

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:	2025/62/92157/E
Site Address:	Denroyd Grange, 99, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ
Description:	Erection of outbuilding (within a Conservation Area)
Recommending Officer:	Faiza Bano

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval 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: 21-Apr-2026

OFFICER REPORT

Site Description

The site to which this application relates to is Denroyd Grange, 99, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ. It comprises a large, two storey detached house and has a spacious surrounding area. The site benefits from a large front driveway and an integral triple garage. The site and its surrounding is wholly residential and to the north lies a series of dwellings within a barn complex. The site is within the Upper Denby Conservation Area, and the land is designated as Green Belt in the Kirklees Local Plan. There is an unauthorised portacabin within the site.

Description of Proposal

The application seeks planning permission for the construction of a single-storey outbuilding for storage purposes, to be located along the western side boundary of the site. The proposed outbuilding would measure approximately 12.5 metres in width and 6.5 metres in depth, with a maximum height of 3.9 metres and an eaves height of 2.3 metres. It would be constructed of vertically clad timber walls with a pitched roof finished in corrugated zinc-style sheeting, and would incorporate three openings, comprising two doors and one window.

Relevant Planning History

The following planning history is considered to be of relevance:

2025/CLD/93072 - Certificate of lawfulness for existing use of land for residential garden (within a Conservation Area) – Certificate of Lawful use granted.

This permission regularised an area of land as residential garden, which forms part of the red line boundary of this current application.

2025/91037 - Erection of single storey rear extension, installation of solar panels, replacement of windows and garage doors, installation of electric gate and associated external alterations (within a Conservation Area). – Conditional Full Permission.

2018/90799 - Erection of single storey rear extension and changes to garage doors (within a Conservation Area) - Conditional Full Permission.

A 1998 permission (98/90657) granted permission for 'Re-use, extension and adaptation of existing farm buildings to form five dwellings and erection of one detached dwelling with associated garages (within conservation area)' for the host property. This permission removed permitted development rights for the property in relation to the construction of outbuildings. Since the granting of the 1998 consent the garden space has been increased in size beyond that which was permitted by the 98 permission. The additional garden space was found to be lawful (certificate application 2025/93072).

The planning history is noted and considered in the assessment of this application.

Representations

The application was advertised by site notice, in accordance with the Council's Development Management Charter, The date of the expiry of publicity was the 10th July 2025.

One representation was received, from Denby Dale Parish Council stating they Object due to the large scale and extent of the proposal in a greenbelt area

Consultations

None

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 located within the Green Belt and Upper Denby Conservation Area on the Kirklees Local Plan.

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

Kirklees Local Plan Policies

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity & Geodiversity
- **LP35** – Historic Environment
- **LP31** – Strategic Green Infrastructure Network
- **LP51** – Protection and Improvement of Local Air Quality
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations SPD (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

Assessment

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

The application site is located within the Upper Denby Conservation Area and on land allocated as Green Belt on the Kirklees Local Plan. The proposal involves the construction of a single storey outbuilding for storage purposes. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

An ‘original building’ is defined in the NPPF glossary as “a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

Chapter 13, Paragraph 154 of the NPPF sets out that development in the Green Belt is inappropriate unless one of the listed exceptions applies. Of relevance to this application, listed at 154 (c), the exception states:

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”

Outbuildings may be considered as additions within the curtilage of a dwelling. It is noted that the use of the land on which the outbuilding is proposed has been regularised in terms of its residential use through the grant of a Certificate of Lawfulness, which confirms the land has been used for residential purposes. Given its close connection to the dwelling, forming part of the wider established

garden space it is considered the location of the building is upon land which forms part of the lawful residential planning unit.

The application has been subject to a number of planning permissions, as set out above. It is noted that permission 2018/90799 for the erection of single storey rear extension and changes to garage doors, does not appear to have been implemented. However, officers are aware that works may have commenced under permission 2025/91037, which allows for the erection of a single storey rear extension, installation of solar panels, replacement of windows and garage doors, installation of electric gate and associated external alterations. The permission facilitated a modest single storey element to the rear, together with other minor alterations to the external appearance of the original dwelling.

The Planning Practice Guidance (PPG) sets out 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”. The current proposal would add circa 81.sqm of additional footprint and a volume of circa 252m³. However, it is acknowledged that assessing whether an extension is disproportionate requires more than just numerical calculations, these increases are not considered to be excessive. The original dwelling is substantial in scale, volume and footprint, as such while the outbuilding would be large, it would remain visually subordinate to the existing dwelling. It would be located within 15m of the main dwelling, adjacent the boundary as such it would be read in the context of built form rather than as encroaching into the openness of the Green Belt. Additionally, its position behind the “winged” element of the host dwelling, would limit its visibility from within the street scene.

In light of the above, it is considered that the proposal would fall within the criteria set out in Paragraph 154(c) of the NPPF, would not amount to a disproportionate addition and would not constitute inappropriate development. These conclusions are drawn on the basis the outbuilding remains in a use which is incidental to the host dwelling and does not form a separate planning unit. A condition which ensures this is the case is therefore recommended.

Visual Amenity and Heritage Impacts:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires

Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. The recommendations of Paragraphs 5.29 and 5.3 of the House Extensions and Alterations SPD are outlined in the 'Principle' section of this report.

The proposed outbuilding would be sited to the rear of the host dwelling, within a well contained part of the site that is not readily visible from public vantage points. As such, the development would have a limited visual presence within the wider Conservation Area and would not detract from its character or appearance. The closest listed building is 170m north east from the site, with intervening development, as such the proposal would not affect the setting of a listed building.

In terms of design, the building would adopt a simple, functional form with appropriate external materials, including vertical timber cladding and a corrugated style pitched roof, which are considered to be in keeping with a rural setting and reflective of ancillary outbuildings typically found within such contexts.

Whilst the outbuilding would be of a notable scale, its siting to the rear of the dwelling and within a spacious plot ensures that it would remain visually subordinate and would not appear unduly prominent or harmful to the setting of the host dwelling or the wider Conservation Area.

Overall, the proposal would preserve the character and appearance of the Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed outbuilding would be single storey with non-habitable windows facing within the curtilage of the host dwelling. As such, it is not considered that it would result in a loss of privacy to neighbouring properties. The proposal would maintain a separation distance of between circa 25m and 29m from the neighbouring residential property No.103 Denby Lane to the north of the outbuilding and properties to the west on South Croft. Given the modest scale of the proposal coupled with the separation distance, it is not considered that

the proposal would give rise to unacceptable impacts on the daylight/sunlight to neighbouring properties nor would it result in overbearing impacts.

The proposal would not cover the entire amenity space of the application site. It is considered that the proposal would not take up a significant amount of useable amenity space and sufficient amenity space would be retained if the proposal was to receive permission. Therefore, the proposal would be acceptable in terms of the residential amenity of future occupiers, and so it is compliant with part of policy LP24 of the KLP.

4 – Impact on highway safety:

Paragraph 111 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. Principle 15 of the House Extensions and Alterations SPD relates to the provision of parking and states that any alterations should maintain appropriate access and off-street in-curtilage parking.

The proposals would create non-habitable space and would not provide any additional bedrooms or living space for the dwelling. Given the proposed location and nature of the proposals no additional car parking spaces are required, and the existing waste storage, access and parking arrangements will not be impacted upon.

Furthermore, principle 16 of the House Extensions and Alterations SPD relates to waste storage and highlights that developments should maintain appropriate storage arrangements for waste. Given the nature of the proposals it is considered that the waste storage and collection facilities shall remain as is and therefore officers have no concerns in this respect.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD, the guidance contained within the National Planning Policy Framework.

5– Other matters:

Carbon Budget

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.

Principle 8 of the House Extension and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 10 of the above SPD states that extensions should consider the use of renewable energy, with Principle 11 going on to state that developments should consider designing water retention into the proposals.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. However, as the extension would be constructed to modern building standards the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 10 and 11 of the Kirklees House Extensions and Alterations SPD and Chapter 14 of the National Planning Policy Framework.

Ecology / Biodiversity & Strategic Green Infrastructure Network

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.

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

The development would see some loss of soft landscaping and areas which could be utilised by wildlife as habitat. However, it is noted the site is formalised garden which is less likely to be used in this manner by wildlife, the proposal would not lead to a significant level of loss and other areas of soft landscaping remain available for utilising for this purpose including allowing wildlife to use the site to pass through to other areas. As such it is considered that it would be unreasonable of the LPA to require provision of biodiversity measures in this case given the scale of the proposal.

6 – Representations:

The concerns raised by the parish council are noted, these have been addressed within sections 1 and 2 of this report.

7 – Conclusion:

This application for the erection of an outbuilding at Denroyd Grange, 99 , Denby Lane, Upper Denby, Huddersfield, HD8 8TZ has been assessed against

relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/92157

Officer Recommendation: APPROVE

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35, LP51, LP52, LP53 and LP57 of the Kirklees Local Plan, Principles of the Council's adopted House Extensions & Alterations Supplementary Planning Document, Policies within Chapters 12,13,14, 15 and 16 of the National Planning Policy Framework

3. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation. **Reason:** In the interests of visual amenity and to accord with Policies LP24, LP35 and LP57 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD and policies within chapters 12, 13 and 16 of the National Planning Policy Framework.

4. The development hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse known as Denroyd Grange, 99, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ and

shall not be used as a separate or independent unit of accommodation and/or for a commercial purpose at any time.

Reason: To ensure that the outbuilding remains incidental to the host dwelling and does not form a separate planning unit, in the interests of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	H25 – 99 005	26/08/2025
External Building Site Plan	H25-99 001	26/08/2025
External Building Site Plan (Proposed)	H25-00 002	26/08/2025
Storage Shed Unit	H25-99 004	26/08/2025
Planning Application Covering Letter & Statement		26/08/202
Climate Change Statement		26/08/202

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were requested/considered necessary in this instance.

Report Dated: 20/04/2026