

**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:	2025/62/91837/W
Site Address:	104, Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ
Description:	Change of use of dwelling to mixed-use to include residential (use class C3) and commercial storage (use class B8) in connection with a landscaping business
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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18 September 2025

Officer Report

2025/91837 - 104, Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ

Site Description

104 Gawthorpe Lane is a residential property set within the hamlet of Gawthorpe. The property is located on a row of properties. Commercial properties within the close vicinity include Gawthorpe Working Men's Club (23.00m north) and Cow Hey Saddlery (33.00m west). Beyond the line of development that falls off Gawthorpe Lane, are open fields. The field to the east of the application site appears to be used as part of the neighbouring residential curtilage beyond this are agricultural fields used for the keeping of livestock. Fields to the west are associated with the equestrian use at Cow Hey Farm.

The application dwelling is a large 1.5 storey property with an attached garage. To the front of the property sits a modest outdoor area that has been surfaced in a hard standing material. To the side (north) is another area of hard standing. There is a narrow access at the front of the dwelling that links these two areas. At the time of the site visit, Officers observed materials and machinery openly stored in these areas, including a flat-bed truck, trailer, mini-digger, landscaping machinery and piles of materials such as timber and industrial bags. To the rear of the property is a modest garden area and patio. Officers observed more machinery including two mini-diggers and further landscaping machinery, additionally more materials were stored in this area.

The site is bounded by a stone wall to the front of the property, with a combination of hedging and fencing on the sides and rear.

Proposal Description

The applicant is seeking retrospective permission for a part change of use dwelling to mixed-use to include residential (use class C3) and commercial storage (use class B8). The site will be partly used for storage for a landscaping business in outdoor areas and the garage.

The applicant has indicated the site will host to 4 / 5 landscaping machines stored on-site at the rear of the property, three work vans and one trailer parked on the applicant's drives overnight. The vehicles and machinery will be stored in the front, side and rear of the outdoor areas of curtilage surrounding the dwellinghouse.

No external works are sought.

Negotiations/Amendments

It was not considered necessary to seek amendments to the scheme as the application relates to a change of use which is retrospective.

Public Representation

The application was advertised by way of a site notice, that expired on the 22 August 2025. As a result of the publicity, 3 representations were made. The following comments were included:

- Connecting roads are not suitable for a commercial business.
- There has been noise disturbances at 07:30 by vehicles being loaded up and employees arriving for work.
- Deliveries are made during the day causing the road to be blocked off.
- Machines have been jet washed down on the road after use.
- The overall appearance of the property when all vehicles are parked up does not improve the quality and views of the area from the road and it not in keeping with a Green Belt area.
- The semi-rural setting attracts walkers, horse riders, cyclists and others, making it unsuitable for commercial operations.
- There is weekday early morning disruption from the arrival of employees in vans and subsequent loading of flatbed trucks and trailers.
- Forklift trucks block Gawthorpe Lane while transferring goods stored on the two driveways or in the garage to vehicles parked across the road.
- Industrial vehicles, small and medium sized plant machinery operating, and landscaping materials frequently occupy the two driveways.
- The plant when being loaded also creates unacceptable noise.
- When the wagons have been loaded up and have left for site, some of the employee cars are left parked on the roadside.
- In the winter months the loading up often begins at 6.30 in the morning, in the summer months anytime from 7 a.m. The noise during this time causes us to wake up early and disrupts our sleep pattern.
- At times when the employees come back in the afternoon, they use an industrial pressure washer to clean the wagons, the noise from this machine is insufferable and is inescapable in the whole of our house.
- There is always plant (machinery) in the garden.
- The two vehicular driveways mentioned in the planning statement are inadequate for the number of vehicles stored there.
- Very often a wagon will be parked on the narrow road all weekend.
- During the working week employee vehicles are parked on the road all day.
- The agent's statement says that vans are parked on the driveways, the vehicles are wagons and trucks not vans.
- The statement states that some of the equipment to a temporary location in Dalton, should this planning be passed then they will surely be back.

A number of comments were raised in relation to the previous operations that had not received planning permission or of activity on a different site. Whilst these comments have been noted, this application will be assessed on its own merits and the relevant enforcement action undertaken by the Enforcement Team.

Planning matters relating to the points raised above will be assessed throughout the report, with a conclusion to the responses published within the *Representation* section of the report.

Relevant Planning History

2004/94858– Erection of single-storey extension, alterations to existing roof and conservatory – Full permission granted.

Consultation Responses

KC Environmental Health – Objection due to the impact on the amenity of neighbours from noise.

KC Highways – No objection, subject to a condition imposing restriction on the number of vehicles to prevent overspill onto the existing highway network.

Kirkburton Parish Council – No comment

Policy & Legislation

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

The site is located within the Green Belt on the Kirklees Local Plan.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 10** – Supporting the Rural Economy
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated Land and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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 6 – Building a strong, competitive economy
- 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

Assessment

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

Principle of Development

Green Belt

The site is located within land designated as Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan (KLP) are relevant.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt which include to assist in safeguarding the countryside from encroachment.

Paragraph 153 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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 of the NPPF sets out that certain forms of development are exceptions to "inappropriate development".

The proposal seeks permission for a part change of use from residential to storage associated with a landscaping business. When considering the exemptions under paragraph 154 none of the listed forms of development could be applied to the proposal. The only exemptions that could apply, in theory, to the proposal are 154 g) & 154 h) v.

g) limited infilling or the partial or complete redevelopment of previously developed land (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.

The NPPF Glossary states Previously Developed Land does not include land in built-up areas such as residential gardens. In this case, the land in question forms a residential garden space. The application dwelling is located in the hamlet of Gawthorpe. Adjacent land parcels comprise of residential sites. The proposal is therefore not considered to benefit from part g) of paragraph 154.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. Included within part v. is material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

For the purposes of this assessment, it must be considered whether the change of use to storage for a commercial business would constitute an exemption applied under NPPF paragraph 154 h), v. Local Plan Policy does not support a change of use of residential garden space within the Green Belt. The Local Plan does not include all exemptions to inappropriate development detailed in the National Planning Policy Framework.

The site remains a residential dwelling, which includes the dwellinghouse at the centre of the site. To the front and rear are outdoor areas. Built form is limited in this respect to include the dwellinghouse only. Development which is

subject to this application includes a change of use to parts of the curtilage which are open. In spatial terms, a change of use will result in a greater coverage of development across the site.

At the time of the site visit, Officers observed the site was currently used to store a flat-bed truck, mini-diggers, landscaping machinery, materials such as timber, surfacing materials and landscaping bags with materials within. Whilst the amount of storage associated with the business may fluctuate at times, the nature of the use comprising of open storage across the whole site would suggest that items are to be present on the site for the majority of the time. An essential characteristic of Green Belt is openness and permanence, and this would be harmed by the development.

The surrounding area comprises predominantly open fields and clustered residential properties, each set within its own curtilage and clearly defined by boundary treatments. The application site forms part of a row of three dwellings, which are of similar layout, each benefiting from front and rear outdoor space.

From a spatial perspective, the introduction of open storage within these outdoor areas would result in the plot being visually and physically filled with commercial items, disrupting the current pattern of separation between residential properties within the hamlet. This would lead to a perception of continuousness, diminishing the distinct boundaries and altering its established layout and character.

The site is visible from Gawthorpe Lane. Prow KIR/25/10 runs north-east building and its is located at a medium distance from the rear residential area which is bounded by hedging. At the time of the site visit, a dumper and loader were stored in this area. Should items taller than the boundary treatment be stored at the site, these would be visible from Prow KIR/25/10. The proposed use would allow for wide range of items of varying sizes and heights to be stored and spread across the site. In the case of items stored to the front of the site, these would be visible at all times. The visual intrusion, due to the part change of use would therefore harm the purposes of land within the Green Belt, changing the appearance of the site from one associated with a hamlet dwelling to be associated with commercial activity encroaching upon the countryside.

LP10 sets out that the economic performance of the rural economy will be improved by supporting the needs of small and medium sized enterprises, increasing local employment opportunities and supporting needs. Part 2 of LP10 sets out that in all cases where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy.

For these reasons, the development has a greater impact the openness and permanence of the Green Belt. The development does not meet the exceptions listed in paragraph 154 of the National Planning Policy

Framework, it would therefore be inappropriate development in the Green Belt.

Very Special Circumstances

As outlined in Paragraph 153 of the National Planning Policy Framework (NPPF), inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 also states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

In this case, no very special circumstances have been put forward by the applicant. Therefore, it is considered that very special circumstances that would outweigh the harm to the Green Belt do not exist.

Economic Benefits

Paragraph 85 of the National Planning Policy Framework places emphasis on the need for supporting economic growth. The site is located within the hamlet of Gawthorpe. The change in use would support a landscaping business.

Within the Planning Statement, the applicant has pointed to part e of paragraph 86, '*planning policies should...be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances*'.

In this case, the starting point remains paragraph 153 of the NPPF, which established that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 86 e) relates to the need for adaptability in plan-making, this would not remove the strong presumption against development that conflicts with the purposes of the Green Belt for decision-making.

Therefore, while the applicant has referred to paragraph 86(e) to justify the proposal, it does not provide a policy basis to permit development that is otherwise contrary to Green Belt policy and would harm its openness and character.

Impact on Visual Amenity

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(a) 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*'.

Notwithstanding an assessment of the appearance in relation to the Green Belt, it has been considered how the development would assimilate with the surrounding built and natural landscape and character of the area.

The site is a residential dwelling and its curtilage. It is set adjacent to other residential properties to the north and south. The application dwelling rests off Gawthorpe Lane on the edge of the hamlet. Dwellings typically appear modestly sized from the roadside, the small grouping of dwellings surrounded by country landscape gives a rural appearance to the hamlet.

A part change of use to open storage would introduce a commercial appearance that conflicts with the rural character of the hamlet, making the site stand out from its surroundings. The site is visible from public viewpoints, including Gawthorpe Lane, the change would be noticeable to passersby and road users. The storage of machinery and materials scattered across the site would create a cluttered and disorganised appearance, contrasting with the orderly appearance of nearby residential properties. The spread of items across the site would result in a permanent change to its character, shifting it from a purely residential use to one visibly associated with commercial activity.

Commercial landscaping machinery would be stored on the site. Unlike agricultural machinery, which is commonly found in rural areas, on farms or within fields, landscaping machinery is not a usual feature of the countryside. In this case, the machinery would be kept within a residential setting, which is out of character for the small hamlet and would appear incongruous within its surroundings.

In conclusion, in terms of a visual aspect the development fails to accord with LP1, LP2 & LP24a of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework as it fails to respect the local and wider character of the hamlet.

Impact on Residential Amenity

Section B of LP24 states development should:

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

In terms of loss of outlook, loss of light or an overbearing impact, the site is set adjacent to other residential dwellings, given the apparatus detailed within the planning statement, it is not likely the proposal would lead to a negative impact to this regard.

In terms of impact to privacy, there would be an intensification to the number of visitors to the site due to staff arriving and departing from the site. Staff members would not work on the site, and their presence would be limited to times during the morning and after work, it is not considered the impact would be significant when taking into account the limited time staff spend on the site.

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.

The change of use would lead to an increase in the number of staff members present within the curtilage of the building during the morning and after work. There are nearby residential properties set adjacent to the application site, including 102 & 106 Gawthorpe Lane. The application site is in a countryside hamlet, surrounded by country landscape.

The applicant submitted further use details through email on 07 August, detailing currently 6 employees arrive on around 07:30 arriving back on site in the later afternoon / early evening Monday to Friday. Machinery and materials on site would be loaded into vehicles to be used during the day and returned at a later time. The applicant has indicated some items are moved between sites and are temporarily stored in off-site locations during projects.

Noise sensitive hours are generally assigned to times in the early morning and during evening time. In light of the submitted information, KC Environmental Health were consulted on the noise generation of linked to the use of the site in consideration of noise sensitive receptors (neighbours).

They objected to the change of use due to concerns the noise from vehicles start-ups and movement will affect the amenity of neighbouring residents.

The area is primarily residential in character within a rural location with low levels of background noise. Any starting up and moving of vehicles will be noticeable and the commercial aspect of the proposal will mean this will invariably be on a daily and regular basis both in the morning and late afternoon/early evening.

We note the objections based upon noise disturbance and cannot see how this can be mitigated against. As such, we cannot support the application.

When considering the background level of noise in the area and sound produced by the startup and movement of landscaping machinery/vehicles which would occur on a regular basis during noise sensitive hours,

development would result in noise disturbances which would not be able to be mitigated. As such, the change of use would result in a loss of amenity for the neighbouring occupants at 102 & 106 Gawthorpe Lane, development therefore fails to accord with LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

Policy LP21 states all proposals 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.

There are no external changes to the site. Development will utilise the existing accesses from Gawthorpe Lane. Parking of vehicles will be on existing hardstanding surfaces. The number of vehicles stored on site will increase from 2 private cars to 3 work vans, a trailer and the 2 private cars.

The submitted site plan indicates the listed vehicles can be stored on site in areas of existing hardstanding.

KC Highways were consulted in relation to the impact of the change of use on the existing highway network and parking requirements. They recommended that, on balance, the proposal is acceptable as all vehicles can be stored in the perimeter of the site without being parked on the roadside, the majority of the time. They recommended a condition to restrict the number of vehicles to prevent any overspill on to the Highway.

Considering the proximity of accesses for neighbouring properties, the road markings and speed of Gawthorpe Lane, a condition preventing overspill onto Gawthorpe Lane would be set as a condition should the application be approved.

Environmental Matters

Biodiversity Net Gain

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 has indicated development would be exempt due to the *de minimis* exemption category. Officers accept this as the two parking areas are currently hard surfaced and the rear surface will remain as existing.

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.

The application site is in a habitat alert layer for Great Crested Newts. Development relates to a change of use within residential curtilage. Considered there is no additional built form and the temporary nature of the storage of machinery and materials, it was not considered necessary to request ecological reports.

Land Contamination / Coal Risk

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

The site rests in a High Risk Coal layer. Development will not include groundworks and is considered to benefit from the exemption categories listed by The Mining Remediation Authority.

Carbon Budget

The proposal is a for a change of use. 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.

Representations

It has been considered whether the objections brought forward would have a material weight in the decision for planning permission.

Material weight has been considered for the following. Assessments are concluded in the paragraphs above.

Principle of Development

- The overall appearance of the property when all vehicles are parked up does not improve the quality and views of the area from the road and it not in keeping with a Green Belt area.
- The semi-rural setting attracts walkers, horse riders, cyclists and others, making it unsuitable for commercial operations.
- There is always plant (machinery) in the garden.
- The statement states that some of the equipment to a temporary location in Dalton, should this planning be passed then they will surely be back.

Officer Comments: It has been assessed the change of use would be inappropriate development in the Green Belt. Due to the commercial character of the site, against the established character of the hamlet (Green Belt) and impact to openness and permanence.

Visual Amenity

- The semi-rural setting attracts walkers, horse riders, cyclists and others, making it unsuitable for commercial operations.
- There is always plant (machinery) in the garden.

Officer Comments: It has been assessed the change of use fails to respect the local and wider character of the hamlet.

Residential Amenity

- There has been noise disturbances at 07:30 by vehicles being loaded up and employees arriving for work.
- There is weekday early morning disruption from the arrival of employees in vans and subsequent loading of flatbed trucks and trailers.
- The plant when being loaded also creates unacceptable noise.
- In the winter months the loading up often begins at 6.30 in the morning, in the summer months anytime from 7 a.m. The noise during this time causes us to wake up early and disrupts our sleep pattern.
- At times when the employees come back in the afternoon, they use an industrial pressure washer to clean the wagons, the noise from this machine is insufferable and is inescapable in the whole of our house.
- Machines have been jet washed down on the road after use.

Officer Comments: It has been assessed the change of use would result in a loss of amenity for the neighbouring occupants at 102 & 106 Gawthorpe Lane due to noise emitted by the movement of vehicles and machinery during early morning and after work.

Highway Safety

- Connecting roads are not suitable for a commercial business.
- Deliveries are made during the day causing the road to be blocked off.
- Forklift trucks block Gawthorpe Lane while transferring goods stored on the two driveways or in the garage to vehicles parked across the road.

Officer Comments: KC Highways did not raise concerns with the site and the delivery of goods in connection with the safety of the existing highway network.

- When the wagons have been loaded up and have left for site, some of the employee cars are left parked on the roadside.
- During the working week employee vehicles are parked on the road all day.
- The two vehicular driveways mentioned in the planning statement are inadequate for the number of vehicles stored there.
- The agent's statement says that vans are parked on the driveways, the vehicles are wagons and trucks not vans.
- Industrial vehicles, small and medium sized plant machinery operating, and landscaping materials frequently occupy the two driveways.
- Very often a wagon will be parked on the narrow road all weekend.

Officer Comments: The proposal has been assessed by KC Highways. They considered the number of vehicles could be restricted which would prevent spill over parking onto the highway.

Conclusion

The application at 104 Gawthorpe 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.

The proposed change of use would be inappropriate development in the Green Belt for which no very special circumstances have been submitted to clearly outweigh the harm caused by reason of inappropriateness or other harm. The proposal would therefore fail to accord with the requirements of Policies LP24 (a), of the Kirklees Local Plan and paragraphs 153 & 154 within the National Planning Policy Framework.

Furthermore, development would result in noise disturbances which would not be able to be mitigated. As such, the change of use would result in a loss of amenity for the neighbouring occupants at 102 & 106 Gawthorpe Lane, development therefore fails to accord with LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

In this case, it is not considered the economic benefits of the change of use would permit development that is otherwise contrary to Green Belt policy and would harm its openness and character or the loss of amenity to neighbours.

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.

Recommendation: Refuse

Reasons for Refusal

1. The use of the site for mixed-use C3 & B8 would cause harm to the openness and character of the Green Belt due to the operation of the site and storage of several large commercial vehicles and landscaping equipment. It would result in the introduction of incongruous urban characteristics where the land is currently open and residential in character. As such the proposal would constitute inappropriate development in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. The development is therefore contrary to Policy LP24 of the Kirklees Local Plan and Paragraphs 153 & 154 of the National Planning Policy Framework.

1. The change of use would result in a loss of amenity by virtue of noise disturbance to the occupiers of 102 & 106 Gawthorpe Lane due to the start up and movement of machinery/vehicles which would occur on a regular basis during noise sensitive hours. As such the development fails to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	-	-	03 July 2025
Block plan	-	-	03 July 2025
Proposed site plan	-	-	03 July 2025
Planning statement	-	-	03 July 2025
Climate change statement	-	-	03 July 2025

Plan Type	Reference	Version	Date Received

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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

It was not considered necessary to seek amendments to the scheme as the application relates to a change of use which is retrospective.