

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:	2025/62/91581/E
Site Address:	56, Lane Head Lane, Kirkburton, Huddersfield, HD8 0SQ
Description:	Change of use of garage/coach house to one dwelling and associated alterations
Recommending Officer:	Edward Cheseldine

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: 20-AUG-2025

Officer Report

2025/91581 - 56, Lane Head Lane, Kirkburton, Huddersfield, HD8 0SQ

Site Description

56 Lane Head Lane is a two-storey, detached property, constructed with stone exterior walls. The site includes a moderately sized curtilage that features a detached garage which this application is the subject of.

The garage is constructed with stone exterior walls and a stone slate roof. It features 3 distinct elements built in differing designs that form the building. Features on the front elevation include garage entrances and stone detailing.

The site is accessed from a private road that serves 3 domestic dwellings.

The application building is located adjacent to Public Right of Way(PROW) KIR/97/10. The site is located in the Green Belt.

Proposal Description

The application is seeking planning permission for a change of use of garage/coach house to one dwelling and associated alterations.

External alterations include the removal of the garage doors and installation of a doorway and windows. Window openings on front and rear elevation will be blocked up with stonework. Skylights will be installed on the front and rear roof plane.

Internal accommodation will be formed over 1 floor to form single bedroom accommodation. A modest residential space will be provided to the east of the dwelling within a courtyard area, with two parking spaces to the west of the dwelling.

Amendments/Negotiations

None required.

Public Representation

The application was advertised by way of a site notice and press advertisement.

Site notice expiry: 08-Aug-2025

Press advertisement expiry: 15-Aug-2025

As a result of the publicity, no representations were received.

Relevant Planning History

2022/90677 - Change of use and alterations to convert garage/coach house to dwelling house - Full permission granted

2019/90322 - Change of use of garage/coach house to one dwelling and associated alterations – Full permission granted

2005/94828 – Erection of double detached garage – Full permission granted

Consultation Responses

KC Highways – No objection. Please see *Impact on Highway Safety* section of the report for further details

KC PROW – No comment. KC PROW are a non-statutory consultee. A decision has been made by Officers without the benefit of the consultation response. It is considered the development will not impact the public right of way.

Policy & Legislation

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 located within the Green Belt on the Kirklees Local Plan.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 57** – Extensions, alterations & replacement buildings in the Green Belt
- **LP 60** – The re-use and conversion of buildings

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, and 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 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 Housebuilders Design Guide SPD (2021).
- Gov UK Biodiversity Net Gain Technical Guidance.
- Gov UK Nationally Described Space Standards

Assessment

- 1) Principle of Development
 - a. Sustainable Development
 - b. Green Belt
 - c. New Dwellings
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

Green Belt

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF states *the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*

Chapter 13 of the NPPF requires local Planning Authorities to regard the development in the Green Belt as inappropriate development unless one of the exemptions applies.

Exceptions of which include, *'the re-use of buildings provided that the buildings are of permanent and substantial construction'* (paragraph 154(h)(iv) and,

'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' (paragraph 154 c).

The Kirklees Local Plan (2019) regards local policies relevant to this application.

Policy LP60 of the Kirklees Local Plan states,

'Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;

a. the building to be re-used or converted is of a permanent and substantial construction;

b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;

c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.

Policy LP57 of the Kirklees Local Plan states that *'extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.'*

As the core of the application is based on the reuse of the existing building, an assessment will first be made against Paragraph 154(h)(iv) and Policy LP60. Following this, the proposed alterations will be considered in the context of Paragraph 154(c) and Policy LP57.

In this case the application seeks permission for the conversion of an existing outbuilding to a dwelling. The building is formed of stone exterior walls which appear to be in good condition. Officers noted on site, the roofing materials are complete, with no signs of gaps. Window openings and doorways are

already installed. Therefore, it is considered, the building can structurally withstand the conservation to a residential building.

The building currently hosts a tarmac surface leading to the main dwelling and loose gravel material is present on the areas marked as car parking spaces, therefore additional hard surfacing will not be required.

The proposed development would make use of an existing and defined access route with no further enhancements, which in turn minimises the urbanisation of the site beyond the change of use.

Point C relates to the visual appearance of the site, including boundary treatments, as well as residential amenity and highway safety, which is expanded within the further assessment. In terms of impact to the Green Belt, outdoor residential space is formed to the east of the building, surrounded by a stone wall. The applicant has not applied for further boundary treatments.

In respect of Policy LP57, permission includes alterations to the front and rear elevations. These are mainly cosmetic, changing the appearance of the outbuilding from a garage to include domestic style openings. The agricultural style will be maintained through the retention of the stone details on the front and external materials.

The erection of an outbuilding to a dwelling can be considered as an “extension” to the host building if it is closely associated with that building. In this case, due to the change of use the building will become a dwelling. Extensions should be assessed based on the grant of the original permission, which in this case is based on LP57, it is therefore considered that due to the grant of permission of the outbuilding based on extensions & alterations, development should be managed so that further additions do not harm the character of the Green Belt including openness. Permitted Development Rights shall therefore be removed for Class AA, Class A, Class B, Class D & Class E.

The proposed reuse and extensions are acceptable in principle, according with paragraph 154 c) & 154(h)(iv) of the NPPF and Policy LP57 & LP60 of the Kirklees Local Plan.

New Dwellings

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 officers assessment.’

One additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places therefore an assessment will be made on the impact set within national and local policy. Therefore, a balance will be formed, within this assessment, against the benefits one dwelling would bring to the supply.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 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 2021, 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.”*

In this case, the development site is located on the edge of Kirkburton, amongst a small grouping of dwellings that fall along a private road. The buildings are well spaced, formed of stone exterior walls and traditional features.

The building is already existing, it will be modified to include domestic windows and doors, however the scale of the structure will not be altered. Given the group setting of the collection of buildings is formed through the external materials and traditional features, to which this building respect and the spatial layout of the private road is existing and suitable, the impact to the local vicinity of acceptable. In terms of a wider assessment, there is a woodland to the north. The building is somewhat hidden from aspects of the PROW and woodland due to the boundary walls. It is considered the alterations comply with LP24a of the Kirklees Local Plan.

The application is therefore acceptable in terms of LP24 a), LP57 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide SPD and the NPPF.

Impact on Residential Amenity

Section B of LP24 states development should:

‘...minimise impact on residential amenity of future and 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.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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 SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The application building is located 9.20m from the dwelling to the south-east and 22.00m from the building to the west. The front façade contains a window to light a living area and a window to light a hallway. Side elevation windows will be installed for a secondary window for the living area and to light the bedroom.

In terms of an impact, the front elevation windows are directed towards open garden space of No.56. This area is part of the side garden, linking the front of the property to the rear. Given the distance and spatial relationship with No.56, the impact to privacy is acceptable. The bedroom windows have an outlook towards the courtyard area of the property which is enclosed by a stone wall. The additional side window for the living area faces towards a

boundary wall and detached garage, breaking up views towards the private amenity space of No. 43. Skylight windows are high level and are not directed towards dwellings. Given the distance to the property and built form the property will remain private.

Due to distance there are no other properties to assess.

Amenity of Future Occupiers

Principle 16 of the 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.”* *“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 1 storey dwelling with 1 bedroom requires a minimum internal floorspace of 39m².

Internal floorspace measurements have been provided, the dwelling would have an internal floorspace of 58.20m² which is above the minimum threshold.

NDSS requires double bedrooms have an internal floor space of 11.50m² and be at least 2.75m wide.

Plans indicate a double bedroom with an internal floorspace of 13.76m² and width of 3.20, therefore meeting the requirements.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. All habitable rooms have a suitable level of light due to the placement of window openings. Rooms are rectangular in footprint, when accounting for storage and doorways, there is a suitable amount of functionable space for occupants.

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.”*

When considering the context of the site the occupant would have access to the surrounding open spaces due to its Green Belt location. In addition, there is a courtyard which is considered private and suitable for the number of bedrooms of the dwelling.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Builders Design Guide SPD.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The development makes use of the existing private access and hardstanding for parking. KC Highways were consulted informally. It was agreed that the number of parking spaces (2) provided a suitable requirement for a 1 bedroom dwellings.

Access is formed from a narrow lane, that will host 4 dwellings. KC Highways considered the intensification of use could be supported by the existing access. The track has various pull in points and visibility is not impeded due to its linear construction.

It was requested the collection point was located near the Lane Head Lane next to the waste collection point of No. 56.

Given the response from KC Highways, there is no material planning issues and the plans accords with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

Biodiversity Net Gain & Ecology

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are 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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The development is considered to benefit from exemptions as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024. The application is for a change of use with no changes to surface treatments. Officers are satisfied the development is exempt from providing a habitat uplift.

In addition, due to the nature of the application, it is not considered the development will impact protected or notable species, or their habitats.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Public Right of Way

Public Right of Way (PROW) KIR/97/10 leading from Lane Head Lane is located to the north of the dwelling. The PROW is separated from the private road by a stone boundary wall. The application does not include extensions to the existing building, due to the separation between the site and footpath, it is

not considered the PROW will be affected and the footpath will be clear of obstruction.

Any form of extension would however require assessment so that the right of way is not impeded. As the property sits on the site boundary, Permitted Development Rights will be removed for any roof alterations and extensions to the side of the property.

Historic Coal Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application considers a change of use of an existing building, which does not require additional foundation. The Coal Mining Authority have set out exemptions where the submission of a Coal Mining Risk Assessment is not required as part of development. Such exemption include '*Changes of use of land where no buildings or structures are proposed and groundworks are minimal*'. It is considered this application benefits from the exemption.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approval

Decision Authorisation – Delegated Powers

Application Number: 2025/91581

Officer Recommendation: Approve

Conditions and Reasons

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.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. The external materials of the dwelling hereby approved shall in all respects match the material of the existing building they shall be constructed in accordance with the elevation plans on drawing 2567 – 02.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no extensions, roof extensions, porches or outbuildings (Class A, AA, B, D & E), other than those expressly authorised by this permission shall be constructed on the site.

Reason: In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework. Ensuring PROWs are not impeded to comply with Policy LP23.

4. Notwithstanding the details shown on the submitted drawings, new boundary treatment details shall be submitted and approved in writing by the Local Planning Authority, prior to their erection. The works shall then be carried out in complete accordance with the approved details and shall be retained thereafter.

Reason: In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework and to accord with Principle 17 of the Kirklees Housebuilders Design Guide SPD.

NOTE: Please note that the granting of planning permission does not override

any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	2567 - LOC A	-	10 June 2025
Existing Elevations and Floor Plans	2567 – 01	-	10 June 2025
Proposed Elevations and Floor Plans	2567 - 02	-	10 June 2025
Climate Change Statement	-	-	10 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 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.

No amendments were sought.

