).

The LPA therefore must assess whether the new building will cause substantial harm to the openness of the green belt as set out in paragraph 154 part g.

Substantial harm to openness must be so harmful that it in some way undermines the purposes of the Green Belt and results in seriously harmful urban sprawl.

The proposal will see the use of the land change to residential for one new dwelling within the existing footprint of the stables. The location of the proposed dwelling is considered acceptable and would not constitute substantial harm. However, this would also be subject to whether the design and overall scale of the building is acceptable also which will be dealt with at reserved matters stage.

As such, subject to design and scale, it is therefore considered that the proposal would constitute inappropriate development within Green Belt and it accords with paragraph 154 exceptions G of the NPPF.

A more detailed assessment of the proposal's design and its impact on the surrounding environment is undertaken below.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

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

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Policy 1 of the Holme Valley Neighbourhood Development Plan 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 Hade Edge Upland Pastures (LCA 3). Policy 2 of the Holme Valley Neighbourhood Development Plan 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.

The application is seeking approval for outline permission with all other matters to be dealt with at reserved matters application stage (access, appearance, landscaping, layout and scale).

Under such an application, officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

The location of the new dwelling is considered to be acceptable as it would not cause any detriment to the openness of the Green Belt if the new dwelling is kept to single storey in height.

The site is predominantly rural in character, but there are residential properties located to the east of the site which are constructed from stone with gabled roofs.

It is considered that an appropriate scheme could be devised which would protect the amenity of surrounding properties and retain the local character. A condition will be implemented to ensure proposed external materials of the new dwelling is provided at the reserved matters stage to ensure the dwelling is sympathetic to the locality and green belt setting.

The principle of a new dwelling at this location is therefore considered acceptable, and the proposal would need to ensure the design and scale would meet the guidance as set out above and would be addressed at a reserved matters stage.

2) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for 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 Housebuilders 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 Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 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 non-habitable rooms;

- 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-metre distance from the side wall of the new dwelling to a shared boundary.

The current submission seeks approval for outline permission with all other matters to be dealt with at reserved matters application stage (access, appearance, landscaping, layout and scale).

The proposed site will accommodate 1 new dwelling. Officers consider that 1 new dwelling can achieve the minimum separation distances as set out by Principle 16. This would be assessed further at the reserved matters stage.

Upon any grant of permission, a condition shall be imposed regarding forms of boundary treatment to be installed at the site, as part of the scheme for residential development. This condition will request details of location, heights and materials for boundary treatments. In addition, a condition to control the finished slab and floor levels of the dwellings (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the dwelling) is recommended. The inclusion of these conditions is considered to mitigate any potential harm of boundary treatments to the residential amenity of neighbouring properties, ensuring that they do not pose an overbearing impact, or overshadowing.

An informative will be implemented to control construction hours of the development to protect the amenity of residential properties.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

Further to this, 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.”*

Officers consider that residential development which is compliant with the NDSS can be achieved at this site. In terms of external amenity space, it is considered that it is possible to provide a suitable private amenity space to serve the dwelling but should also be no larger than required for the size of the dwelling given its location within the Green Belt. This would be assessed further at the reserved matters application stage.

In conclusion, the principal of residential development on the application site could be acceptable from a residential amenity perspective.

3) Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 of the NPPF states 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

The application is seeking approval for outline permission with all matters to be dealt with at reserved matters application stage (access, appearance, landscaping, layout and scale).

It is noted that the block plan submitted shows a proposed access point and as such KC Highways have reviewed the proposal.

The existing vehicle access point off of Ryecroft Lane will remain. It is not considered that the construction of one dwelling is unlikely to significantly intensify the use of this road, and as such the proposal is considered acceptable from a highways perspective, complying with LP21 and LP22 of the Kirklees Local Plan.

The parking layout, and bin and waste storage will be assessed at the reserved matters stage.

As such, it is considered that the proposed access point for the new residential site for 1 dwelling is acceptable and would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22, policy 11 of the HVNDP of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) Other Matters

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Contaminated Land:

With regard to land quality, guidance within Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is not located on potentially contaminated land according to the Council's GIS mapping system. A condition will therefore be implemented to ensure that in the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.

It is considered that with the inclusion of this condition, the proposal will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Ecology:

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The applicant states that the development will comprise a self/custom build development which is considered to be a relevant exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no requirement for BNG to be provided in respect of the aforementioned legislation. In addition, the proposed development will be located on existing hardstanding and may benefit from the de minimis exemption in any case.

However, the following policies are relevant:

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

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

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 Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

There are priority habitats of woodlands and a waterbody within 1km of the site. As such a Preliminary Roost Assessment has therefore been submitted and has been reviewed by KC Ecology. Ecology consider the report to be reasonable and acceptable, showing the stables showed negligible potential for roosting bats and nesting birds.

As such, informatives will be imposed to advise the applicant to undertaken works outside of nesting bird season to be cautious of bats as they are a protected species.

It is therefore considered that the proposal will accord with policy LP30 of the KLP and Chapter 15 of the NPPF.

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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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.

Policy 12 of the Holme Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

A Climate Change Statement has not been submitted. However at a reserved matters stage, further information to how the scheme will be environmentally sustainable will need to be provided.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change.

5) Representations

No public representations have been received.

Holme Valley Parish Council – Oppose. This development is inappropriate in the Green Belt.

Officer comment: The proposal meets criteria (g) of paragraph 154 of the NPPF and as such is considered to constitute an acceptable form of development within the Green Belt.

6) 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 materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/91464
Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of Access, Appearance, Layout, Scale and Landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Access, Appearance, Layout, Scale and Landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
5. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.
6. The residential development hereby approved shall not exceed a maximum of one dwelling.
Reason: For the avoidance of doubt as to what is authorised by this permission; to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential

amenity of neighbouring occupiers and visual amenity of the wider locality to accord with Policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

7. Development shall not commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.
Reason: This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
8. The development hereby approved shall not be brought into use until a scheme detailing the installation of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of location, heights and materials. The boundary treatments shall be installed prior to the development being brought into use. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.
9. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and

a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 186, 190 and 195 and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Construction Site Working Times

Noisy construction related activities shall not take place outside the hours of:
07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to deliberately capture, injure or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. A grant of planning permission does not constitute consent to proceed with works that may affect bats or their roosts. Where a licence is required to derogate from these protections, it must be obtained separately from Natural England.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	03/06/2025
Design and Access Statement	-	-	28/05/2025
Preliminary Roost Assessment	P204	V01	14/10/2025

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 has, 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. A preliminary roost assessment was submitted and reviewed by KC Ecology who found the report reasonable and acceptable.

Report dated: 17/10/2025