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Kirklees Council,  
Planning and Development Service,  
PO Box 1720,  
Huddersfield,  
HD1 9EL

7<sup>th</sup> July 2025

Dear Sir/Madam,

**Applicant/Address: Mr Steven Lo - 1 Barnsley Road, Flockton, Wakefield, WF4 4DN.**

This covering letter is submitted on behalf of the applicant Mr Steven Lo, and their architects Neil Bowen Architects Ltd to accompany a Full Planning Application for the 'Change of use of land and formation/installation of a tennis court.' The application is submitted in full and not as a householder application as not all the land required to install the tennis court would lie within the 'red line' boundary that formed the approved plan for the erection of the dwelling.

The application is supported by the following:

- Completed Application Form
- Site Location Plan
- Existing Site Plan
- Proposed Plans
- Biodiversity Net Gain Matrix and Statement.

**Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority (LPA) to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

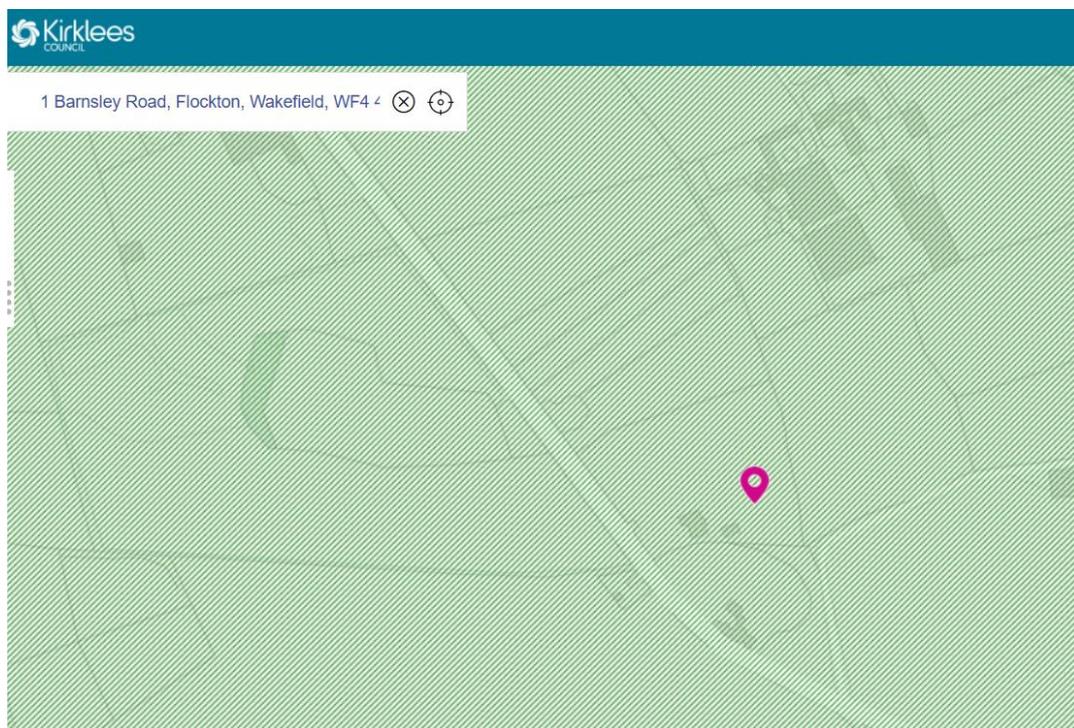
The statutory Development Plan for Kirklees is the Kirklees Local Plan (KLP). The KLP was adopted on 27 February 2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map. Supplementary Planning Documents

(SPDs) are also a material consideration and provide guidance to support the implementation of development plan policies.

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 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.

The policies of the Local Plan (and Supplementary Planning Documents/Guidance) and National planning policy and guidance, where relevant, are referenced and addressed within the relevant sections of the report below.

An extract of the KLP Proposals Map (Kirklees Council) which shows the location of the site and key designations is illustrated below.



**Image 1: KLP Proposals Map (Kirklees Council)**

As illustrated, the Proposals Map confirms that the site is not allocated, however it does lie within the Green Belt.

### **Site Planning History**

2025/62/90031/E - Erection of single storey front and side extensions, erection of front dormers, alterations to rear dormers and raising of ridge height to the existing outbuilding. CONDITIONAL FULL PERMISSION 31.03.2025.

2016/92322 - Re-grading, levelling and landscaping of existing spoil heap. CONDITIONAL FULL PERMISSION 03.04.2016.

- 2018/91462 - Variation of conditions 3, 4, 5 and 6 on previous permission 2016/92322 for re-grading, levelling and landscaping of existing spoil heap. REMOVAL OR MODIFICATION OF CONDITION(S) 25.06.2018.
- 2018/90086 - Discharge of conditions 3, 4, (intrusive site investigation) 5 and 6 (Remediation Strategy) on previous application 2016/92322 for re-grading, levelling and landscaping of existing spoil heap. DISCHARGE OF CONDITION(S) REFUSED 06.02.2018.

2011/92435 - Removal of existing spoil heap.

2012/62/91938/E - Erection of dwelling and detached garage with first floor hobby room. CONDITIONAL FULL PERMISSION 17.08.2012.

- 2012/44/93332/E - Discharge of condition 4 on previous permission 2012/91938 for erection of dwelling and detached garage with first floor hobby room. DISCHARGE OF CONDITION(S) APPROVED 24.12.2012.

2010/61/90918/E2 - Reserved matters application for erection of one dwelling with detached garage block and demolition of existing dwelling. APPROVAL OF RESERVED MATTERS 08.07.2010.

2009/60/92346/E2 - Outline application for erection of one dwelling with detached garage block, demolition of existing dwelling. SECTION 106 OUTLINE PERMISSION 13.05.2010.

2007/62/91151/E3 - CHANGE OF USE OF PIT HEAD BUILDING TO 1 NO. DWELLING. CONDITIONAL FULL PERMISSION 02.07.2007.

### **Site Location and Character**

The site is located to the north of Barnsley Road, to the south of Grange Moor and west of Flockton. The surrounding land uses are residential and agricultural, and the site is located within the Green Belt. The site location is illustrated by the following aerial image (Image 2).



**Image 2: Site Location (Google Earth/Maps)**

The application site (red line boundary) measures approximately 1,360m<sup>2</sup> (0.14 hectares) and comprises land, laid to lawn with some garden planting, to the rear (east) of the existing detached

six-bedroom dwelling and detached garage/outbuilding. Vehicular and pedestrian access to the property is via a driveway and dropped kerb arrangement from Barnsley Road (A637). Site boundaries comprise a mix of open (to the northern side), hedgerows, trees and stone walls.

The land to the north of the site is within the landownership of the property/applicant. In addition, the property (5 Barnsley Road) to the south has recently been purchased by the applicant and is also now within their ownership.

The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

**The Proposals**

The proposals are for the change of use of land and formation/installation of a tennis court for personal/private use of the occupants of the dwelling no.1 Barnsley Road. The applicant and his family are avid tennis players and are members of local tennis clubs.

A tennis court is 78 x 36 ft. (23.77 x 10.97 m) for doubles play and 78 x 27 ft. (23.77 x 8.23 m) for singles play. Tennis courts require a clearance area surrounding the court, from the baseline to the backstop and sidestop. Including this minimum clearance distance, a tennis court is 120 x 60 ft. (36.576 x 18.288 m) for international competition play or 114 x 56 ft. (34.747 x 17.069 m) for recreational and club play.

The proposed tennis court is to be to a recreational and club play standard, which requires a total minimum length measuring 114 ft. (34.747m); a total minimum width measuring 56 ft. (17.069m) and a total minimum area measuring 6,384 sq. ft. (1,945.84m<sup>2</sup>). This includes the associated fencing that forms the boundary (back and side stop) of the court. The proposed tennis court, siting and details are illustrated by the following image (Drg No. 12 – Neil Bowen Architects).



**Image 3: Proposed Plan**

Taking into consideration the site character and location, and proposals, the main issues for consideration which are addressed below comprise:

1. Principle of Development (in the Green Belt)
2. Design, Character and Appearance
3. Neighbour Amenity
4. Highway Safety and Parking
5. Ecology, Biodiversity and Trees
6. Land Stability and Contamination
7. Flood Risk and Drainage

### **Principle of Development**

The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the Framework sets out the five purposes that the Green Belt Serves, with these being: “ a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 clarifies that “Development in the Green Belt” should be regarded as inappropriate unless an exception applies.

Exception ‘b)’ to Paragraph 154 of the Framework is relevant to the proposals and relates to the provision of appropriate facilities (in the 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. Criterion (h) is also relevant stating that other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. One such purpose (v.) is the material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

Policy LP56 (Facilities for outdoor sport, outdoor recreation and cemeteries) of the KLP to some extent re-iterates the Framework stating that in the Green Belt proposals for appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. Policy LP56 further outlines that proposals should ensure that the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated; and that it is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.

Policy LP58 (Garden extensions) of the KLP states that Proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted, with very special circumstances being required. Where these can be shown, consideration needs to be given to the degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that the means of enclosure is appropriate to its setting and is of a high quality of materials and design. It is not considered that this policy is wholly applicable as the proposals are for a facility for outdoor sport (even though it is for private use). Notwithstanding for completeness it is referenced.

Policies LP47 (Healthy, active and safe lifestyles) and LP50 (Sport and physical activity) of the KLP also seek to support healthy lifestyles through supporting access to outdoor sport and leisure facilities and encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all. Paragraph 103 of the Framework also reiterates the importance of supporting access to opportunities for sport and physical activity.

The proposals relate to the provision of new facilities for outdoor sport for the private use of the applicant and occupants of the dwelling (no.1 Barnsley Road). The applicant and their family are avid tennis players and specifically, the proposals would make provision for a recreational/club standard size tennis court, and its associated means of enclosure.

The site of the proposed tennis court is predominantly located on what was approved as 'curtilage/domestic garden' (red line) under permission 2012/62/91938/E. The scale of the facility/court is to the standards required for a recreational tennis court, as described above. As such, it would extend beyond what was the 'red line' boundary to the approved dwelling. Notwithstanding the land is nonetheless in character, appearance and use, very much a domestic garden, maintained by the applicant (see Appendix A Site photos). The land was previously a spoil heap (see planning history above) that was removed, re-graded and levelled, which improved the character of the site. The former state of the site is best illustrated by the following image (Google Maps 3D view).



**Image 3: Spoil Heap 2015 (Google Maps)**

Included as Appendix A to this Planning Supporting Letter are site photographs that illustrate that the site has been levelled as per the planning permission history and has a domesticated appearance insofar as it comprises a maintained lawn/grass with managed/landscaped boundary planting and a brick retaining wall and stairs. The 'garden' as defined by the red line boundary to permission 2012/62/91938/E and area that previously comprised a spoil heap, form one large, maintained lawn to the north of the dwelling.

The positioning of the tennis court is away from the retaining wall, and away from the mature trees along the eastern and southern boundaries, to ensure there are no effects on these. The siting of the court to the rear of the dwelling is unobtrusively located, being screened from any public

views by the existing dwelling and boundary walls and planting to the frontage along Barnsley Road as illustrated by the following image.



**Image 4: View from Barnsley Road**

The site has an existing active use by occupants of the dwelling. In addition, the host property comprises a large, detached dwelling and detached garage, and driveway, which are immediately to the west of the site. Built form is also apparent beyond the site to the south comprising the dwelling no. 5 Barnsley Road, and to the north and east in the form of large agricultural storage buildings, telegraph poles and wind turbine. It is within this context that the site for the proposed tennis court is experienced. The only 'built' form would only consist of the court, which will be constructed at ground level using permeable, low-contrast surfacing materials, and associated enclosure, which comprises a green coloured mesh fencing (no lighting or lighting columns are proposed – and can be controlled by condition such that details must be submitted to the LPA for approval in the event any are to be installed). It should be noted that the applicant could erect a 2m high boundary (such as a close-boarded fence or wall) along the rear boundary under permitted development rights, which would to all intents and purposes would have a greater effect on the 'openness' of the Green Belt. There are no alterations to the existing access or car parking areas.

There are no public rights of way that immediately surround the site, with views into it, and the positioning of the proposed tennis court at the rear of the dwelling, over 85m from the highway (Barnsley Road A637), combined with existing boundary planting restricts any views to the site. Considering the context in which the area would be experienced, views into the site would not be materially altered, and the existing spaciousness would be preserved. Consequently, from both a visual and spatial perspective, this proposal would not harm the openness of the Green Belt.

Under Policy LP56 of the Kirklees Local Plan and paragraph 154(b) and (h)(v) of the Framework, the provision of appropriate facilities for outdoor sport and recreation may be considered acceptable in the Green Belt, provided that the development preserves openness and does not conflict with the purposes of including land within it. The tennis court represents an appropriate

recreational facility directly associated with the use of the land as a private residence, and its scale is proportionate to that use. Any proposed boundary treatment will be minimal and open in character, ensuring that the openness and visual character of the Green Belt are preserved.

While Policy LP58 (Garden Extensions) of the Local Plan states that garden extensions in the Green Belt will not normally be permitted, it does allow for consideration of very special circumstances where the harm to the Green Belt is clearly outweighed. In this case, the tennis court is an integral part of the intended use of the land for outdoor recreation and does not constitute a conventional domestic garden in the sense of facilitating built development, patio areas, or ornamental landscaping. The area is well-contained by existing boundary features, and the proposal would result in no significant encroachment into the wider countryside or urbanising effect. The degree, location, and orientation of the enclosure are such that it will cause minimal harm to the openness of the Green Belt, in accordance with the criteria set out in Policy LP58 and supporting paragraph 19.28 of the Local Plan.

The proposals for an outdoor tennis court for private use of no. 1 Barnsley Road would meet the exception as a facility for outdoor sport and would comply with policies LP56 and LP58 of the KLP and paragraph 154 of the Framework and would not contradict any of the five purposes of the Green Belt (Paragraph 143 of the Framework). As such the principle of development is considered to be an acceptable and appropriate use in this location.

The Framework is clear in how it promotes healthy and safe communities. Paragraph 103 confirms that access to a network of opportunities for sport and physical activity is important for the health and well-being of communities, and the benefits of physical activity for mental health are well-documented. The opportunities of the proposal for promoting physical and mental well-being are a fundamental benefit of the proposal.

### **Design, Character and Appearance**

Policy LP24 of the Kirklees Local Plan is relevant and states that proposals should promote good design by ensuring that: “(a) *the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.*” Section 12 of the Framework relates to “Achieving well-designed places” developments to function well and add to the overall quality of the area, to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character (while not preventing or discouraging appropriate innovation or change), optimise the potential of the site, and to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The site, which is maintained by the applicant, for has a domestic appearance that is associated with the existing dwelling, no. 1 Barnsley Road. The proposed tennis court is of an appropriate scale (being that required for a recreational tennis court use) and is sited such that it is obscured from public views and would be seen within an existing domestic character related to the dwelling. The proposed fencing would be green mesh, which has an open character and would serve to blend into the surroundings and can be controlled by condition. It should be noted that a 2m high close-boarded fence could be erected by the applicant under permitted development rights along the norther side boundary and eastern rear boundary of the property (of the approved red line to boundary to the dwelling), which would have a greater effect on any openness than the proposed fencing required (and associated to) for the proposed appropriate use in the Green Belt.

At this stage no additional landscaping is proposed (also see BNG below), however, should landscaping be considered necessary by the LPA, this could be controlled by a suitably worded condition.

Overall, it is considered that the proposals would accord with the design policy of the KLP, guidance, and the Framework, would be in keeping with the character and appearance of the existing and surrounding land uses, and would serve to promote health and well-being.

### **Neighbour Amenity**

Policy LP24 (b), sets out that proposal should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers.

The location of the site, positioning of the proposed tennis court, combined with the nature of the use and scale of development, is such that there would be no harmful effects on any neighbours. As previously outlined, the neighbouring property (5 Barnsley Road) to the south has recently been purchased by the applicant and is also now within their ownership. Notwithstanding the proposed tennis court would be over 50m away from the dwelling.

### **Highway Safety and Parking**

KLP Policies LP21 (Highways and access) and LP22 (Parking) seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, 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.

The siting of the proposed tennis court is to the north of the existing driveway and in-curtilage parking, and over 85m from the existing access. The proposals for a private tennis court would not intensify the use of the site, which is a single residential dwelling and as such would not result in an increase in any vehicle movements.

Therefore, the proposals are considered to accord with Policies LP21 and LP22 of the KLP, advice within the Kirklees Highway Design Guide SPD, and Section 9 of the Framework.

### **Ecology, Biodiversity and Trees**

Policy LP30 (Biodiversity and Geodiversity) of the KLP requires that proposals protect Habitats and Species of Principal Importance. Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

Policy LP33 (Trees) of the KLP seeks to ensure that developments do not directly or indirectly threaten trees or woodlands of significant amenity, and proposals should normally retain any valuable or important trees where they contribute to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Proposals also need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction.

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the Framework are also relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species.

The proposed tennis court is sited on an area that comprises maintained lawn, which is associated to the existing dwelling. As such, the proposals would not result in any loss of any species rich vegetation and is not considered to have any effects on any protected species. It is considered that gaps in fencing for hedgehogs can be installed and can be controlled by condition if necessary.

Included as part of the application is a Small Site Metric for BNG and a short BNG Statement. The site red line boundary comprises a grassed lawn/vegetated garden and sealed tarmac driveway. The submitted metric illustrates that the baseline for the site is 0.1646 habitat units. The post-development habitat units would be 0.0355, with a total net-change of -0.1291 unit. To achieve 10% net-gain an additional 0.1455 habitat units are required.

The scale of the tennis court is the minimum for a recreational use standard. The loss of habitat (grass and vegetated garden) is unavoidable to accommodate the proposed tennis court. There is no other location within the site that would reduce the amount of habitat units that would be required for removal. There is no public land associated to the site, with all the associated land (including the field to the north) being within the private ownership of the applicant. As such compensatory planting, although it could be provided within the site, would be on private land. As such, as noted within the BNG Statement, it is considered that the 10% net gain will be achieved by purchasing the required units from a registered land bank. Notwithstanding, if the LPA consider that planting on the site should take place, then it is considered that this could be dealt with via a suitably worded condition.

On reviewing the curtilage of the dwelling, and landownership, the site has been chosen to ensure there are no direct or indirect effects to these mature trees. The proposed tennis court is to be sited 9.0m from the nearest mature trees which are located along the rear eastern and southern side boundary of the site, down the embankment. This distance, combined with the difference in land levels, and that any ground works would not be down to any roots (at a lower ground level to the site) ensures that there are no effects on any roots. The use of the site and positioning is also such that there is no pressure for any works to the canopies of the trees. Access to the site is from Barnsley Road to the west, and as such any construction works, such as vehicles and storage would take place to away from these boundaries also.

Overall, it is considered that the proposals would accord with the aforementioned policies of the KLP, the relevant paragraphs of the NPPF and the legislation and regulations.

### **Land Stability and Contamination**

KLP Policy LP53 (Contaminated and unstable land) aims to ensure that development on contaminated or unstable land is safe and does not pose a risk to human health or the environment. It requires appropriate assessments to identify contamination or land instability and mandates that effective remediation or mitigation measures are put in place. Development will only be permitted where it can be demonstrated that these issues can be sustainably addressed to safeguard future occupants and the surrounding environment.

Paragraphs 196 and 197 of the Framework aim to ensure that land is safe and suitable for development by requiring thorough consideration of ground conditions, including risks from contamination, land instability, and past activities such as mining. Developments must include appropriate mitigation or remediation measures, ensuring that, as a minimum, land is no longer classifiable as contaminated under environmental legislation. Adequate site investigations must

be undertaken by qualified professionals to inform decision-making, and the responsibility for delivering a safe development lies with the developer and/or landowner.

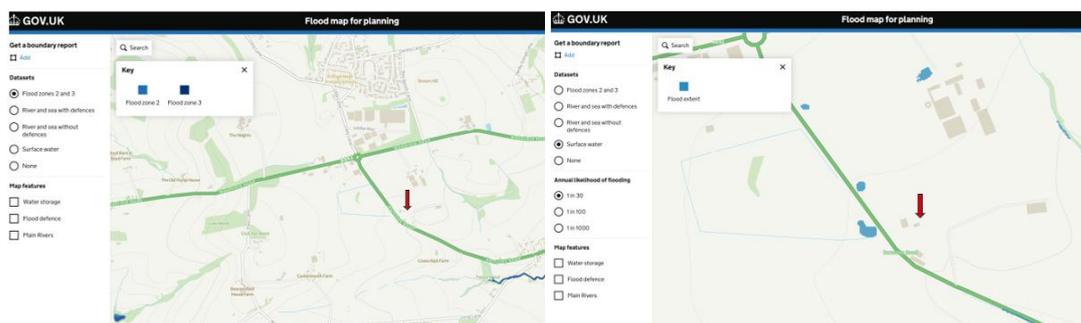
As illustrated by the site planning history for both the erection of the dwelling, removal of the spoil heap and regrading of the land, and subsequent discharge of conditions, all coal mining and contamination remediation works have taken place. No other uses have taken place on the site since the conversion to a dwelling and use of the site where the tennis court is to be located as a garden. Furthermore, the nature of the works, for the installation of a tennis court is not considered to require significant ground works that would be below any depth of any previous land levelling. It is considered that a condition for unexpected contamination would suffice in this instance, given the site history and nature of the proposed development and use and therefore ensuring compliance with the relevant policies and guidance.

### **Flood Risk and Drainage**

KLP Policies LP27 (flood Risk) and LP28 (Drainage) aim to ensure that new development is directed away from areas at highest risk of flooding and that it incorporates sustainable and safe drainage solutions. LP27 focuses on managing flood risk through a sequential, risk-based approach, requiring development to avoid vulnerable flood zones where possible, incorporate site-specific flood risk assessments, and include mitigation measures to ensure safety and no increase in flood risk elsewhere. LP28 promotes the use of Sustainable Drainage Systems (SuDS) to manage surface water run-off, protect water quality, and ensure long-term drainage maintenance. Together, the policies seek to reduce flood risk, safeguard water infrastructure, and promote environmentally responsible site management.

The Framework (Planning and flood risk, paragraphs 170 – 182) also seeks to ensure that development is directed away from areas at risk of flooding and applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.

The flood and surface water risk are illustrated for the site within the following image (Flood Map for Planning (Gov.uk)).



**Image 5: Flood Risk and Surface Water**

As illustrated, the site (location of the proposed tennis court) lies within Flood Zone 1 (Low Probability) land having a less than 0.1% annual probability of river or sea flooding and outside any area at risk of surface water flooding (image illustrates 1 in 30 Annual likelihood of flooding – High more than 3.3% chance of flood each year). The site measures approximately 0.14 hectares and as such a Site-Specific Flood Risk Assessment is not required (only required within Flood Zones 2 or 3 on a site above 1 hectare).

The proposal does not include any buildings or lighting, and the proposed tennis court will be constructed at ground level using permeable surfacing. The proposals align with the stated policies and will use sustainable drainage systems (SuDS). It is considered that should any further detail be required, this can be controlled and requested through the appending of planning conditions to any decision notice.

### **Conclusion**

For the reasons outlined above it is considered that the proposed use of the land and installation of a tennis court and associated works would comprise appropriate development within the Green Belt, which would not contradict the purposes of including land within it. The proposals would promote an active and healthy lifestyle for the occupants of the host property. The proposals are sited and designed such that they would be seen within the existing context of the dwelling and surroundings and would not be harmful to the character and appearance of the area, with limited visibility from any public vantage points. It is considered that all other technical matters have/can be addressed by suitably worded conditions where necessary.

The proposals are considered to constitute sustainable development which is in accordance with the Local Development Plan.

If there are any questions or if any additional information is required, please do not hesitate to contact as the applicant would like to work proactively with the LPA to address any issues or concerns.

Yours faithfully,



Alex Cowling MA

Director

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**Appendix A – Site Photographs**







