

**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:	2025/62/91653/E
Site Address:	Savile Arms, 174, Hunsworth Lane, Hunsworth, Cleckheaton, BD19 4DX
Description:	Retention of dog kennels
Recommending Officer:	Edward Cheseldine

DECISION - Refuse

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 18-AUG-2025

Officer Report

2025/91653 - Savile Arms, 174, Hunsworth Lane, Hunsworth, Cleckheaton, BD19 4DX

Site Description

The area of development is part of a wider site associated with the Savile Arms pub, forming an area of land between the pub and its car park. To the north, east and west of the site are residential dwellings that are in close proximity to the location of development. Saville Arms pub is located to the south of the area of development, it is a grade II listed building.

List Description:

Public house. Early C.18. Deeply coursed tooled stone. Quoins. Stone slate roof. Two storeys. Near central door has been heightened and has chamfered reveals, and hood mould. To right is 6-light window with king mullion and hood mould, to left 5-light window, both double chamfered. To 1st floor is 4-light and 5-light window in square cut recessed surrounds, but chamfered mullions. New or rebuilt central window. Outshut to rear.

Proposal Description

The application is seeking retrospective planning permission to erect a dog kennels. The dog kennels are proposed to be 7.290m (W) x 4.200m (D) x 2.590 (H). The kennels would be constructed in timber and have four doorways on the front elevation.

Application 2023/90640 sought retrospective permission for the dog kennels. Permission was refused on 08 December 2023 for the following reason.

1.The kennels proposed, due to size, location and use, would result in a detrimental impact on the amenity for neighbouring occupants due to sound disturbance for which no acoustic attenuation has been submitted. To permit the proposal would result in a loss of amenity to nearby occupant's contrary to Policies LP52 and LP24 of the Kirklees Local Plan and paragraph 185 of the National Planning Policy Framework.

The dog kennels have remained in situ since application 2023/90640. This permission seeks its retention.

Amendments/Negotiations

It was not considered necessary to seek amended plans as the application is retrospective.

Public Representation

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

Site notice expiry: 08-Aug-2025

Press notice expiry: 14-Aug-2025

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

Relevant Planning History

2023/90640 - Erection of dog kennels – Refused

Consultation Responses

Consultation responses were received by KC Environmental Health and KC Conservation & Design under application 2023/90640. These responses have been weighed against the information submitted by the applicant under this permission in order to consider if the reason for refusal have been overcome.

It has been agreed with KC Environmental Health and KC Conservation & Design that their responses to 2023/90640 have been maintained.

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 within the UNALLOCATED in 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 & Geodiversity
- **LP 35** – Historic environment
- **LP 52** – Protection and improvement of environmental quality

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 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- 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

Relevant Legislation

- The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Assessment

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of Development:

Sustainable 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.

The site is with the UNALLOCATED on the KLP Policies Map. However, the building is Grade II listed, therefore an assessment of the impact to the historic environment will be undertaken. Policy LP2 states that:

“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...”

The area of development is within the curtilage of a grade II listed building, therefore an assessment of the impact to the historic environment will be undertaken. In addition, the site is located in close proximity to residential dwellings.

Historic Environment

The application site forms part of a historic pub dating from the early 18th century. OS Maps dating from 1893 indicate the pub was located on the edge of the village of Hunsworth. The map is annotated with words reading ‘Savile Arms P.H’. The special interest of the historic asset is drawn from its historic pub function and the recognition of local vernacular found within its architectural details.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application is for the erection of a dog kennel. The building is single-storey with a mono-pitched roof. It is set to the rear of the pub, tucked away behind a wooden enclosure. It is accessed through the main car park area of the pub. There are several partitions within this area separating the beer garden, car park and residential space of the pub. From public viewpoints, the area of development is distinct from the listed building due to the fencing that has been erected. The kennels is set away from the pub building.

Due to the location of the proposed kennel, the special interests of the listed building will be preserved. The construction can easily be dismantled and

removed; it is neither fixed to the building nor forms an addition that will compete with the listed pub.

For this reason, the proposal complies with NPPF paragraph 212, that gives great weight to the conservation of the heritage asset.

In summary, the proposed application is compliant with Section 66 (1) & Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 212 of the National Planning Policy Framework in terms of the impact to the special interest of the grade II listed Savile Arms.

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...”

Notwithstanding an assessment to the historic environment which has been undertaken in the paragraph above, an assessment of the impact to the wider building group is required.

The building is set behind residential properties which are two-storey structures. The application building is single-storey in height, appearing as an outbuilding due to the materials and mono-pitched roof. The structure is similar in height to the adjacent boundary fences. It is an appropriate scale when considering the dwellings within close proximity. Whilst the kennels are in close to the dwellings, it is positioned to the rear of the properties, in a suitable position.

Due to the factors laid out above the proposal is compliant with LP24a of the Kirklees Plan in respect of the impact to visual amenity of the wider townscape.

Impact on Residential Amenity

Section B of LP24 states that alterations to development buildings should:

“provide a high standard of amenity for 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.

In terms of privacy, the building is a not a habitable space. Windows are to be installed on the south facing elevation of the outbuilding however, they will face towards the external courtyard of the pub. Therefore, there will not be an overlooking relationship due to the building’s construction.

The outbuilding will be positioned along a boundary shared with No. 180b Hunsworth Lane, which is formed of a party wall and fencing. The kennel is set against the boundary. It will have a height of 2.16m at this point. Given the height of the structure in comparison to the boundary treatment, the building would not lead to a loss of light or a loss of outlook that would be considered to be unacceptable.

An assessment in relation to noise impact to neighbours will be undertaken within the Environmental Matters section below.

Impact on Highways 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 proposal involves the construction of an additional outbuilding within the curtilage of the public house. It will be located on a separate piece of land that has never been used as, or designated for, car parking. The development is not expected to result in a material increase in visitors to the site, and existing bin storage arrangements will remain unaffected.

The application therefore accords with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

Noise

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources and seeks to compliment LP24b in terms of an impact to neighbouring occupiers.

Under planning application 2023/90640 KC Environmental Health objected to development, raising concerns about the location and the potential loss of amenity through noise from dog barking. Their comments were as follows:

'Ground noise due to the road network in the immediate area, this is a constant level. The noise from the barking of dogs is an instantaneous noise and therefore more noticeable. Whilst containment in an acoustically enclosed area is appropriate to prevent noise breakout, the opening of any windows would render it ineffective. There are also obvious animal welfare issues if a dog(s) are left in an unventilated environment although this can be negated by providing mechanical ventilation.'

KC Environmental Health have maintained their objection to this current application. The applicant has submitted information with their Design & Access Statement relating to the noise impact from the kennels.

It has been stated noise attenuation will be provided through the timber cladding external material, wall insulation and proximity to residential buildings. However, technical changes to the kennels to include ventilation machinery has not been included within submitted plans.

Whilst the timber cladding and wall insulation may provide a degree of mitigation for the noise produced by dogs barking, as stated previously within the consultation response by KC Environmental Health, these measures will be rendered ineffective when windows/doors are open to provide ventilation for the kennels. The site of development includes an outdoor area for the dogs to roam. Therefore, these measures are considered to only be partly effective when the dogs are secured within the building.

The kennels are located close to residential properties. 108b is a domestic dwelling, the rear elevation wall of the property abuts the kennels. 176-180 Hunsworth Lane sits to the west of the kennels, the closest property of which is located 6.00m away. Given the location of residential development that surrounds the kennels, noise producing disturbance would impact the amenity of neighbouring occupiers.

In terms of this, the applicant has suggested a condition relating the submission of a noise mitigation scheme could be applied to restrict the hours of use and provide noise acoustic attenuation. However, no such information has been provided at this stage. To this degree, it has been considered to what extent a noise mitigation scheme condition would reduce the impact to the amenity of neighbouring occupiers and if a condition would meet the 6 tests for planning conditions set out in paragraph 57 of the NPPF.

The applicant suggested noise mitigation would include achievable noise attenuation measure including acoustic fencing, restricted hours of use, kennel insulation. However, the noise arising from this proposal would be when dogs are kept in outdoor areas or when it is necessary to open windows/doors. In this respect, sound proofing materials would be ineffective and for the purposes of the 6 tests, would not be precise in mitigating the

noise. In respect of limiting hours of use, the applicant has not submitted suggested hours that would limit the use of the buildings. It would be considered unreasonable to condition hours where dogs must be kept within the kennels or when windows/doors are shut. The animal welfare of the dogs is considered to present a material weight within the planning balance. Restricting hours where dogs are allowed within open spaces or ventilation would conflict with the requirements of the animals in question. It would therefore be considered that a condition for the submission of a noise mitigation scheme would not overcome the concerns in relation to noise and would be unable to meet the 6 conditions tests set out in the NPPF.

The applicant has not submitted any evidence or changes to the scheme that the Local Planning Authority would consider overcome the impact to residential properties from noise disturbances, therefore the proposal would lead to a detrimental impact to the occupants within the local vicinity which is contrary to LP24c and LP52 of the Kirklees Local Plan and the National Planning Policy Framework 135 of the National Planning Policy Framework.

Biodiversity Netgain & 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.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from exemptions as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The applicant is seeking retrospective permission under a section 73A. At this stage, due to the previous proposed works, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of other relevant categories then an appropriate condition, supported by a BNG metric must be submitted for the approval of the LPA, which would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

The development is for retrospective permission for the erection of outbuilding, which is unlikely to impact ecological habits and/or protected species.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. 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.

Conclusion

The application at 174 Hunsworth Lane 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.

Development would cause a noise disturbances to neighbouring residential properties leading to a detrimental impact to the amenity of occupants within the local vicinity

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 not constitute sustainable development and is therefore recommended for refusal.

Decision Authorisation - Delegated Powers

Application Number - 2025/91653

Officer Recommendation: Refusal

Reasons for Refusal

1. The proposed building by virtue of its use, location and scale would result in noise disturbances to the residential properties in the local vicinity, which would be to the detriment of the amenity of residents. To permit the proposal would result in a loss of amenity to nearby occupants being contrary to Policies LP52 and LP24 of the Kirklees Local Plan and paragraph 135 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	17 June 2025
Existing Site Plan	01	-	17 June 2025
Proposed Site Layout	02	-	17 June 2025
Proposed Elevations	03	-	17 June 2025
Design and Access Statement	-	-	17 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 have, 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.

It was not considered necessary to seek amended plans as the application is retrospective.