

**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:	2025/62/91858/E
Site Address:	23, Garfitt Hill, Gomersal, Cleckheaton, BD19 4QR
Description:	Removal of existing outbuilding and erection of replacement detached garage and outbuilding
Recommending Officer:	Elenya Jackson

DECISION - REFUSED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 2-Sep-25

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Officer Report

Site Description

The application site is an existing residential property which is occupied by 23 Garfitt Lane a two storey stone built detached dwelling.

The site is located in the Green Belt and a Bat Alert Layer with limited development in the immediate vicinity of the site. There are two residential properties adjoining the site to the north.

Description of Proposal

This application has been received for the demolition of the existing structures on site and the erection of a detached outbuilding to be used ancillary to the main dwellinghouse.

The proposed structure would be split over three levels with a maximum height of 6.8m above the current site level, a width of 12.6m and a depth of 10m.

The proposal would feature dormers on its front and rear elevation with corresponding balconies.

History of negotiations/amendments received

N/A.

Relevant Planning History

N/A

Representations

The application was advertised by a site notice which expired on 14/06/2025

No comments received.

Consultation Responses

N/A

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 site is within the green belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 33 - Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land
- LP 57 -The extension, alteration or replacement of existing buildings

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, 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 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed places

Chapter 13- Preserving the Green Belt

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

House extensions and alterations SPD (2021)

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

Principle of development

The application site is located on land allocated as Green Belt on the Kirklees Local Plan.

The NPPF states:

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.

In accordance with national and local policy, the key considerations in assessing development in the Green Belt are:

- Whether the proposal constitutes inappropriate development for the purposes of the NPPF and the Kirklees Local Plan;
- The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
- If deemed inappropriate, whether any harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Is the development inappropriate in the Green Belt?

Paragraph 154 of the National Planning Policy Framework (NPPF) sets out that development in the Green Belt is inappropriate unless it falls within specific exceptions. Paragraph 154(c): the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Officers have determined that this would be relevant to this application as, the construction of an outbuilding within the curtilage of a dwelling may be regarded as an “extension” to the original

dwelling where it is functionally and physically related to the main building. This proposal is for a garage, gym and games room with an ancillary link to 23 Garfitt Hill due to this being the main living accommodation at the site and the address of the site being via the main residential dwelling. Whether or not the proposal would accord with this exemption is subject to the condition that the proposal does not constitute a disproportionate addition over and above the size of the original building, taking into account the cumulative impact of the proposed development in conjunction with any existing or approved extensions.

In addition, officers consider paragraph 154(d): *the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces* to also be applicable to this application as the proposal includes the demolition of the existing garage and the erection of a building to replace the existing structure.

It is considered that Policy LP57 of the Kirklees Local Plan aligns with the NPPF, setting criteria for extensions and replacement buildings in the Green Belt, including the requirement that such development does not materially detract from the openness or character of the Green Belt.

Officers have assessed the existing and proposed development as follows:

- **Existing building footprint:** approximately 131m²
- **Proposed footprint:** 121m² (ground floor), 73m² (lower ground), and 83m² (first floor due to inclusion of balcony)
- **Existing building volume:** approx. 405m³
- **Proposed building volume:** approx. 766.2m³ – an increase of 89%
- **Proposed maximum height increase:** approx. 4.1m taller than existing

Government Guidance states that '*openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*'. Taking into account the scale and volume increase set out above there is a clear indication that the scale increase would have a spatial as well as volumetric impact.

When viewed in the context of the host building on site(no.23) the proposal would appear as a substantial development in the plot which would constitute a disproportionate addition over and above the size of the original dwelling and would not appear subservient to it (No. 23 Garfitt Lane), contrary to paragraph 154(c). The scale and mass increase would compete with the host dominating the space resulting in harm to the openness and character of the green belt.

The proposal would have an increase in height compared to the existing structure on site and overall scale which would increase the prominence of a structure from the public realm and wider vantage area. In addition, the development would have a substantial increase in volume of 89% compared

to the structure which would be removed to accommodate the development. It is considered by officers that, as a replacement building, the proposal would be materially larger than the one it replaces, failing to meet the criteria of paragraph 154(d) and detracting from the character and appearance of the green belt.

As such, the proposal constitutes inappropriate development in the Green Belt. In accordance with paragraph 153 of the NPPF, inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. No such circumstances have been demonstrated or presented in this case.

The proposal is therefore contrary to Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan. As a result, the principle of development is not supported.

A further assessment of the proposal's design and its impact on the surrounding area, with reference to Policy LP24 of the Kirklees Local Plan and other relevant policies, is provided below

Visual Amenity:

Kirklees Local Plan Policies LP1, LP2 and, in particular, LP24, all seek to promote high-quality, visually attractive, and sustainable design that is proportionate to the scale of development and reflective of the local context, thereby helping to maintain a strong sense of place and local identity.

Policy LP24 specifically requires that proposals:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...”

Policy LP57 of the Kirklees Local Plan provides specific guidance on alterations and extensions to buildings within the Green Belt. Paragraph A of LP57 states:

“In the case of extensions, the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.”

The outbuilding is of a scale, footprint, and design, such that it would not appear as a subservient addition to the host property and would compete as a standalone building to the host. Furthermore, the proposal represents a significant volume increase of 766.2m³ above that of the original building on site (no.23), which undermines the principle of the original dwelling remaining the dominant element on site.

The increase in height, along with the introduction of prominent first-floor gable ends and balconies, creates an overt vertical emphasis that contrasts

sharply with the existing building. As a result, the extension appears visually incongruous in relation to the host property and the wider site context.

The proposal therefore conflicts with Policy LP57 and Policy LP24 of the Kirklees Local Plan, particularly criteria (a) and (c), as it fails to achieve an appropriate form, scale, and layout, and does not constitute a subservient addition that reflects the character of the existing dwelling. It also fails to comply with guidance in the House Extensions and Alterations SPD, notably KDP1 (Local Character), by not responding sympathetically to the rural character of the area, and KDP2, as the extension is not well balanced, proportionate, or in harmony with the original house.

In addition, the proposal does not align with the design principles outlined in Chapters 12 and 13 of the National Planning Policy Framework (NPPF), which seek to ensure that development is sympathetic to local character and contributes positively to its setting.

Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, The National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Officers consider that, the proposal would be 13m away from the front elevation of no 5 and 7 Garfitt Hill.

Overlooking: The proposal would feature a balcony on the front and rear of the proposal. It is considered that this could provide the opportunity for additional views towards the properties amenity space and a screen would be required on the north elevation to limit any concerns regarding overlooking. This could be conditioned.

Overshadowing/loss of light/overbearing: It is considered that there is sufficient separation distance between the properties to not raise any concern regarding overshadowing/loss of light or overbearing.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 (b) of the Local Plan

Impact on Highway Safety:

With regards to Highways Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway

safety and provide sufficient parking and access to sustainable transport options.

The proposal would be ancillary to the residential accommodation within the site and is unlikely to require additional parking as a consequence. Access would remain the same. No further comments are required as there would be sufficient space retained for parking.

The proposal would accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

In view of the above it is considered that the proposal will be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

Other matters:

Climate Change - 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 pre-dates 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.

Due to the nature of the proposal, it is considered that further details would not be required and those provided in the climate change statement are considered sufficient. This would comply with the aims of LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Biodiversity Net Gain/Bats/ Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is located within a bat alert layer on the councils GIS system.

It is considered that the existing structure could be demolished without planning permission and therefore a bat survey has not been requested in this instance.

An informative is considered acceptable to be added to the decision notice as it is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

Contaminated land/Coal Mining Legacy:

The site is located in a low risk coal area, in response to this, it is recommended that an unexpected contaminated land condition is imposed.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Representations:

No comments received

Conclusion:

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.

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

Decision Authorisation - Delegated Powers

Application Number: 2025/91858

Officer Recommendation: Refuse

Reasons

1. The development proposed, by virtue of its scale and design, would not appear subservient to the original dwelling and would compete and detract from the character and appearance of that dwelling. To permit

the proposals would be contrary to policies LP24 and LP57 of the Kirklees Local Plan, advice within the House Extension Supplementary Planning Document and with chapters 12 & 13 of the National Planning Policy Framework

1. The proposed outbuilding, due to its scale, siting and design, would result in disproportionate additions to the original dwelling and a detrimental reduction in the openness of the Green Belt and harm to visual amenity. The proposed development would therefore represent inappropriate development within the Green Belt and 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) and LP57(a) of the Kirklees Local Plan and the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			27/02/2025
Site Plan	25/73		27/02/2025
Proposed plans	25/73		27/02/2025
Existing Plans	25/73		27/02/2025
Bat Survey			27/02/2025

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No amended plans requested as a substantial redesign is required.

