

**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:	2025/60/91541/W
Site Address:	Land off, New Hey Road, Scammonden, Huddersfield, HD3 3FW
Description:	Outline application for erection of residential development (one dwelling)
Recommending Officer:	John Holmes

DECISION - Refuse

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 07-Aug-2025

Officer Report – 2025/91541

Site Description

The site relate to land off New Hey Road, Scammonden.

The application site relates to an area of undeveloped land which forms part of the open countryside at this part of New Hey Road, Scammonden. To the west of the site are 3.no residential properties with undeveloped open land to the further west.

To the north of the site is open land with 2.no dwellings to the north east, beyond which is open land. To the east and south of the site is open land which is undeveloped.

The site has an increasing upwards gradient from north to south, with land to the south of the site having a steeper incline. Land opposite slopes downwards in a south to north direction.

The site is largely soft landscaped with some loose stones / sand also present.

Description of Proposal

The Scheme

The application seeks outline planning permission for erection of residential development (one dwelling).

The application form sets out that all matters are reserved.

Supporting Information

In addition to the submitted plans the following document has been submitted to support the application:

- Design and Access Statement incorporating Planning Statement

This document sets out the following summarised points:

- Planning history of the site relates primarily to other land in the ownership of the applicant and is not considered directly relevant
- Consider a single dwelling will not undermine the purposes of the Green Belt.
- Contend that a small development located adjacent to an existing dwelling with open space adjacent and a single residential property opposite does not fundamentally undermine the purposes of the green belt.
- The site is adjacent to large areas of open space; there is no sprawl.

- A large area of open land remains to the west, south and north; this development does not close that gap in any significant way.
- There is no detrimental effect on any historic town.
- believe that the site qualifies as grey belt and complies with paragraph 155 part (a)
- 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.
- There is an unmet need for housing in Kirklees.
- The A640 which connects the dwelling to Outlane village to the west (local services) and then goes into Huddersfield with all the benefits and connections of a major town.
- There is a bus stop approximately 500m to the east that goes into Outlane.
- The site has accessible public transport links.
- There is a safe and suitable access and no significant impact on the transport network.
- The location is adjacent an existing house and within its ownership.

Relevant Planning History

None for the site within the red line boundary.

The planning history for development to the west of the site (application ref: 2020/90628) is noted. This granted permission for 'Change of use, alterations and extension of a two storey detached garage and stable to a single dwelling, extensions to farmhouse to form two dwellings' and was granted on 2nd October 2020.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 11th July 2025.

Letters of Objection

Three objections have been received to this proposal raising the following summarised concerns:

- This development is on land which was fields and has been made 'grey' by the developers' actions to demolish roadside stone walls and dig out the hillside to make a temporary car park and area for site huts.
- Assured disruption and fly tipping of building materials was temporary and would be reinstated on completion of works.
- Previous development has interfered with the water course from the marked well on the map resulting in a 43 year supply to neighbouring occupiers ceasing.

- Proposed dwelling seems to sit on top of the well and no detail is given on how this will be re-routed.
- Design of the scheme is not disclosed as part of the application.
- The site does not qualify as grey belt.
- The proposal does not meet any exception as set out in paragraph 154 of the National Planning Policy Framework (NPPF).
- No very special circumstances have been demonstrated
- The proposal is not in accordance with policy LP59 of the Kirklees Local Plan.
- The proposal is contrary to paragraph 84 of the NPPF by being an isolated dwelling in the countryside.
- The proposal is contrary to paragraph 15 of the NPPF which requires the planning system to be plan led.
- The proposal is contrary to paragraph 105.
- The proposal is contrary to paragraph 110 of the NPPF which requires development to be in locations that are or can be made sustainable.
- The development is contrary to paragraph 130 of the NPPF
- The application is contrary to paragraphs 152 174(b) and 187(a) in terms of impacting upon the intrinsic character and beauty of the countryside / protection and enhancement of valued landscapes.
- The proposal is contrary to policies LP1, LP2, LP6, LP20, LP21, LP24, LP31, LP32, of the Kirklees Local Plan.
- Reduction in the openness of the Green Belt in this area
- Absence of information to set out whether the proposal is acceptable in light of access and highway safety considerations contrary to paragraphs 115 and 116 of the NPPF.
- Ecological impact and lack of Biodiversity Net Gain (BNG).
- Detrimental impact upon residential amenity of neighbouring occupiers.
- Application should be refused on the grounds of harm to the Green Belt, the unsustainable location, negative landscape impact, highways safety concerns, ecological harm, and detrimental effects on residential amenity.
- Ecological impact of previous fly tipping undertaken during previous redevelopment
- The land should be rewilded rather than developed.
- Impact upon birds as a result of the proposal.

The summarised objections are addressed within the 'Assessment' section of this report.

Consultation Responses

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

KC Highways – No response 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 identified within the Kirklees Local Plan (adopted 2019). The site is also located within an area with a known presence of Swift birds.

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
- **LP21** – Highways Safety and Access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and Unstable Land

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, together with Circulars, Parliamentary 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 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful 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

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

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

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

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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.”

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

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

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.

The site is 592m² which provides a density of development of approximately 18 – 20 dwellings per hectare. Given the site constraints, it is considered the quantum proposed would be acceptable in this case.

Land Allocation

The site is allocated as Green Belt in the Kirklees Local Plan.

Whether the development constitutes inappropriate Development in the Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraphs 154 or 155 of the NPPF.

None of the exceptions within paragraph 154 are considered to be applicable.

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 whether 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.

As set out earlier in this report, the submitted planning statement contends that the site is Grey Belt.

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 which the proposal would not relate to.
- Purpose (b) - This purpose relates to the merging of towns.
- Purpose (d) - This purpose relates to historic towns.

The proposal is not located such that it would lead to the merging of towns and is not in proximity to a historic town.

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.

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 site has a visual contribution to the locality, with the site contributing to an absence of development that would create a continuous ribbon development along the highway.

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 development would diminish the visual openness that defines this locality and lead to an increased urbanising impact as a result.

The proposal constitutes inappropriate development in the Green Belt. Whilst limited in scale with details to be finalised at Reserved Matters application stage, the development 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 (taken together); however, the proposal would erode the character of the locality through encroachment of built form and increased urbanisation of this part of the Green Belt, undermining 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. The development is therefore considered to fail in relation to paragraph 155(a) of the NPPF.

The development would read / lead to a creeping urbanisation of built form along the main highway. The siting has an increased impact in this regard given it is immediately adjacent to a highly trafficked route. The increased prominence of the site in this regard is considered to add weight to the conclusion it would lead to a fundamental undermining of this purpose for the remaining greenbelt in this case. This conclusion is drawn particularly in light of the fact the proposal would provide a very limited contribution in terms of meeting an unmet need in relation to housing. Whilst it would meet this requirement in relation to para 155b, the contribution is weighed against the level of identifiable harm created.

The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged there would likely be a requirement for private vehicle use for accessing the site although there are public transport links in proximity also and the proposal meets the requirement of paragraph 155c in this regard.

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

Given the above, the development is considered to constitute inappropriate development in the Green Belt.

Very Special Circumstances

No very special circumstances have explicitly been put forward to outweigh the harm to the Green Belt and none are considered to exist more generally.

Principle of development – Conclusion:

Officers conclude that the proposal constitutes inappropriate development in the Green Belt. The development is also considered to cause harm to the openness of the Green Belt, the visual amenities of the Green Belt and the character and appearance of the wider area. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt have not been demonstrated. The development is therefore considered to conflict with Policies LP24 of the Kirklees Local Plan and Chapter 13 of the NPPF.

2 – Impact on character and appearance of the area

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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines 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. Kirklees has an adopted House Extensions and Alterations SPD.

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.”*

The proposal seeks outline consent for one dwelling, with all matters reserved. Therefore, matters relating to layout, appearance, scale and landscaping would be considered under reserved matters application(s) in the event of any approval of outline consent.

Notwithstanding this point, consideration is given to the principle of the visual impact of the proposal. The development would read as further encroachment of built form along the main highway and have the appearance of being ribbon development. Visually this has a significantly urbanising impact and would lead to an incremental creep of urban development to this section of the highway.

The proposal is not considered to enhance the local character of the area, leading to a negative and incoherent identity as a result of introducing further built form in this location. This is particularly important when considered on the basis of the absence of development in the wider locality in this case. The proposal is therefore concluded to be contrary to policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

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.”

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. 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.

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).

The proposal is for one dwelling with all matters reserved, notwithstanding this an assessment as to whether the site could accommodate a dwelling such that it has a satisfactory impact upon the amenity of neighbouring occupiers is undertaken as follows.

The site is in proximity to a dwelling to the north east of the site and a dwelling to the west. The dwelling to the north east is at a distance of 12m from the boundary of the site, at their closest points. The dwelling to the north east is off set and does not have a direct face to face relationship with the site. Main habitable openings are to the front of the dwelling to the north east.

The dwelling to the west is at a distance of 7.2m from the site. This dwelling has an opening at ground floor level which serves a porch (drawing 10538-18-02revE of permission 2020/90628).

Given the distance of the site boundaries from neighbouring occupiers and the fact a non habitable window is in the side elevation of the property to the west it is considered a suitably designed dwelling could be achieved in terms of layout and scale which ensures there is no significant impact to the amenity of neighbouring occupiers as a result of overlooking or being unduly oppressive / overbearing or leading to an unacceptable level of overshadowing to these nearest neighbouring dwellings.

In terms of amenity space and the size of the dwelling, it is considered that the layout of the dwelling and site could be undertaken on the site which ensures amenity space provision commensurate with the dwelling could be achieved, as well as a dwelling which meets the requirements of the nationally described space standards (NDSS).

Therefore, it is considered it is possible to undertake the development proposal in a manner which meets the requirements of the aforementioned policies.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 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.

The Council's Highways Team has not responded to consultation regarding the proposal. Notwithstanding this it is considered the Local Planning Authority is able to determine the application in this case.

In the determination of planning application 2020/90628, it was concluded acceptable in terms of impact upon access and highway safety following amendments relating to visibility and subject to condition relating to surfacing.

The proposal the subject of this application seeks outline planning permission with all matter reserved, which would include access & layout. It is considered that taking account of the conclusions drawn under planning application 2020/90628, a suitable access could be designed which ensures adequate visibility, off street parking and access arrangements.

Therefore, in this case, given access and layout would remain reserved matters, the proposal would be acceptable having regard to the above policies.

5. 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.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval. This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

On the basis of the measures required to be undertaken to achieve building regulations approval, taking account of the scale of the development it is considered the impact would not be significant in relation to climate change and the proposal is acceptable in this regard.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Ecology

The submitted application form states that the legislative requirement for biodiversity net gain does not apply on the basis as the proposal would be Self-Build and Custom Build development.

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 development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

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.

In this case, it is considered that the proposal would be able to achieve a level of biodiversity net gain through measures including native species planting / inclusion of bird boxes / bricks within the development. It is considered that such measures could be secured by an appropriately worded condition which would be included in the event of any grant of permission.

As the application has been submitted in outline, any matters with regard to ecology can be secured via suitably worded conditions for the reserved matters application.

Subject to condition the proposal is considered to meet the requirements of the aforementioned policies.

7. Representations

The representations received are listed and addressed below as follows:

- This development is on land which was fields and has been made 'grey' by the developers' actions to demolish roadside stone walls and dig out the hillside to make a temporary car park and area for site huts

Officer Response: The site is not considered to have been developed to the extent it constitutes previously developed land with the surfacing present on the site not considered to constitute development within the definition as set out in section 55 of the Town and Country Planning Act 1990 (as amended) for which planning permission is required.

- Assured disruption and fly tipping of building materials was temporary and would be reinstated on completion of works.

Officer Response: The site is not considered to have been developed to the extent it constitutes previously developed land with the surfacing present on the site not considered to constitute development within the definition as set out in section 55 of the Town and Country Planning Act 1990 (as amended) for which planning permission is required.

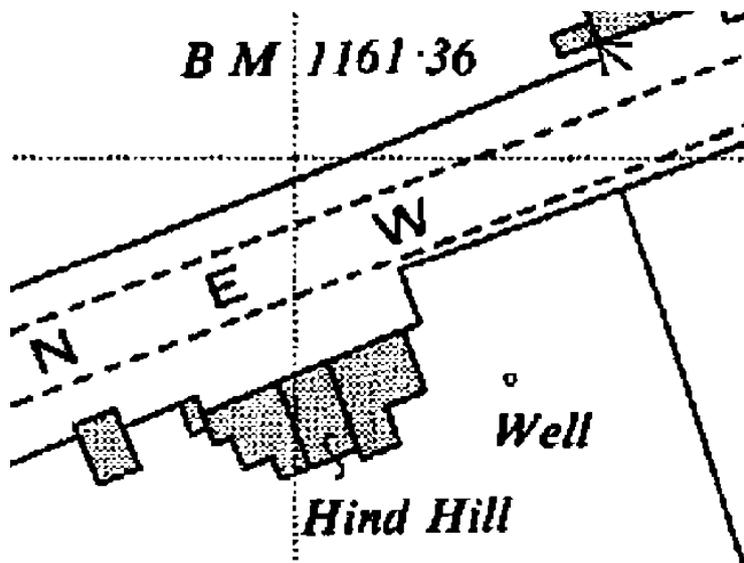
- Previous development has interfered with the water course from the marked well on the map resulting in a 43 year supply to neighbouring occupiers ceasing.

Officer Response: The impact of works consented by another previous permission, which may have affected a water course / supply, cannot be a matter which could be revisited as part of this application. In the event of any grant of permission for the proposal the subject of this application, it is considered foul / surface water drainage would be a matter which would need to be addressed at the building regulations stage and it would be unreasonable of the LPA to require details of such drainage arrangements as a condition of any approval given the scale of the development proposal.

Impact of works to a third parties land or water supply / drainage arrangements would be a civil matter between the relevant land owners and any grant of permission does not override any legal rights / obligations which may be present.

- Proposed dwelling seems to sit on top of the well and no detail is given on how this will be re-routed.

Officer Response: Analysis of the 1955 OS map indicates the approximate location of a well in the vicinity / within the site:



Given layout would be a reserved matter, it is not clear whether built form would be over this, although it is considered there is scope for the development to be undertaken such that it does not interact with the well. In any event any grant of permission for built form over this feature would not convey a legal right of its removal.

- Design of the scheme is not disclosed as part of the application.

Officer Response: The information submitted is considered sufficient given the proposal seeks outline consent with all matters reserved.

- The site does not qualify as grey belt.
- The proposal does not meet any exception as set out in paragraph 154 of the NPPF.
- No very special circumstances have been demonstrated
- The proposal is not in accordance with policy LP59 of the Kirklees Local Plan.
- The proposal is contrary to paragraph 84 of the NPPF by being an isolated dwelling in the countryside.
- The proposal is contrary to paragraph 15 of the NPPF which requires the planning system to be plan led.
- Reduction in the openness of the Green Belt in this area

Officer Response: *These points are addressed within section 1 of this report.*

- The proposal is contrary to paragraph 105 of the NPPF.

Officer Response: *This paragraph requires that policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. The proposal is not considered to affect a public right of way and as such it is considered the requirement of paragraph 105 of the NPPF is not relevant to the consideration of this application.*

- Development is contrary to paragraph 130 of the NPPF
- Contrary to paragraphs 152 174(b) and 187(a) in terms of impacting upon the intrinsic character and beauty of the countryside / protection and enhancement of valued landscapes.
- The proposal is contrary to policies LP1, LP2, LP6, LP20, LP21, LP24, LP31, LP32, of the Kirklees Local Plan.

Officer Response: *The policies considered relevant to the consideration of this application are set out in the 'Allocation and Policy' section of this report. Where relevant, they are addressed in sections 1 & 2 of this report.*

- Absence of information to set out whether the proposal is acceptable in light of access and highway safety considerations contrary to paragraphs 115 and 116 of the NPPF.

Officer Response: *These points are addressed within section 4 of this report.*

- Ecological impact and lack of Biodiversity Net Gain (BNG).

Officer Response: *This point is addressed within section 6 of this report.*

- Detrimental impact upon residential amenity of neighbouring occupiers.

Officer Response: *This point is addressed within section 3 of this report.*

- Application should be refused on the grounds of harm to the Green Belt, the unsustainable location, negative landscape impact, highways safety concerns, ecological harm, and detrimental effects on residential amenity.

Officer Response: *These points are addressed within sections 1, 2, 3, 4 & 6 of this report.*

- Ecological impact of previous fly tipping undertaken during previous redevelopment

Officer Response: *The impact of previous undertakings on the site could not be revisited / addressed as part of this application given the conclusion the site does not, at this point in time, constitute previously developed land where development has taken place.*

- The land should be rewilded rather than developed.

Officer Response: *This application is determined on the basis of the proposal for which permission is being sought.*

- Impact upon birds as a result of the proposal.

Officer Response: *This point is addressed within section 6 of this report.*

8. 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 does not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2025/91541

Officer Recommendation: Refuse

Reasons:

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 area of the Green Belt and would undermine the Green Belt's function in this location. 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 development would fail to respect the character of the locality through the introduction of further urbanising features within a countryside setting and within a prominent location contrary to policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan	PP-14071208v1	4 th June 2025
Block Plan	6446088	4 th June 2025
Application Form	-	4 th June 2025
Design and Access Statement Incorporating Planning Statement	-	4 th June 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 2015 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.

Coal – low