

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2025/70/91613/W
Site Address:	1 Long Fall Cottage, Long Fall, Reddisher Road, Marsden, Huddersfield, HD7 6NF
Description:	Variation of condition 3 (ancillary use) on previous permission 2013/92432 for demolition of existing garage and erection of annexe
Recommending Officer:	Danielle Cooper

DECISION – VARIATION OF CONDITION APPROVED

**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.**

John Holmes

AUTHORISED OFFICER

Date: 08-Aug-2025

Officer Report

2025/91613

Site Description

1 Long Fall Cottage, Long Fall, Reddisher Road, Marsden, Huddersfield, HD7 6NF

The site relates to a semi-detached dwelling set at a higher level than Reddisher Road due to the topography of the land which continues to slope upwards to the north, east, and western boundaries.

There is a detached building, which is the existing annexe subject of this application, located to the south-west of the host dwelling and ample parking/turning within the site area.

The site forms part of a designated Public Right of Way (PROW) - COL/193/50.

The site is allocated Green Belt land and sits adjacent to Marsden (Tunnel End) Conservation Area.

Description of Proposal

Variation of condition 3 (ancillary use) on previous permission 2013/92432 for demolition of existing garage and erection of annexe.

Condition 3 of previous permission 2013/92432 reads as follows:

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Long Fall Cottage, Long Fall, Reddisher Road, Marsden, HD7 6NF.

Reason: *The site is located within the allocated Green Belt whereby inappropriate development is severely restricted. The erection and use of the building as an annexe would preserve the character of the Green Belt as well as sustain the significance of the adjacent Conservation Area and residential amenity of nearby occupants. It would not require a separate curtilage or generate paraphernalia that would cause harm to the openness of the Green belt and would be in accordance with the aims of the National Planning Policy Framework.*

The applicant seeks to vary condition 3 to allow the use of the annexe to be used as a holiday let.

No external or internal alterations are proposed to the annexe.

History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants.

No negotiations/amendments sought.

Relevant Planning History

2013/92432 - Demolition of existing garage and erection of annexe – Approved

Representations

Final publicity date Expires:

The application was advertised by site notice and the press. Final expiry date for the publicity was the 1st August 2025.

No representations have been received.

Consultation Responses

None.

Policy

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

The application site is located within the Green Belt and a PROW (COL/193/50) runs through the site. The site is also adjacent Marsden Tunnel End Conservation Area.

Since the determination of application 2013/92432 the Council has adopted the Kirklees Local Plan. There has also been updates to the National Planning Policy Framework. In the consideration of this application the following is therefore considered applicable:

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP10 – Supporting the Rural Economy
- LP20 – Sustainable Transport
- LP21 – Highways and access

LP22 – Parking
LP24 – Design
LP28 – Drainage
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP35 – Historic Environment
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) updated December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision-Making
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
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
Chapter 16 – Conserving and enhancing the historic environment

Other Material Considerations:

- Kirklees Highway Design Guide SPD (2019)
- Kirklees Climate Change Guidance for Planning Applications (2021).

Assessment

1 – Principle of development:

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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 this assessment.

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.

The site is located within the Green Belt on the Kirklees Local Plan and the submission notes that the original planning approval was for an ancillary annexe which replaced a garage.

The principle of an annexe within the green belt has already been established under application 2013/92432.

Condition 3 of the original planning approval was imposed to ensure the annexe was used ancillary to the main dwelling, and to ensure the building use would preserve the character and openness of the Green Belt, the adjacent conservation area and residential amenity of nearby occupants.

This application is to remove condition 3 (ancillary use) on the previously approved scheme 2013/92432 to enable the existing annexe to be used as a holiday let in conjunction with the main dwelling. As such the annexe will therefore no longer operate as accommodation occupied other than for purposes ancillary to the residential use of the dwelling.

As the annexe will be used as a holiday let in conjunction with the main dwelling and no alterations are proposed to the building, the principle of the development is considered acceptable as it will not cause any harm to the openness of the green belt. As such the removal of condition 3 is considered acceptable in principle subject to conditions being included to ensure the use is for short term lets and that it is used in connection with the existing dwelling house.

On the basis of the inclusion of the recommended conditions the impact of the use as a short term holiday let is not considered to be significantly greater than that as is currently permitted, by occupiers of the building which utilise the whole site including the dwelling as permanent residential accommodation given it would have broadly similar impacts in terms of vehicle movements, associated residential paraphernalia and the general use would be of a similar scale and nature.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and heritage assets:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’

Local Plan Policy LP35 states that ‘development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset’.

The proposal has been built in accordance with the original permission and this application will not alter the internal or external appearance of the building. The proposal therefore complies with policy LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the NPPF.

Condition 5 and 6 of the original permission relates to a pre-commencement conditions relating to sample materials. The building has been constructed from stone and stone slate tiles and as such conditions 5 and 6 are no longer considered to be required given the construction of the building is of an acceptable external material and the length of time which has passed since its construction.

The proposal is therefore considered to be acceptable in this regard.

3 – Impact on residential amenity:

Policies within Chapter 12 of the National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing

and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that:-

‘proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary’.

This application is to remove condition 3 (ancillary use) on the previously approved scheme 2021/90942 to enable the existing annexe to be used as a holiday let in conjunction with the main dwelling. As such the annexe will

therefore no longer operate as ancillary accommodation to the main dwelling. It is considered that the proposed holiday let will not intensify the use of the annexe and as such it is not considered that the use of the annexe will result in adverse harm to nearby residential properties given that the annexe is of a minor scale (1 bedroom). As such the removal of condition 3 raises no concern to the loss of amenity to nearby residential properties.

The level of accommodation provided is limited, particularly when considering the access and amenity space provision. To permit use of the building on a permanent basis is not considered to be appropriate in this case and the level of housing provision by the accommodation, whilst usable, would not be sufficient when considering other factors such as the level of accommodation provided and extent it relies upon shared arrangements with the existing dwelling.

It is therefore considered to be appropriate and necessary to include conditions to ensure the use is on a short term let basis and in connection with the existing dwelling.

On the basis of inclusion of the recommended conditions the proposal is concluded to comply with Local Plan Policies LP24(b), and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 116 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposed alterations will not significantly intensify the use given an existing occupier could be a vehicle user. There is ample on-site parking for all users of the site. Waste storage would be in connection with the existing residential use. As such, it is therefore considered that the proposal would not cause additional harm to the safe and efficient operation of the highway network, thus complying with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Water supply/ Foul drainage

Condition 6 on the original permission requested details to be submitted of a packaged sewage treatment plant to be installed to ensure that suitable foul drainage was available to serve the annexe. As the development has been

implemented and drainage arrangements are in place it is considered this condition is no longer required.

6 – Representations:

None.

7 – Conditions:

As this is a S73 (variation of condition) application, a review of all conditions upon the original consent is required to be undertaken. Insofar as they are not addressed elsewhere within this report, the following conditions which were added to the previous permission are addressed as follow:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Officer Comment: The development has commenced, therefore this condition is no longer required.

2. 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.

Officer Comment: This condition shall remain as worded. Reference to any documents / plans submitted as part of this application would be included within the plans and specifications schedule table upon the decision notice.

3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Long Fall Cottage, Long Fall, Reddisher Road, Marsden, HD7 6NF.

Officer Comment: This condition is recommended to be removed and replaced with the following conditions:

‘The development hereby permitted shall be occupied by, or let to, the same person for a continuous period of time not exceeding 28 days with a requirement to have a minimum of 14 days no return between bookings for the same person and shall not be occupied by any person(s) as their sole or main place of residence

***Reason:** For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers of the accommodation and to ensure the acceptable use of the building as an annexe would preserve the character of the Green Belt to accord with Policy LP24 of the Kirklees Local Plan and Policies within Chapters 12 and 13 of the National Planning Policy Framework.’*

‘The development hereby permitted shall be operated in connection with the building annotated ‘Existing Dwelling’ and wider site outlined in

red upon the submitted drawing titled 'Location and Site Plans' ref: L001 Rev A and shall not be disaggregated or operated separately / independently.

Reason: *For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers of the accommodation and to ensure the acceptable use of the building as an annexe would preserve the character of the Green Belt to accord with Policy LP24 of the Kirklees Local Plan and Policies within Chapters 12 and 13 of the National Planning Policy Framework'.*

7 – Conclusion:

This application for variation of condition 3 (ancillary use) on previous permission 2013/92432 for demolition of existing garage and erection of annexe at 1 Long Fall Cottage, Long Fall, Reddisher Road, Marsden, Huddersfield, HD7 6NF, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is, therefore, recommended for approval.

Recommendation: Approve.

Decision Authorisation - Delegated Powers

Application Number: 2025/91613

Officer Recommendation: Approve.

Conditions and Reasons:

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP11, LP20, LP21, LP22, LP24 & LP28, of the Kirklees Local Plan and policies within Chapters 12, 13, and 16 of the National Planning Policy Framework.

2. The development hereby permitted shall be occupied by, or let to, the same person for a continuous period of time not exceeding 28 days with a requirement to have a minimum of 14 days no return between bookings for the same person and shall not be occupied by any person(s) as their sole or main place of residence
Reason: For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers of the accommodation and to ensure the acceptable use of the building as an annexe would preserve the character of the Green Belt to accord with Policies LP57 of the Kirklees Local Plan and Policies within Chapter 12 and 13 of the National Planning Policy Framework.
3. The development hereby permitted shall be operated in connection with the buildings outlined in red upon the 1:1250 scale drawing titled 'Location and Site Plans' upon submitted drawing L001 Rev A and shall not be disaggregated or operated separately / independently.
Reason: For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers of the accommodation and to ensure the acceptable use of the building as an annexe would preserve the character of the Green Belt to accord with Policies LP57 of the Kirklees Local Plan and Policies within Chapter 12 and 13 of the National Planning Policy Framework.

NOTE: Public Footpath COL/193/50 must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way Unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. Public Rights of Way is based at Civic Centre 1, Huddersfield, HD1 2NF, and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type submitted as part of application 2013/92432	Reference	Version	Date Received
Location & Site Plans	L001	A	27 August 2013
Existing Ground Floor and Roof Plan	L002		27 August 2013
Existing Elevations	L003		27 August 2013
Proposed Plans	L004		27 August 2013
Proposed Elevations	L005		12 June 2025
Proposed Drainage Plan	L006		12 June 2025
Foul Drainage Assessment Form (FDA1)			27 August 2013
Plan Type submitted as part of application 2025/91613	Reference	Version	Date Received

Application Form			12 th June 2025
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Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 06/08/2025