

Ms Elenya Jackson
Planning Officer
Development Control
Kirklees MBC
PO Box 1720
Huddersfield
West Yorkshire
HD1 9EL

21st July 2025

Dear Ms Jackson,

Re: Application Reference 2025/62/91606/E
Reservoir House, Whitley Road, Whitley

Instructions

I write in reference to the aforementioned planning application, to advise that we have been instructed by

, to review the current proposals and to comment as necessary. The application is noted to relate to the change of use of existing buildings and land for use as a dog hotel for up to 30 dogs. Our clients have particular concerns with the development, including traffic movements, disturbance and most significantly noise generation and associated harm on amenity. These concerns are of a sufficient level to justify the submission of this detailed objection.

Site Context

The application site is noted to currently comprise of a single detached dwelling, with existing barn and paddock area, adjacent to Whitley Reservoir. The site is understood to be proposed to be split as part of this application, to separate the dwelling from this new commercial operation.

The application site is understood to be located within a Biodiversity Opportunity Zone (Pennine Foothills) and within the designated Green Belt. The site is also understood to fall within a Mineral Safeguarding Area.

The site is not understood to contain any listed buildings and there are no known statutory, nor non-statutory designated heritage assets in close proximity. It is therefore accepted that there is no requirement to undertake an assessment of the impact of the proposals on the historic environment.

The application is also not understood to be located within an area at risk from flooding, with the site area also falling below the 1 hectare trigger for the submission of a Flood Risk Assessment.

Whilst trees are noted to be located within the wider site, none are understood to be subject of Preservation Orders, and with no trees currently advised as being proposed for removal to facilitate the development. We do however ask for clarity as to whether there are any hedgerows proposed for removal to facilitate the proposed site access.

The application site is noted to be located outside of and away from any defined settlement boundary. There are therefore concerns that the development is to be located within an unsustainable location in relation to access to services and public transport connections.

Proposed Development

It is understood from a review of the limited as submitted application documentation that the Applicants are seeking to secure planning permission for the creation of a dog hotel which will accommodate up to 30 dogs at any one time. The scheme includes the delivery of a new widened access road, the change of use of an existing barn (for which its current use is unclear, and the creation of a new outdoor exercise space, which will be used by up to 6 dogs at any one time between set operating hours.

In addition, the Applicants also propose to erect a 2m high timber close boarded fence on the site's western boundary, and a smaller area of fencing to secure the outdoor exercise area.

There are clear concerns regarding the visual impact of the development in relation to the loss of existing vegetation and the erection of new fencing, particularly within the Green Belt. The fencing is understood to be being proposed to assist in reducing the noise impact of the development, however no clarity has been provided that the fencing will be acoustic fencing, nor has any evidence been provided that the fencing will be sufficient to address residents' concerns in relation to the noise impact of this development, and the harm this will cause to their amenity.

Additional concerns relate to the highway impact of this development given the likely traffic to be generated for the care of 30 dogs. Whilst we accept that this is not a day care facility, it is nonetheless clear that the scheme will create additional traffic within the local network, and further that the general activities from those vehicle movements will result in harm and disturbance to nearby properties and land. Furthermore, there are serious concerns that the application has not been

submitted with the relevant level of detail to allow a suitable assessment of the impact of the development on biodiversity, the wider environment and the character and quality of the locality.

Given the scale, form, and design of development, our clients have significant concerns that the scheme will also result in detrimental harm to neighbour amenity including loss of privacy, disturbance and impacts from day to day activities including noise and light pollution associated with vehicle movements and the housing of up to 30 dogs on site. Our clients simply feel that this is not the right site for this development, and consider that the application should be refused outright, as there are no considerations of sufficient weight as to justify approval of an application which runs wholly contrary to the provisions of the adopted Development Plan.

Application Submission

In drafting this letter of objection we have had regard to the contents of the as submitted application documentation, and do have some concerns with the robustness of the submission, namely:

Plans – The application appears from the documentation available on the Council website to have been validated with only a red line site location plan and a proposed site plan which shows the location of the new access and fencing. The site plan does not however clearly show the location and layout of existing nor proposed parking provision, fails to provide clarity on the proposed materials to be used in the creation of the new access and access road, and does not include any as existing and proposed floor plans to show how the dog hotel will be laid out within the existing building. One would have expected such a level of detail in advance of the application being registered. Failure to provide such vital detail in our view prejudices third parties and consultees from fully understanding the scale and nature of development as applied for. We therefore ask that the application either be invalidated pending the submission of the additional details, or the application be placed on hold until the required level of information is submitted. Once received the formal consultation period should be recommenced.

In addition to the concerns on the lack of floor plans and details on the proposed site layout plan, one would also expect, given that it is referred to within the application, elevational details to be provided of the proposed fences, as well as clarity on the use of the proposed external exercise area.

Application Form – We have had sight of the as published application form and wish to obtain clarity on a number of matters, including who the Applicants are. Whilst we appreciate that ownership is not a planning matter, so long as the correct ownership certificates and notices have been served, do think it fair that local residents have access and clarity on who is applying for consent to run this operation, and their experience in this domain. In addition, the current use of the barn, now proposed for use as a dog hotel should also be further clarified. The application form states that the current use of the site is residential, it would however be helpful if the Applicant can confirm whether this includes the use of

barn, and if so in what way is its use residential, how long has the barn been in residential use, and is this lawful? It is important that all parties understand what the change of use actually relates to.

The Applicants state that none of the proposed land is known to be contaminated, however without clarity on the historic use of the building and land this cannot be confirmed without at the least a Phase One Contamination Assessment. We are not aware that such a report has been provided.

The Application form states that materials are not relevant to this application, however this is simply incorrect. We understand that a new accessway is to be created on site to facilitate access to the barn, this therefore requires the delivery of materials. The details of the proposed fencing and any physical enhancement of the existing barn structure should also be provided.

We note that there is currently scope to park 4 vehicles on site, with an additional 4 spaces to be provided to facilitate the development. The Applicant has not however shown such existing or proposed provision on the as existing or proposed site layout plan to delineate where the spaces will be located, and how the parking areas will be laid out. In the interests of transparency and safety we would ask that these details be provided in advance of determination of the application to ensure that the level of parking, and maneuverability within the site set out within the application can in reality be achieved.

With regards to flood risk it is noted that surface water will be disposed of via soakaway. However, no drainage assessment has been provided with the application. Once again without clarity on the use of materials on the site access (we note reference to the use of porous materials but this is not sufficiently detailed) and on the parking areas, the impact on surface water flows simply cannot be undertaken. We ask that a more detailed drainage proposal be prepared and submitted with the application to ensure a more thorough examination of the development. This needs to include an assessment of foul sewerage to include whether toilet facilities will be placed within the barn structure for employees and visitors, and where and how that waste will be removed from site. Clarity is also needed in relation to how animal waste will also be collected, stored and removed from site to ensure that there are no harms from an environmental health point of view in relation to smells, nuisance etc.

The application form confirms that there are no protected or priority species on site or on adjacent land, however we are not aware of the submission of any ecological assessment to demonstrate the same. Clarity is therefore sought as to whether at the very least a bat roost suitability assessment of the existing building should be required, given that the scope of works required to facilitate the change of use remains to be confirmed.

In relation to BNG, the Applicants advise that the scheme benefits from the de minimus exemption, however it is unclear whether the accessway has as yet been created, and if already in existence, when this work was carried out, and whether consent had been achieved in advance. The potential loss of hedgerows may also be material, as well as the creation of hardstanding area for parking. Whilst

it may well be that the scheme is BNG exempt, and we note the current feedback from the Council ecologist, however, in our view the application is simply lacking in sufficient detail to reach such a conclusion, and more information needs to be provided to evidence the position as laid out by the Applicants.

The Applicants advise that waste will be stored inside the building, however as laid out above, no details about which waste will be internally stored, nor where and how such waste will be removed from site or placed for collection. Treatment of waste is a material consideration and needs to be addressed in advance of determination of this application. This concern is heightened by the fact that the Applicants advise that no trade waste will need to be disposed of, and it is unclear whether this is correct.

The application form confirms that the proposed development will result in the delivery of two full time employees on site. However, no details have been provided within the application as to how those two staff will be employed, specifically in relation to whether the site will be manned 24 hours a day, how the site will operate, how on site movements and clients will be managed re: traffic generation, parking, operating the outdoor exercise spaces etc. There are therefore concerns that additional staff will in reality need to be employed to manage the use as proposed, with the associated increase in traffic generation and general noise and disturbance for neighbouring residents.

In relation to the proposed hours of operation, the Applicant is noted to accept that hours are relevant to the scheme, however they then advise that the operating hours are currently unknown. Whilst the planning statement indicates that the outdoor exercise areas will operate between 8am to 7pm (presumably 7 days per week), it is clear that the general operating hours of the dog hotel must be 24 hours a day, 7 days a week. We are not therefore sure why hours of operation has been completed as 'unknown'. There are understandably clear concerns in relation to the delivery of 24 hour a day, 365 day per year operation, with the associated harm this will do to residential amenity, particularly by way of traffic, noise and general disturbance.

Planning Statement – We have had regard to the as submitted Planning Statement and consider the document to be lacking in clarity over the nature and scale of the development as applied for. By way of example a number of the questions laid out within this letter have simply not been sufficiently clarified within the statement. Whilst the statement acknowledges that the site is within the Green Belt, no assessment of adopted Local Plan policies on Green Belt development appears to have been provided, nor any further detailed assessment on policies on amenity, noise, traffic etc.

The Applicants Agent advises that in the main that the bulk of new development is related to the creation of a new access, however we would stress that there has been case law which confirms that even the installation of roadways and infrastructure at ground level can be found to result in harm to the openness of the Green Belt.

The report goes on to state that visual amenity will be protected by the retention of the large hedge on the site frontage and that visibility will be satisfactory. Clarity is therefore sought that the Council Highways team agree within this conclusion.

The Planning Statement indicates a justification that noise will not be harmful from the development with the insertion of a 2m high fence assisting in that regard. However, no detail as to the noise credentials of the existing building have been provided, and no evidenced noise assessment submitted to substantiate this conclusion. Given the need to protect amenity, and the significant harm noisy activities such as intermittent dog barking can have, we strongly request that a detailed noise assessment, to include any required sound insulation required to address noise seepage from the existing building, be prepared and submitted and examined by the Council Environmental Health department, or that the application be reused on the ground of insufficient information.

Whilst reference is made to the use of the exercise area only between the hours of 8am and 7pm, our clients continue to have concerns in that regard given the unsociable nature of noise to be generated, which will undoubtedly include dogs barking, staff shouting and general noise from movements in and around the site. The use of the site and the outdoor exercise space are likely to result in unsociable activities and harm which in our view cannot be mitigated given the open nature of the location.

In addition to the comments laid out above and the associated request for additional information, we would ask that careful consideration also be given to the potential for light pollution from activities on site. Such activities will include, but not be limited to, vehicle movements to, from and within the site, with vehicle headlights being obtrusive, particularly in winter months. In addition, no detail has been provided regarding the use of lighting in and around the barn building, associated external areas and importantly the outdoor exercise area. Again, if this is proposed for use from 8am to 7pm every day then there will be an inevitable need for the area to be lit for safety and general management of the site particularly from October through to March at the very least. This point needs to be addressed and clarified in advance of determination of the application given the potential harm lighting can have on both residential amenity, and also importantly on transient ecological networks.

Statutory Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a Planning application, local planning authorities must make their determination in accordance with the Development Plan unless material considerations indicate otherwise. The development has been shown throughout this Statement and below, to fail to meet the tests of the Development Plan when read as a whole. Further, there are no material considerations which outweigh the provisions of the Development Plan, and we therefore kindly urge the Council to seek to refuse this application.

Planning Policy – National Planning Policy Framework (2024)

Whilst the Applicants have focussed their case on the provisions of Section 13 of the Framework, and the development of Green Belt land, it is important to acknowledge that additional provisions and paragraphs contained within the Framework also remain pertinent and determinative to this application. These additional paragraphs are Included below for ease of reference.

Section 2 - Achieving Sustainable Development

"Paragraph 8: *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

"Paragraph 10: *So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."*

"Paragraph 11: *Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; "*

"Paragraph 12: *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be*

granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Section 4 - Decision Making

"Paragraph 39: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

"Paragraph 48: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

Section 8 – Promoting Healthy and Safe Communities

"Paragraph 96: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lives, through both promoting good health and preventing ill health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."

"Paragraph 98: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

Section 9 - Promoting Sustainable Transport

"Paragraph 109: Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

- a) making transport considerations an important part of early engagement with local communities;
- b) insuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, contribute to making high quality places;
- c) understanding and addressing the potential impacts of development on transport networks;
- d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, – for example in relation to the scale, location or density of development that can be accommodated;
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and
- f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains."

"Paragraph 115: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach."

"Paragraph 116: 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, following mitigation, would be severe, taking into account all reasonable future scenarios."

"Paragraph 117: Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."

Section 11 - Making Effective Use of Land

"Paragraph 124: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

"Paragraph 125: Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as

developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs - where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous development should not be imposed on an application for multiple extensions unless there is an exceptional justification"

"Paragraph 129: Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places."

Section 12 - Achieving Well-Designed Places

"Paragraph 131: Advises that 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Section 13 – Protecting Green Belt Land

"Paragraph 142: *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."*

"Paragraph 153: *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. '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 154: *Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;*
- c) 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);*
- g) limited infilling or the partial or complete redevelopment of previously developed (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.**
- h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i) mineral extraction;**

- ii) engineering operations;
- iii) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order."

Section 15 – Conserving and Enhancing the Natural Environment

"Paragraph 187: Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

"Paragraph 198: Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

Comment: It is our position that the scheme as currently applied for falls foul of the tests laid out within the National Planning Policy Framework. The scheme will result in harm to the amenity of neighbouring residents through noise, general disturbance and general activities on site, will result in harm to the highway network from increased vehicle movements, will result in visual harm given the form and scale of development being proposed and the associated use of materials, and environmental harm through noise, potential light pollution and lack of on site enhancements.

The application has also been shown to have been submitted without sufficient information and detail to allow a thorough examination of the proposals. The scheme as currently proposed is therefore deemed to be contrary to the requirements and expectations of the Framework and should therefore be refused.

Planning Policy – Kirklees Local Plan

The Development Plan currently comprises of the Kirklees Local Plan (adopted February 2019), and the provisions of a number of Supplementary Planning Documents.

As set out above, it is understood from a review of the local authority Proposals Map that the site subject of this application is located within a Biodiversity Opportunity Area, and within the Green Belt. The site is also understood to be located within a Mineral Safeguarding. Included below is a list of the key adopted determinative development plan policies of relevance to the assessment of this application:

Kirklees Local Plan (2019)

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping;
- Policy LP3 – Location of New Development;
- Policy LP7 – Efficient and Effective Use of Land and Buildings;
- Policy LP20 – Sustainable Travel;
- Policy LP21- Highways and Access;
- Policy LP22 – Parking;
- Policy LP23 – Core Walking and Cycling Network;

- Policy LP24 – Design;
- Policy LP28 – Drainage;
- Policy LP30 – Biodiversity and Geodiversity;
- Policy LP32 – Landscape;
- Policy LP52 – Protection and Improvement of Environmental Quality; and
- Policy LP60 – The Re-Use and Conversion of Buildings.

Given the nature of development being proposed within this scheme and the allocation of the site, particular attention is drawn to the provisions of the following key policies which are noted to read as follows:

Policy LP1 is noted to state:

“When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- b. specific policies in that Framework indicate that development should be restricted.”*

Comment: The scheme as proposed represents an unsuitable and unsustainable form of development. The application site is not well placed for access by public transport, is close to neighbouring properties with resultant harm on amenity, and will result in harm to the quality of the environment. The scheme does not therefore meet the tests laid out within policy LP1.

“Policy LP3 - Development proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping. This means:

- 1) Development should reflect:
 - a. the settlement's size and function; and
 - b. place shaping strengths, opportunities and challenges for growth; and
 - c. spatial priorities for urban renaissance and regeneration; and
 - d. the need to provide for new homes and jobs;
- 2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, taking account of the following criteria:
 - a. delivering the housing and job requirements set out in the Local Plan;
 - b. the need to maintain a supply of specific deliverable sites, in accordance with national policy and enabling the delivery of allocations set out in the Local Plan or in Neighbourhood Plans;
 - c. ensuring that opportunities for development on brownfield (previously developed) sites are realised early in the plan, subject to maintaining a five year supply of housing land and to delivering the overall housing and jobs requirements;
 - d. ensuring delivery of housing and jobs in smaller settlements to meet local housing and employment needs;
 - e. ensuring that proposals have regard to connecting links to existing green and blue infrastructure networks;
 - f. co-ordinating housing and employment land delivery with the provision of new infrastructure.
 - g. providing access to a range of transport choices and access to local services."

Comment: The site is not felt to reflect the development principles laid out within policy LP2, and is not a form of development identified as being in need. There is therefore no clear cut justification to approve the application.

"Policy LP20 - New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area. The council will support demand management measures which discourage single occupancy car travel within new development and encourage the use of low emission vehicles to improve areas with low levels of air quality. Proposals should include measures to encourage the use of sustainable travel options, including public transport, the promotion of personal journey planning, walking, cycling, car sharing, electronic communication and home working. Travel plans will normally be required for all major planning applications in accordance with current guidance and should

set targets and monitoring arrangements to ensure sustainable travel patterns are maintained. Travel plans should include agreed and defined outcomes related to a package of specified measures to be implemented including an approach to lower carbon emissions where applicable. The requirement of a travel plan will also be considered on case by case basis where the proposed development falls below the major application category where it has the potential to generate significant transport movements and/or has insufficient off-street parking within the vicinity of a stressed part of the highway network. Proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. Proposals will be required to facilitate the needs of the following user hierarchy:

- a. pedestrians
- b. cyclists
- c. public transport
- d. private vehicles."

Comment: The application site is in a fairly isolated location with poor access to local services, facilities and public transport connections and does not provide staff or visitors with a choice of alternative modes of travel. The application has also not been submitted with sufficient detail to demonstrate that the car parking needed to support the operation can be provided safely and suitably on site. The scheme does not therefore adhere to the provisions of policy LP20.

"Policy LP21 - Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network. All proposals shall:

- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;
- b. where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;
- c. be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;
- d. take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;
- e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;

*f. take into account access for emergency, service and refuse collection vehicles;
g. provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes."*

Comment: The application simply fails to have sufficient detail to demonstrate compliance with the provisions of policy LP21, and there is therefore justification to refuse the application on transport grounds.

"Policy LP32 - Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular:

- a. the need to protect the setting and special qualities of the Peak District National park, views in and out of the park and views from surrounding viewpoints;*
- b. the setting of settlements and buildings within the landscape;*
- c. the patterns of woodland, trees and field boundaries;*
- d. the appearance of rivers, canals, reservoirs and other water features within the landscape."*

Comment: The site is positioned in an open location where new development will have an impact on landscape character. The impact of the scheme on visual amenity and the wider landscape does not appear to have been duly considered by the Applicant in the preparation of this application, contrary to the requirements of policy LP32.

"Policy LP52 - Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted. Where possible, all new development should improve the existing environment."

Comment: There are serious and legitimate concerns that the proposals will result in harm by way of noise pollution, air pollution (smells), and potential harm by way of light pollution and contaminated land by way of leaching from waste. The Applicants have not provided any evidence to address these legitimate concerns or to show that the scheme can be delivered without undue harm on quality of life and well-being of the local community. Given that impacts and mitigation are expectations of policy LP52, there does appear to once again be justification to refuse this application.

"Policy LP60 - 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."

Comment: The delivery of the new access road, parking, fencing and the outdoor exercise enclosure do in our view result in harm on the openness of the Green Belt when considered cumulatively. There are further concerns on visual amenity from the materials to be used on elements of the development, clear harms to wider residential amenity, as well as concerns in relation to parking and general highway safety. The scheme does therefore fall foul of the requirements laid out within policy LP60 and without sufficient justification to overcome those principal reasons for refusal.

Emerging Local Plan Review

Following the lapse of five years since the adoption of the current Local Plan, and given changes nationally and locally including in relation to national planning policy, the outcome of the pandemic and the lack of housing land supply, Kirklees Council are noted to have taken the decision in October 2023 to undertake a full review of the Local Plan. It is noted that the Council have recently undertaken an early engagement survey on key issues, which closed for comments on the 28th February 2025.

Given that the emerging Local Plan remains at an early stage in the Plan process, the Plan is deemed to carry no weight in the decision making process, and is not therefore deemed to be relevant or referable to the assessment of this current proposal.

Supplementary Planning Documents

In addition to the provisions of the Local Plan, due regard should also be paid to the contents of adopted Supplementary Planning Documents, which within Kirklees would include the Highway Design Guide SPD (2019). We will await the feedback from the Council Highways team regarding the compliance or otherwise of this scheme with the additional guidance.

Summary

Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to determinations to be made under the Planning Acts as follows:

"If regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise."

As clearly shown within this statement, the scheme subject of this application falls foul of the provisions of the Development Plan, and there are no material considerations which would outweigh the policy presumption against the scheme. In fact, when one weighs the material considerations including the harm on the character of the local area, impact on neighbour amenity, issues on highway safety, and the resultant harm on social, ecological and environmental considerations, as well as the harm on the openness of the Green Belt, the material considerations further weigh heavily in favour of refusal.

Conclusions

It has been soundly demonstrated throughout this statement that the development subject of this application, fails to accord with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is unacceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Given the harm resultant from the proposals, there are no material considerations or benefits from the development which outweigh the objection to this proposal.

Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. However, in this case, based on the above principles, we would therefore kindly request that the Council seeks to refuse this application for the various reasons laid out above.

Yours sincerely,

