

**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:	<b>2025/62/91903/W</b>
Site Address:	Land adjacent, 837, Manchester Road, Linthwaite, Huddersfield, HD7 5NF
Description:	Erection of dwelling (within a Conservation Area)
Recommending Officer:	Molly Storer

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 2<sup>nd</sup> February 2026

## **Officer Report**

### **Site Description**

The site relates to Land adjacent to 837, Manchester Road, Linthwaite.

The site is currently naturally surfaced grassland, with a topography which slopes upwards from north to south. Manchester Road runs in an east – west direction immediately adjacent to the northern boundary of the site. To the east and west of the site are residential properties, with open land to the south.

The site is located within the Green Belt and Linthwaite Conservation Area and falls within the River Colne Corridor Strategic Green Infrastructure Network.

Public footpath COL/85/60 runs to the west of the site.

The site is located within the middle zone of a hazardous material site.

The site is located within an area with a known presence of bats and an area within known swift nesting records.

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

### **Description of Proposal**

#### *The Scheme*

The application seeks planning permission for the erection of a single dwelling (within a Conservation Area).

The plans show a single detached dwelling which will be three storeys in height. Its footprint will be approximately 8m x 6.4m and will have a height to the eaves of 7.7m with an overall height of 10.3m.

This would create space for a kitchen/dining room, utility and w/c on the lower ground floor, a lounge, study and hallway on the upper ground floor and three bedrooms and a bathroom on the first floor.

Access to the site will be taken off Manchester Road, utilising an existing track which runs to the west of the site. There will be two off-street parking spaces to the rear and amenity space to the front and rear.

### **Relevant Planning History**

No relevant planning history on the land to which this application relates.

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 24<sup>th</sup> October 2025.

Two general comments from the public were received and one letter from local councillors.

### *General comments:*

- *Wanting to know if consideration has been given to maintaining the access track to the rear of the proposed dwelling.*
- *If lost this would disrupt locals.*
- *The house is a good infill for this space.*
- *Footpath should be maintained.*
- *This route is part of Colne Valley Circular Walk.*
- *Appendix of Phase 1 document does not correspond to submitted application.*

### *Letter from Councillors:*

- *The site may be suitable for a residential dwelling, however there are concerns regarding the public right of way which runs along the proposed development and trees in this location.*
- *Public Right of Way COL/85/60 lies within the red line boundary and connects with other footpaths to create a safe walking route between Manchester Road and the Upper Clough, Stones Lane and Black Rock Estate areas.*
- *The route forms part of the Colne Valley Circular Walk. This is a key recreational walking route between all communities in the Colne Valley.*
- *The development should not negatively affect this walking route.*
- *The development should not negatively affect the trees at the site.*

## **Consultation Responses**

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highway Development Management – No objection in principle subject to resisting highway/footpath infrastructure such as telecommunication cabinets and appropriate bin collection points.

KC Highway Structures – No objection subject to the inclusion of a condition.

KC Trees – Object to the proposal due to undue impact to trees especially towards the rear of the site. These are high amenity trees that would require removal to facilitate the development. These trees are protected as the site is within a Conservation Area. The removal of these would be in contradiction of Kirklees local plan policies 33 and 24(i).

KC Conservation and Design – (verbal discussions) Object to the proposal due to the development not preserving or enhancing the Conservation Area.

KC Environmental Health – No response.

KC Ecology – The Preliminary Ecological Appraisal and Bat Scoping Report (JCA, April 2025) is reasonable and acceptable. However, have concerns with regard to bluebells and trees at the site.

KC PROW – No response.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

### **Allocation and Policy**

The site is located within the Green Belt and Linthwaite Conservation Area and falls within the River Colne Corridor Strategic Green Infrastructure Network.

Public footpath COL/85/60 runs to the west of the site.

The site is located within the middle zone of a hazardous material site.

The site is located within an area with a known presence of bats and an area within known swift nesting records.

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

#### **Kirklees Local Plan:**

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network

- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP35 – Historic environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, together with Circulars, Parliamentary 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 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

### *Supplementary Planning Documents*

Kirklees Highway Design Guide (adopted November 2019)  
 Housebuilders Design Guide SPD (adopted June 2021)  
 The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
 The Planning and Compulsory Purchase Act 2004.

## The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

### **Assessment**

#### **1 – Principle of Development**

##### *Sustainable Development*

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "*Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of*

*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, the site, in theory, could accommodate one dwelling, which is what is proposed in this instance. However, Policy LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 in notes that the policy allows for lower '*densities where a site would not be compatible with its surroundings*'. How the development integrates with its surroundings will be discussed below.

#### *Land Allocation*

The site is allocated as Green Belt in the Kirklees Local Plan.

#### *Whether the development constitutes inappropriate Development in the Green Belt:*

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraphs 154 or 155 of the NPPF.

None of the exceptions within paragraph 154 are considered to be applicable.

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- 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 states 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 (footnote 55). 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 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- a. The development would utilise Green Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed (footnote 56);
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157

Annex 2 of the NPPF defines Grey Belt as:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to whether or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

The submitted planning and heritage statement contends that the site is Grey Belt and should be granted as an exception under paragraph 155.

Planning Practice Guidance (PPG) pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes. In considering the contribution the land makes to the relevant Green Belt purposes, the PPG sets out that for Paragraph 143:

- Purpose (a) - This purpose relates to the sprawl of large built-up areas which the proposal would not relate to.
- Purpose (b) - This purpose relates to the merging of towns.
- Purpose (d) - This purpose relates to historic towns.

The proposal is not located such that it would lead to the merging of towns and is not in proximity to a historic town.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

The site has a visual contribution to the locality, with the site contributing to an absence of development that would create a continuous ribbon development along the highway of Manchester Road.

The proposal would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. The development would diminish the visual openness that defines this locality and lead to an increased urbanising impact as a result.

The proposal constitutes inappropriate development in the Green Belt as this site provides an outlook onto the countryside and connects the locality to this. The loss of this open greenbelt land would result in encroachment into open countryside, conflicting with Green Belt purpose (c) of Paragraph 143 of the NPPF. Under Paragraph 155(a) of the NPPF, development may be acceptable where it does not fundamentally undermine the purposes of the Green Belt (taken together); however, the proposal would erode the character of the locality through encroachment of built form and increased urbanisation of this part of the Green Belt, undermining the Green Belt's function in this location.

It is considered that the siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case, on the basis that it would lead to a level of encroachment that has a significant and detrimental impact in relation to this purpose. The development is therefore considered to fail in relation to paragraph 155(a) of the NPPF.

The development would read / lead to a creeping urbanisation of built form along the main highway and would result in a loss of openness to the country side to the rear. The siting has an increased impact in this regard given it is immediately adjacent to a highly trafficked route. The increased prominence of the site in this regard is considered to add weight to the conclusion it would lead to a fundamental undermining of this purpose for the remaining greenbelt in this case. This conclusion is drawn particularly in light of the fact the proposal would provide a very limited contribution in terms of meeting an unmet need in relation to housing. Whilst it would meet this requirement in relation to para 155b, the contribution is weighed against the level of identifiable harm created.

The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged there would likely be a requirement for private vehicle use for accessing the site although there are public transport links in proximity also and the proposal meets the requirement of paragraph 155c in this regard.

However, the failure to satisfy 155(a) remains determinative, and the proposal is therefore concluded to be contrary to Paragraph 155 of the NPPF and constitutes inappropriate development in the Green Belt.

Given the above, the development is considered to constitute inappropriate development in the Green Belt.

#### *Very Special Circumstances*

No very special circumstances have explicitly been put forward to outweigh the harm to the Green Belt and none are considered to exist more generally.

#### *Principle of development – Conclusion:*

Officers conclude that the proposal constitutes inappropriate development in the Green Belt. The development is also considered to cause harm to the openness of the Green Belt, the visual amenities of the Green Belt and the character and appearance of the wider area (discussed in more depth in section 2 of this report). It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt have not been demonstrated. The development is therefore considered to conflict with Policies LP24 of the Kirklees Local Plan and Chapter 13 of the NPPF.

## **2 – Impact on character and appearance of the area**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

In addition to this, Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The surrounding area of the site is predominantly characterised by two-storey stone terrace properties, with gable roofs, which front onto Manchester Road. Directly east of the site is a housing development, which is the result of the

part demolition and part conversion of a mill building. These properties are a mix of terrace, semi-detached and detached and are both two-storey and three-storey in height, faced in stone with gable roofs.

The proposed is the erection of a three-storey detached dwelling.

In terms of scale and design the development would not appear out of place with the surrounding development given that it has a relatively small footprint and is constructed from stone with a blue slate roof. The height of the property would also be below that of the adjacent properties.

However, the site currently forms a visual break between development the property proposed would remove this break from built form along Manchester Road. Although there would be slight gaps between the properties, the development would remove the larger gap currently serving as a continuation of the countryside to the urbanised area, eroding the visual connection between the settlement and its rural, greenbelt surroundings. This would result in a continuous line of development along the road creating a more enclosed street scene.

The plans show that the frontage will not have any soft landscaping, instead they show a stone wall and stone flags. This will add to the visual harm created as a result of the built development

Overall, the site does form a visual break in an area which is allocated as green belt and is considered to contribute to openness in the locality. The visual benefit of this Green Belt allocated land being soft landscaped and free from development means that this development in this location would cause visual harm to the streetscene.

#### Historic Environment:

The site falls within the Linthwaite Conservation Area.

Due to the site's location within the Conservation Area, paragraph 208 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage asset affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset's conservation.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Discussions took place with KC Conservation and Design whereby they pointed towards the Linthwaite Conservation Area appraisal where page 10 of this document has a section about Manchester Road. It states: 'Ribbon development occurred along Manchester Road, giving this section an urban feel, despite its rural location. It is essential to preserve the spaces between buildings which have not been developed as these provide important glimpses to the rural tranquillity beyond.'

The application site is a key example of the undeveloped space along Manchester Road. Its openness currently contributes positively to the significance of the Conservation Area by allowing views through the built frontage to the countryside beyond and by providing a visual break in the built form along Manchester Road. The proposed development would infill this space, blocking views of the countryside to the rear and removing an important green gap. In doing so, the proposal would neither preserve nor enhance the Conservation Area but would instead erode one of its identified special characteristics.

Whilst it is considered that external construction materials harmonise with the established character of the streetscene, KC Conservation and Design object to the proposal for the reasons outlined above.

It is therefore considered that by virtue of its siting, the dwelling would poorly relate to the surrounding area closing up a gap in built form causing detrimental harm to the visual amenities of the locality as well as the character of the Conservation Area and wider locality. The proposal would lead to less than substantial harm to the significance of the Linthwaite Conservation Area whereby public benefit would not outweigh the harm. The scheme has therefore been identified to be contrary to Policy LP35 and Policy LP24 (a and c) of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

### **3. Impact on 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, 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.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. The text supporting this principle states that: "For two storey houses typical minimum separation distances are advised:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”

The main affected properties would be 837 and 845 Manchester Road. Impact to these properties are assessed below:

*837 Manchester Road:*

This property is located to the east of the site.

The dwelling, as shown on drawing would retain a separation distance of approximately 12 metres from the adjacent elevation of No. 837 Manchester Road and a minimum distance of approximately 4 metres from the closest part of the shared boundary.

The new dwelling would be set down lower than the ridge line of that of No. 837 and that habitable windows would be to the front and rear elevations.

In this instance it is considered that there would be no significant impact to No.837 in terms of loss of privacy or overshadowing/overbearing.

*No. 845 Manchester Road:*

This property is located to the west of the site.

The dwelling would retain a separation distance of approximately 8 metres from the adjacent elevation of No. 845 Manchester Road and a minimum distance of approximately 6 metres from the closest part of the shared boundary.

Again the new dwelling would be set no higher than No. 845 Manchester Road and habitable windows would be to the front and rear elevations.

In this instance it is considered that there would be no significant impact to No.835 in terms of loss of privacy or overshadowing/overbearing.

*Impact To Future Occupiers:*

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: “*All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although*

*the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

The application is for a 3 bedroom, 3 storey house and therefore the floorspace should be at least 90m<sup>2</sup>. The scheme proposed an overall floor space of 96m<sup>2</sup>. All habitable rooms are served by at least one window. Therefore with regards to Nationally Described Space Standards complies with Principle 16 of the Housebuilder Design Guide SPD.

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

It is considered that there would be sufficient outdoor amenity space in this instance.

With regards to these points the scheme is in accordance with the requirements of Principle 16 and 17 of the Housebuilders Design Guide SPD.

#### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, and adequate waste storage facilities are provided, are also considered to be of relevance.

KC Development Management Highways were consulted on the proposal. They stated that there is an existing bus stop with yellow line marking to the site frontage. There are two telecommunication cabinets within the footway which should be unaffected by these proposals and a telegraph pole within the site that the applicants will need to re-site.

The proposal is for a 3 bedroomed house with two off-street parking spaces on land to the rear of the proposed dwelling. Access to the parking spaces is via an existing track that carries PROW COL/85/60 that runs along the western boundary of the site.

Given that an existing access onto Manchester Road is to be used, and sufficient off-street parking is shown to be provided Highways Development Management (HDM) have no objection to these proposals in principle. Bin collection points should be shown to be provided to enable bins to be presented on collection day without either obstructing the footway along Manchester Road or the existing access track.

KC Highway Structures were also consulted and had no objection subject to a condition outlining that before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including PROW (COL/85/60) together with the proposed modification to the existing retaining wall adjacent to A62 Manchester Road be submitted and approved in writing.

The Highways Team state they have no objection to the proposal on the basis of the submitted scheme, it is not clear how waste storage / collection would be undertaken and in addition it is considered the spaces shown on plan should be surfaced in a manner which does not see surface water discharged to the highway. Conditions in addition to that as recommended by the Structures Team are therefore recommended relating to appropriate surfacing and that appropriate waste collection arrangements are submitted / approved in writing by the LPA.

Therefore, it is considered that subject to conditions, the scheme complies with policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF, the Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide.

## **5. 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 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.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval. This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

On the basis of the measures required to be undertaken to achieve building regulations approval, taking account of the scale of the development it is considered the impact would not be significant in relation to climate change and the proposal is acceptable in this regard.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs further mitigation to address

the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Other Matters**

### Ecology

The submitted application form states that the legislative requirement for biodiversity net gain does not apply on the basis as the proposal would be Self-Build and Custom Build development.

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 the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

Chapter 15 of the National Planning Policy Framework is 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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance, which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

KC Ecology were consulted on the application in terms of onsite habitats and species they stated that the Preliminary Ecological Appraisal and Bat Scoping Report (JCA, April 2025) is reasonable and acceptable. Bluebells were observed within trees T08-T12. It is recommended that these trees be retained. The applicant currently does not have permission to remove these trees as bluebells are partially protected under WCA Schedule 8. Currently, from the Design and Access Statement (AK Planning, July 2025) the proposed stone flags and tarmac area for car parking is to replace the areas of trees where the bluebells are.

In terms of BNG the statutory metric (excel spreadsheet) has not been provided, the excel spreadsheet for the HCA has been, however. As a result, the baseline calcs mentioned in the report cannot be validated. It is recommended that post development calculations are reviewed as currently the applicant does not have permission from Kirklees Council to remove trees T08-T12 as WCA partially protected bluebells have been observed in that area. The current post development plans are not accepted.

This was mirrored in the response from KC Tress who stated that all the trees located at this site are protected under Linthwaite Conservation Area. This means any specimen with a stem diameter over 7.5cm at chest height is covered under the protection. No tree information has been submitted with the application which outlines the trees retention category and the exact impact on these trees.

An Arboricultural Impact Assessment is required to ascertain this. The trees to the frontage of the plot are of low value and obstruct the adjacent bus stop and lamp post, therefore their removal would be acceptable, however the larger trees towards the rear of the site are significant, high amenity trees that would require removal to facilitate the development as there doesn't appear to be any alternative design options. This would be in contradiction of Kirklees local plan policies 33 and 24(i). LP 33: "The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity value.

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the wildlife Habitat Network and green Infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction." LP 24: "Proposals should promote good design by ensuring:- i) the retention of valuable or important trees" Due to their location directly adjacent Manchester Road, a busy and well-travelled location, these trees contribute significantly to the local landscape and are therefore high in amenity value to all residents and users of Manchester Road. It is for these reasons there is an objection from KC trees department.

The application is not accompanied by an Arboricultural Impact Assessment. The proposal would see the removal of significant high value amenity trees which it is considered would be in direct conflict with policies LP24 (i) and LP33 of the Kirklees Local Plan and policies within Chapters 12 & 15 of the National Planning Policy Framework.

The application has been submitted with an accompanying BNG assessment detailing the net change of -96.31% of the biodiversity value of the site. The submitted detail sets out that the development would see a unit deficit of 1.21 habitat BU that would need to be compensated to ensure a net gain, this would most likely need to be achieved through off site mitigation. Given the condition in place, in law, in relation to the requirement of development to provide biodiversity net gain and the detail submitted it is considered sufficient

information has been submitted to inform any subsequent discharge of the condition in place in law in the event of any grant of permission.

*Geo-environmental Report:*

A phase one Geo-environmental Report was submitted as part of the application it stated that geological records indicate no artificial or superficial strata overlying site. The site is shown to be underlain by the Millstone Grit Group consisting of Mudstone, Siltstone and Sandstone. The site lies outside development high risk areas with respect to coal mining and there is no fault lines indicated in vicinity of the site.

It also found that the site is not in a Radon Affected Area, as less than 1% of properties are above the Action Level.

No historical landfill sites recorded within 250m of the site.

The site is not in an Environment Agency defined Flood Zone or at risk from flooding from rivers or the sea.

The bedrock underlying the site is classified as a Secondary A Aquifer. There are no four abstraction licenses recorded within 250m of the site. Two are located 4m southeast of the site and assumed inactive, the other two are located 69m and 93m north east of the site.

The site is not located in a Source Protection Zone.

There are no recorded licensed discharge consents within 250m of the site.

There are no pollution incidents to controlled waters recorded within 250m of the site. The nearest recorded surface water feature to the site is the River Colne located 127m west of the site.

KC Environmental Health were consulted on this application however no formal comments were received. Notwithstanding this, the findings of this report are accepted.

*Public Footpaths:*

PROW COL/85/60 is located to the west of the property.

KC PROW were consulted on the application but did not provide comment. However, it is considered that whilst the PROW would be used as vehicular access to the rear of the site, this is already used to access the rear of other properties on Manchester Road. The development would not extend on to this footpath and a grass verge is proposed to separate the footpath from the site.

Therefore, it is not considered that the proposal itself would significantly impact upon these public footpaths as core walking / cycling routes in accordance with Policy LP23. However, to draw attention to the applicant of

the requirement for the functionality of this public footpath, an informative shall be included upon any grant of approval.

## **7. Representations**

Two general comments from the public were received and one letter from local councilors.

### *General comments:*

- *Wanting to know if consideration has been given to maintaining the access track to the rear of the proposed dwelling.*
- *If lost this would disrupt locals.*
- *The house is a good infill for this space.*
- *Footpath should be maintained.*
- *This route is part of Colne Valley Circular Walk.*
- *Appendix of Phase 1 document does not correspond to submitted application.*

### *Letter from councilors:*

- *The site may be suitable for a residential dwelling, however there are concerns regarding the public right of way which runs along the proposed development and trees in this location.*
- *Public Right of Way COL/85/60 lies within the red line boundary and connects with other footpaths to create a safe walking route between Manchester Road and the Upper Clough, Stones Lane and Black Rock Estate areas.*
- *The route forms part of the Colne Valley Circular Walk. This is a key recreational walking route between all communities in the Colne Valley.*
- *The development should not negatively affect this walking route.*
- *The development should not negatively affect the trees at the site.*

### Officer response:

Matters relating to the public right of way are addressed in this report, with the conclusion that the PROW would not be significantly negatively impacted as a result of the development. The site is not considered to be suitable for this development due to Green Belt, trees and heritage concerns set out earlier in his report. The extent of the submitted information is considered sufficient to enable the LPA to determine this application.

## **8. 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

proposed development does not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

**Recommendation: Refuse**

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/91903

**Officer Recommendation:** Refuse

**Reasons:**

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive area of the Green Belt and would undermine the Green Belt's function in this location. The proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.
2. The development would fail to respect the character of the locality through the introduction of further urbanising features within a prominent location and by virtue of its siting, the dwelling would poorly relate to the surrounding area closing up a gap in built form causing detrimental harm to the visual amenities of the locality as well as the character of the Conservation Area and wider locality. The proposal would lead to less than substantial harm to the significance of the Linthwaite Conservation Area whereby public benefit would not outweigh the harm. To permit the scheme would be contrary to Policy LP35 and Policy LP24 (a and c) of the Kirklees Local Plan, Principles within the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.
3. The proposed development would require the removal of large trees which are significant, high amenity trees protected under Linthwaite Conservation Area. The trees contribute significantly to the local landscape and are therefore high in amenity value to all residents and users of Manchester Road. To permit the development would be contrary to Policy LP24 (i) and LP33 of the Kirklees Local Plan, policy within Chapter 12 of the National Planning Policy Framework and Key Design Principles within the Kirklees Housebuilders design Guide Supplementary Planning Document.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Existing site plan, section and street scene	23J44 P01	09/07/2025
Proposed dwelling	23J44 P02	09/07/2025
Planning and heritage statement	-	01/08/2025
Phase 1 Desk Top Study	-	21/07/2025
Biodiversity Accounting Assessment Issue	-	21/07/2025
Preliminary Ecological Appraisal Report Issue	-	21/07/2025
Application form	-	09/07/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted with regards to concerns in relation to principle, visual amenity, heritage and trees.

Coal – low