

**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>2025/60/92183/W</b>
Site Address:	Land At, Manchester Road, Linthwaite, Huddersfield, HD7 5QX
Description:	Outline application for erection of residential development (one dwelling) with all matters reserved
Recommending Officer:	Kerri Simpson

**DECISION – CONDITIONAL OUTLINE 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: 13-Mar-2026**

## **OFFICER REPORT – 2025/92183**

Land At, Manchester Road, Linthwaite, Huddersfield, HD7 5QX

### **SITE**

The application site comprises approximately 0.10 hectares of land situated on the northern side of Manchester Road. The lawful use of the land is as stables, and the site currently contains a stable block along with several smaller ancillary storage structures, all positioned on greenfield land. Vehicular access is taken directly from Manchester Road via an existing gate, leading onto an established hardstanding track that runs through the site. The land levels fall away from the highway, resulting in the stable block being positioned at a lower level than Manchester Road. The site is bounded to the north and northeast by the commercial/light-industrial premises known as “TJs Decking.” To the east and south lies the adopted highway, Manchester Road. Residential properties at Nos. 760 and 764 Manchester Road adjoin the southwest and western boundary, with open land extending further west.

The application site falls within the following planning designations and constraints:

- Green Belt
- Historic Landfill Site Buffer 250m
- Partially within Designated Potentially Contaminated Land
- Development Low Risk Area Coal
- Bat Alert Zone
- Twite Buffer
- Wildlife Habitat Network

### **DEVELOPMENT PROPSOAL**

#### *The Scheme*

The applicant seeks outline planning permission for the development of a single dwelling on the site, with all matters reserved. The application therefore relates solely to establishing the principle of residential development, with detailed matters of access, layout, scale, appearance and landscaping to be addressed at the reserved matters stage.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Design and Access Statement incorporating Planning Statement (Prepared by AK Planning).

### **HISTORY OF NEGOTIATIONS AND AMENDMENTS RECEIVED**

During the course of the application, the Council's Ecology Officer requested the submission of a Preliminary Ecological Appraisal (PEA) prior to determination, to assess the habitats on site, the likely presence of protected and/or priority species, and the value of site habitats to protected and/or priority species. A PEA was submitted by the agent, reviewed by the Council's Ecologist and considered to be acceptable subject to conditions.

## **RELEVANT PLANNING HISTORY**

90/05570 - Erection of stables (Granted 14.12.1990)

## **REPRESENTATIONS**

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015. The application was publicised by way of a site notice and via the Council's website. The statutory publicity period expired on 14<sup>th</sup> October 2025.

There were no letters of representation received.

## **CONSULTATION RESPONSES**

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

**KC Environmental Health** – No objections subject to pre-commencement conditions to secure relevant contaminated land quality reports and a noise assessment and mitigation scheme.

**KC Ecology Team** – No objections subject to conditions to secure a Construction Environmental Management Plan (Biodiversity), lighting strategy, tree protection, invasive species survey and an ecological design strategy.

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

## **ALLOCATION AND POLICY**

The site is within the Green Belt and Strategic Green Infrastructure Network as allocated within the Kirklees Local Plan (Adopted 2019). Other constraints relevant to the site are detailed earlier in 'The Site' section of this report.

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

### *Kirklees Local Plan*

LP1 Achieving 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  
LP20 Sustainable travel  
LP21 Highway and Access  
LP22 Parking  
LP24 Design  
LP28 Drainage  
LP30 Biodiversity and Geodiversity  
LP31 Strategic Green Infrastructure Network  
LP32 Landscape  
LP33 Trees  
LP38 Minerals safeguarding  
LP52 Protection and Improvement of Environmental Quality  
LP53 Contaminated and Unstable land

### *National Policies and Guidance*

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12<sup>th</sup> December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

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 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

### *Supplementary Planning Documents / guidance*

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

## *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.  
The Conservation of Habitats and Species Regulations 2017  
Biodiversity Net Gain Technical Advice Note 2021

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*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

#### Principle of development within the Green Belt

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;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) 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 Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- a) There is a demonstrable unmet need for the type of development proposed (footnote 56);
- b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
- c) 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 where 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.

#### Meeting Green Belt Purposes – Land (Paragraph 155a)

Planning Practice Guidance (PPG) published 27 February 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. Villages should not be considered large built-up areas.
- Purpose (b) - This purpose relates to the merging of towns, not villages.
- Purpose (d) - This purpose relates to historic towns, not villages.

The Towns within the closest proximity to the site are Slaithwaite circa 2.6km (1.6 miles) to the east and Huddersfield circa 4.8km (3 miles) to the west. The site is located within the village of Linthwaite, which is not classified as a large built-up area and is a considerable distance from a large built-up area, as such the land does not contribute to Green Belt purpose (a).

With regard to purpose (b), the Planning Practice Guidance confirms that assessment against this purpose specifically relates to the merging of towns and not villages. Although the land contributes to maintaining separation between immediate built form and disperse rural settlements, it forms only a very small part of the gap between surrounding towns including Huddersfield (east), Slaithwaite (west), Meltham (south) and Elland (Calderdale) (north). The land, therefore, makes a weak contribution to purpose (b).

There are no designated historic towns in the immediate vicinity of the site. It is recognised that the site is located circa 115, to the east of the Linthwaite Conservation Area, however, this relates to a village setting as opposed to a town. The site is not visually or physically connected to any settlement that would meet the definition of a historic town for the purposes of (d). As a result, the land does not contribute to purpose (d).

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.

#### Meeting Green Belt Purposes – Development (Paragraph 155a)

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 development would be located within the village of Linthwaite. As set out in Planning Practice Guidance, villages are not considered to constitute large built-up areas for towns for the purposes of Green Belt policy. As such, the development of a single dwelling in this location would not undermine Green Belt purpose (a), which seeks to check the unrestricted sprawl of large built-up area, nor purpose (b), which seeks to prevent neighbouring towns from merging into one another.

The proposed development would occupy a site that sits within an established ribbon of development along Manchester Road and would be visually and physically contained by existing built form. Residential development lies to the east, a commercial site to the west and Manchester Road forms a clear

boundary to the south. The proposed red line boundary, which would likely form the curtilage of the dwelling, would extend no further north than the extent of neighbouring residential plots. Further, development at the site has already been established through the existing stable structure and areas of hardstanding, with varying land levels across the plot. In this context, the development of a single dwelling of modest scale, appropriately positioned within the site and responding to the surrounding built form and topography, would be read as part of the existing frontage development along Manchester Road. As such, the development would not materially undermine purpose (c), which seeks to safeguard the countryside from encroachment.

The site is not located within or near the setting of a historic town and therefore the development would have no impact on purpose (d). Furthermore, whilst the proposal does not directly contribute to urban regeneration, the development of a single dwelling in this location would not prejudice the recycling of previously developed land or other urban land elsewhere in the borough and would therefore not undermine purpose (e).

#### *Demonstrable Unmet Need (Paragraph 155b)*

Kirklees currently has a 4.18 year housing land supply, which falls below the required five-year supply. The 2023 Housing Delivery Test (December 2024) results also indicate under-delivery measured between April 2020 – March 2023, falling below the 75% pass threshold. This shortfall is a material consideration and supports the principle of development on Grey Belt land, subject to the applicant demonstrating a specific unmet housing need.

The proposed development would contribute to addressing housing need within Kirklees through the delivery of a new dwelling. The supporting information indicates that the dwelling is intended to be delivered as a self-build, which would add to the local housing supply and provide an opportunity for the delivery of a family sized dwelling. In this context, the development would make a limited but valuable contribution towards meeting housing needs within a district currently experiencing a shortfall in supply. As such, it is considered that there is a demonstrable unmet need for the type of development proposed in accordance with Paragraph 155(b) and Footnote 56 of the National Planning Policy Framework.

#### *Sustainable Location (Paragraph 155c)*

The development would be located circa 650m (7-10 minutes' walk) from the Linthwaite Local Centre, around circa 1.3km (approximately 2 minutes' drive) from the Mount Local Centre and circa 2.6km (around 6 minutes' drive) from Slaithwaite Town Centre. These centres provide a range of day to day services and facilities including supermarkets, leisure facilities, GP surgeries and primary and secondary schools. The site also benefits from access to public transport, with Slaithwaite railway station providing services towards Manchester and York via Huddersfield. In addition, bus stops are located along Manchester Road providing hourly and half-hourly services in both direction towards Huddersfield and Oldham.

Whilst it is acknowledged that future occupants would be likely to rely on private vehicles to access some services and facilities, particularly those located within nearby town centres this is typical of development within village locations. Having regard to the scale of development proposed and the accessibility of nearby centres and public transport options, the site is considered to represent a moderately sustainable location. As such, the proposal is not considered to conflict with the transport and sustainability objectives set out within paragraphs 110 and 115 of the NPPF.

#### Principle of development – Conclusion

The application site is considered to constitute Grey Belt land and the development of a single dwelling, with all matters reserved for subsequent approval, would not fundamentally undermine the purposes of the Green Belt taken together (Paragraph 155a). In the context of the Council's lack of five year housing land supply, the development would also contribute towards meeting housing need and therefore represents a demonstrable unmet need (Footnote 56 and Paragraph 155b). The development would also be in a sustainable location with access to local services and public transport (Paragraph 155c). As the proposal relates to a single dwelling, the 'Golden Rules' set out under Paragraph 155d are not applicable.

Considering all of the policy tests assessed above, the proposal falls within the Grey Belt exception in Paragraph 155 and is therefore not inappropriate development in the Green Belt. The principle of development would therefore be acceptable in terms of Green Belt considerations.

#### Principle of Housing Development

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, and delivery of housing has fallen below the 75% HDT requirement, 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."

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal

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

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare, or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

In this case, the proposal relates to the construction of a single dwelling on a site measuring circa 0.1 hectares resulting in a density of around 10 dwellings per hectare. Whilst this falls below the density sought by Policy LP7, the lower density is considered appropriate having regard to the sites Green Belt location, its position within an established ribbon of development and the changes in ground level. A higher density of development could result in overdevelopment of the site and introduce additional issues given the constrained way the access to the site is provided.

The principle of residential development has already been accepted in this case through the Grey Belt assessment set out above. The proposal would introduce a single dwelling within an established ribbon of development, contributing modestly to local housing supply. Given the acknowledged housing land shortfall, the scheme is considered to support the strategic aims of Policies LP1, LP2 and LP3 of the Kirklees Local Plan, subject to detailed assessment against remaining material planning considerations and policies.

## **2. Visual Amenity**

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.

Of key importance, Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*.

Policy LP21 and LP22 of the Kirklees Local Plan relate to highways, access and parking. Policy LP21 requires development to be accessed effectively and safely by all users. It seeks to ensure proposals do not create or exacerbate highway safety issues, and that they integrate with the existing highway network while supporting sustainable modes of travel.

Policy LP22 sets out the requirement for adequate parking provision in line with the Council's adopted standards, taking into account the type of development, accessibility of the site, and the need to avoid highway obstruction.

Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Although landscaping is a reserved matter, Policy LP32 of the Kirklees Local Plan is of relevance. LP32 seeks to ensure that development responds to the landscape character of the area and incorporate appropriate landscape treatment. While full details will be considered at the reserved matters stage, the submitted plans allow for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of this policy.

The application seeks outline planning permission for the erection of a single dwelling with all matters reserved. As such, the detailed scale, layout, appearance and landscaping of the development will be determined at the reserved matters stage.

The site is located within an established ribbon of development along Manchester Road, characterised by a mixture of stone built terraces, semi-detached dwellings and more recent infill development including detached dwellings. Properties along this frontage typically present a varied architectural character and are often set at or above road level, behind stone walls and landscaped frontages. In this context, the introduction of a single dwelling on the site is not considered to be inherently out of keeping with the prevailing pattern of development.

Landscaping is also reserved for subsequent approval. It is noted that the site is enclosed by an existing stone wall adjacent Manchester Road and vegetated on its boundaries, which contribute to the character of the area. It is considered appropriate that landscaping details can be secured at the reserved matters stage.

While no indicative plans have been submitted, it is considered that the site is capable of accommodating a dwelling that would respond appropriately to the established character and form of development along Manchester Road. The detailed design, scale and appearance of the dwelling along with landscaping arrangement will be accessed at the reserved matters stage to ensure that the development integrates satisfactorily with the character of the area.

As such, it is considered that development in principle, is capable of respecting and enhancing the character of its surroundings including the landscape,

contrary to Policy LP24 of the Kirklees Local Plan and Paragraph 135 of the National Planning Policy Framework 2024.

### **3. Impact on Residential Amenity**

Sections B and C of LP24 states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 130 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 House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to 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.”*

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

#### *Neighbouring Amenity*

The nearest neighbouring residential properties to the application site are the terrace dwellings at Nos 760 and 764, which are three stories in height to the rear and two storey to the front, whose blank side gable elevations face towards the site and rear amenity spaces sited at a lower ground level than the application site. Given the outline nature of the application with all matters reserved, no detailed layout or elevation plans have been submitted. Nevertheless, having regard to the separation distances involved and the orientation of neighbouring properties, it is considered that the site is capable

of accommodating a dwelling without resulting in unacceptable impacts upon the residential amenity of these neighbouring occupiers, provided consideration is had for the scale and siting of the dwelling.

Other nearby residential properties are located at a minimum distance of circa 30m to the south of the site and would not be adversely affected. Detailed matters relating to scale, layout and positioning would be assessed at the reserved matters stage. It is considered that an appropriately scaled and sited dwelling, may be capable of coming forward that allows for a policy compliant scheme at reserved matters stage. Subject to these design considerations, the development has the potential to accord with Policy LP24 of the Kirklees Local Plan.

### Future Occupiers

With regards to the living conditions, it is considered that the site is capable of accommodating a dwelling which would provide acceptable levels of residential amenity. Any future dwelling would be expected to achieve appropriate internal space standards in accordance with the Nationally Described Space Standards 2015 and Principle 16 of the Housebuilders Design Guide SPD or the most up-to-date relevant planning policies. It would also be required to ensure that habitable rooms receive adequate levels of daylight, sunlight and natural ventilation. There is nothing within the application or site, that would suggest that these requirements could not be met in principle, with details matters expected to be assessed at the reserved matters stage.

It is considered that a suitably designed scheme can ensure a level of private amenity space commensurate with the scale of the dwelling can be achieved at the Reserved Matters application stage.

It is noted that the site lies adjacent to a commercial site to the east which appears to comprise storage units and other potentially noise-generating uses. In order to safeguard the living conditions of future occupiers, it is considered reasonable to secure a noise impact assessment and any necessary mitigation measures by condition. Subject to such measures, the proposal is considered capable of providing acceptable living conditions for future occupiers in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

## **4. Highway Safety**

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

The application is submitted in outline with all matters reserved. As such, no details relating to the access, layout or parking provision have been submitted for consideration at this stage.

The site fronts Manchester Road which is an established adopted highway serving existing residential development along this stretch of the road. The frontage currently includes marked on-street parking along the carriageway edge. It is recognised that the creation of a new access could potentially affect the availability of some on-street parking; however, the detailed design and positioning of any access would be considered at the reserved matters stage.

The proposal relates to the erection of a single dwelling and would therefore be expected to generate only a modest level of vehicle movements which would not materially affect the operation of the local highway network. Detailed matters relating to the design of the access, visibility splays, parking provision and on-site turning arrangements would be assessed through the reserved matters process including potential impact(s) upon the retaining wall which forms the southern boundary of the site adjacent to the Highway.

It is considered that the site is capable of providing safe access and adequate parking provision. Subject to these being designed in accordance with the Highways Design Guide SPD, there is potential for the proposal to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

## **5. Contaminated Land**

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The application site is located within the Mining Remediation Authority (Coal Authority's) Development Low Risk Area, as such a Coal Mining Remediation Assessment is not required and standing advice would apply. The site is not

identified as contaminated or potentially contaminated land in its entirety; however the land is within the 250m Historic Landfill Buffer designation and known to have historically been in agricultural use, which presents a potential risk of contamination from the historic use of pesticides, herbicides, or storage of agricultural fuels and chemicals.

Given its designations, former land uses and the proposed introduction of a sensitive end use (residential), a Phase 1 Preliminary Risk Assessment, with subsequent Phase 2 Site Investigation, Remediation Strategy and Verification Report (if required) will be secured by pre-commencement conditions to ensure the safe occupation of the site in accordance with Policy LP53 and Paragraphs 196 and 197 of the NPPF.

## **6. Flood and Drainage**

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated Flood Zone and is not identified as being at risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this case. However, in accordance with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 4 of the NPPF, new development should still incorporate sustainable drainage solutions to ensure that surface water is managed appropriately and does not exacerbate flood risk on or off site. Details of surface water drainage, including the use of permeable surfacing or SuDs features where appropriate would be secured by conditions as appropriate at the reserved matters stage.

## **7. Biodiversity and Ecology**

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible. 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.

A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application and has been reviewed by the Council's Ecology Officer. The appraisal identifies that the site contains areas of deciduous woodland habitat which is recognised as a priority habitat. The Ecology Officer has confirmed that the submitted PEA is reasonable and acceptable as a preliminary assessment of the site.

The site lies within the wider ecological network (strategic green infrastructure network) and is located approximately 231m from the Huddersfield Narrow Canal Local Wildlife Site (LWS) and approximately 448m from Low Westwood Pond Local Wildlife Site (LWS). In addition, the River Colne lies within approximately 150m of the site. Whilst the proposal relates to outline consent for a single dwelling, it is recognised that appropriate precautionary and mitigation measures are required to ensure that construction activities do not adversely affect nearby ecological features or protected species.

The Ecology Officer has advised that tree protection measures will be required given the presence of priority woodland habitat adjacent the site. In addition, a number of ecological mitigation and enhancement measures have been recommended, including measures relating to bats, birds and other species such as hedgehogs, amphibians and reptiles. The submitted appraisal identifies negligible potential for bat roosting within existing structures; however, the Ecology Officer has advised that a sensitive lighting strategy should be secured to ensure that external lighting does not adversely affect bats or other nocturnal wildlife.

The site has also been identified as containing Himalayan Balsam, which is an invasive non-native species. An invasive species method statement will therefore be required to ensure appropriate management and removal of this species in accordance with relevant legislation.

In order to safeguard ecological interests, it is considered reasonable and necessary to secure appropriate mitigation and management measures through planning conditions. These include the submission of a Construction Environmental Management Plan (CEMP) for biodiversity, tree and hedgerow protection measures, an invasive species management plan, and an Ecological Design Strategy as pre-commencement conditions and a sensitive lighting strategy prior to the installation of external lighting. These conditions are collectively required to secure biodiversity mitigation and enhancement measures. These measures will ensure that construction activities are appropriately managed and that biodiversity interests are protected and enhanced.

Subject to these conditions, the proposal is not considered likely to result in unacceptable impacts on biodiversity. The development is therefore considered capable of complying with Policy LP30 of the Kirklees Local Plan and the biodiversity objectives set out within the National Planning Policy Framework.

## **8. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

The application is submitted in outline with all matters reserved, and as such, full details relating to access, layout, scale, appearance and landscaping are not provided at this stage. These elements typically inform how a proposal responds to climate change through energy efficiency, low carbon design and resilience measures.

While it is accepted that these details would be more appropriately considered at reserved matters stage, the applicant has not provided a Climate Change Statement or set out any overarching sustainability principles to demonstrate how climate mitigation and adaptation have been considered at this early stage. Should development be considered acceptable in principle, any reserved matters submission would need to secure appropriate carbon reduction measures in line with the Kirklees Climate Change Guidance and the Council's declared climate emergency. This would also be expected in order to comply with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan.

## **9. Other Matters**

### Pre-Commencement Conditions

The recommendation to grant outline planning permission includes a number of conditions that are required to be discharged prior to the commencement of development, as they relate to matters that must be addressed before works begin on site.

In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 (as amended), the Local Planning Authority must obtain written agreement of the applicant before imposing pre-commencement conditions. The applicant confirmed their agreement to the proposed pre-commencement conditions via email dated 11<sup>th</sup> March 2026.

The pre-commencement conditions relate to the following matters:

- Approval of the details of access, appearance, layout, scale and landscaping of the site (hereinafter called the 'reserved matters') – as no details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.
  
- Contaminated Land Reports
  - Phase 1 Desk Study Report
  - Phase 2 Site Investigations (if required)
  - Remediation Strategy (if required)
  - Verification Report (if required)To ensure safe occupation of the site.
  
- Construction Environmental Management plan (CEMP-Biodiversity) – to protect habitats and species during construction, in the interests of biodiversity and ecology, to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.
  
- Tree and Hedgerow Protection – to safeguard existing vegetation during construction in the interests of biodiversity and ecology, to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.
  
- Invasive Species Management – to ensure appropriate treatment of Himalayan Balsam identified on site, in the interests of ecology, to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Agreement to the pre commencement conditions was provided by the applicants' agent in an email dated 11<sup>th</sup> March 2026.

## **10. Representations**

There were no letters of representation received.

## **11. 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; the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation: Conditional Outline Permission**

**Decision Authorisation: Delegated Powers**

**Application Number: 2025/92183**

**Officer Recommendation: Approve**

**Conditions**

1. Approval of the details of access, appearance, layout, scale and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced. **Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
  
1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to access, appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans. **Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
  
2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. **Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
  
3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
  
4. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.
6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.
7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.  
**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197

of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

9. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024. This is a pre-commencement condition to protect habitats and species during construction.

10. Development shall not commence until a Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works has been submitted to, and approved in writing by, the Local Planning Authority. The submitted Hedgerow and Tree Protection Plan will include temporary fencing for the protection of hedgerows in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The Hedgerow and Tree Protection Plan shall include root protection fencing which defines a works exclusion zone around hedgerows and trees and identifies all activities liable to be harmful to hedgerows and trees which shall be prohibited within this exclusion zone. The approved Hedgerow and Tree Protection Plan shall be in place for the entirety of the construction phase and until the completion of development.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024. This is a pre-commencement condition to protect habitats and species during construction.

11. Prior to the commencement of the development a scheme for the control and/or eradication of Himalayan Balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method of treatment, timing of works and measures to prevent the spread of the species during construction. The development shall thereafter be carried out in accordance with the approved scheme.

**Reason:** This is a pre-commencement condition, to prevent the spread of invasive non-native species in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended). This is a pre-commencement condition to prevent spread of an invasive species during construction.

12. No development shall take place until an ecological design strategy (EDS) detailing mitigation and enhancement to be undertaken as part of the development has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and nature conservation objectives for the proposed works.
- a) Review of site potential and constraints.
- b) Detailed design(s) and/or working method(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance.
- h) Details for monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The EDS shall be completed in accordance with the approved details prior to the development being brought into use and all features shall be retained thereafter.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024. This is a pre-commencement condition to ensure habitats and species are protected and appropriate biodiversity mitigation and enhancement measures are secured.

13. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the approved lighting scheme.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

14. Prior to the commencement of development, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify all significant sources of environmental noise affecting the site and specify the measures required to protect the amenity of future occupiers of the development the report shall:

- a) Determine the existing noise climate affecting the site;
- b) Predict the likely noise levels within proposed internal and external amenity areas of the development; and
- c) Detail any mitigation or design measures required to ensure an acceptable living environment for future occupants.

The development shall not be brought into use until it has been completed in accordance with the mitigation measures required by part (c) of this condition which shall be retained thereafter.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework 2024.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PP-14225599v1	-	04/08/2025
Block Site Plan	-	-	04/08/2025
Preliminary Ecological Appraisal Report	23418/RPS	-	04/08/2025
Design and Access Statement Incorporating Planning Statement	-	-	04/08/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local 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 or negotiations were required.