

**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:	2025/60/92184/E
Site Address:	The Haven, 15, Woodhouse, Shelley Woodhouse Lane, Shelley, Huddersfield, HD8 8NB
Description:	Outline application for erection of residential development (one dwelling)
Recommending Officer:	Danielle Cooper

DECISION – Outline Planning Permission - Granted

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 18-Dec-2025

Officer Report.

Reference: 2025/92184

Location: The Haven, 15, Woodhouse, Shelley Woodhouse Lane, Shelley, Huddersfield, HD8 8NB

Proposal: Outline application for erection of residential development (one dwelling).

Site Description

The application site encompasses an open greenfield located off of Shelly Woodhouse Lane. There is some hardstanding on the site with a caravan. The site is bounded by trees and hedges. Residential properties are located to the south, west and north of the application.

The site is located on Green Belt Land.

Description of Proposal.

The application is seeking outline permission for the erection of residential development (one dwelling).

One two storey detached property is located within the centre of the site with associated hardstanding for access.

Outline permission is sought for the layout and access with all other matters reserved.

Access to the site would be directly off of Shelly Woodhouse Lane.

History of Negotiations / Amendments Received.

A Preliminary Ecological Assessment was submitted and reviewed by KC Ecology who found the report reasonable and acceptable.

Updated site plans were also received to show the bin collection point.

Relevant Planning History.

2007/92633

Outline application for the erection of detached dwelling with integral garage
Refused

2009/90880

Erection of garage, potting shed, boiler room and store.

Refused

2009/93528

Change of use and alterations, extension of existing building to form 3 stables, hay and straw barn/tack room

Refused

2011/91801

Erection of building to use as hay and straw store, tack room and horse trailer

Refused

2017/92299

Outline application for erection of one dwelling

Withdrawn

Representations.

The application was advertised by site notice. Final publicity date expired 12th September 2025.

4 representations have been received, two in support and two being general comment. The comments have been summarised below:

- Expresses support for the development, noting that a new house would improve the appearance of the site compared to its current unused and unattractive condition.
- The representation supports the principle of a single self-build family home on the site, viewing it more favourably than multiple homes by a large developer, and notes that a single dwelling is likely to have minimal impact on local amenities
- The site should be cleared of all invasive weeds
- Existing hedges and stonewalls should be retained to protect wildlife and neighbouring privacy.
- Measures should be implemented to ensure noise disturbance is minimised during construction
- Concern of new trees, hedging and fences impact on residential amenity of surrounding neighbours in regards to overshadowing and outlook.

Kirkburton Parish Council – No Comment

Consultation Responses.

KC Highways Development Management – requested further information in regard to visibility splays, bin collection points, width of driveway.

KC Ecology – No objection subject to conditions.

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 green belt land within the Kirklees Local Plan.

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

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP33 – Trees

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

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 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Chapter 2 – Achieving sustainable development

Chapter 11 – Making efficient 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

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

1) Principle of Development

1 – Principle of Development (Including impact on the Green Belt and visual amenity):

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. Policy 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 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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. The judgement in this case is set out in the officer’s assessment.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

Green Belt

The site is located on Green Belt land. The NPPF states that ‘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’.

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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

Paragraph 154 of the NPPF states “*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) *buildings for agriculture and forestry;*

- a) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) *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;*
- c) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) *limited infilling in villages;*
- e) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”*

The application is for a new dwelling and as such would not fall under exceptions a, b, c, f or g.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages. It states that:

“Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.”

The application site is located on the outskirts of Shelley Village and, as such, exception (e) is relevant in this instance. The proposal comprises a single new dwelling on a small plot forming part of a built-up frontage along Shelley Woodhouse Lane and is therefore considered to constitute infilling development. Accordingly, the proposal is considered to comply with exception (e) of paragraph 154 of the National Planning Policy Framework.

Grey Belt 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;
- 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 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.

Planning Practice Guidance published 27 February 2025 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.

Satisfying Green Belt Purposes – Land (Paragraph 155a)

The PPG confirms that purpose (a) – to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and the villages should not be considered large built up areas for this purpose.

The nearest town is Skelmanthorpe, situated around 1.2km. The next nearest towns is Kirkburton to the north-east around 2.5km. Given the rural location of the site, the proposed development will not result in sprawl of towns or villages located close by. The site is located in open countryside and is physically and visually separated from surrounding towns. It does not form part of a settlement

edge that would influence the outward spread of an urban area. On this basis, the land is considered to make only a weak contribution to Green Belt Purpose (a) – to check the unrestricted sprawl of large built-up areas.

The PPG confirms that purpose (b) - to prevent neighbouring towns from merging into one another, relates to the merging of towns not villages, and that the degree of contribution depends on whether development would erode visual separation between towns.

The site is a small parcel of land within a much wider swathe of Green Belt. The land is visually and functionally contained with site boundaries in the form of trees and hedges, and is capable of development that would not affect wider landscape buffers and open fields that provide a clear physical and visual separation between Shelley, and other towns and villages in the wider area.

While the site forms part of a gap between two residential properties, its individual contribution to preventing the merging of towns is limited. On this basis, the site is assessed as making only a moderate contribution to Green Belt purpose (b). A well-considered redevelopment of the site in isolation would not materially affect the visual or perceived separation between towns or lead to any realistic sense of coalescence.

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

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.

Satisfying Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purpose (a), a moderate contribution to Purpose (b), and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a wider area of Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land which is situated in between existing residential properties to either side. The proposed dwelling would therefore infill this piece of land within defined boundaries. On this basis,

although the development would see some localised visual change, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area, The proposal therefore satisfies Paragraph 155(a) of the NPPF (2024).

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), Kirklees currently has a 3.96-year housing land supply, which falls below the required five-year supply. The 2022 Housing Delivery Test results also indicate under-delivery with only 67% of required housing being delivered. This shortfall is a material consideration and supports the principle of development on Green Belt land. The proposed development would contribute to addressing housing need within Kirklees through the delivery of a new family sized dwelling. The supporting information indicates an intention to deliver a single self build dwelling, that would make a small but positive contribution to local housing stock. While limited in scale, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b).

Sustainable Location (Paragraph 155c)

Paragraph 155(c) requires that the site is in or can be made a sustainable location.

The application site is situated within reasonable walking distance of Shelley village amenities, including schools, shops, and public transport services. and benefits from

It is recognised that future occupants of the dwelling would be reliant on the use of private vehicles for most day-to-day journeys, however the proposal relates to a single dwelling and associated trip generation would be minimal.

Taking into account the sites rural setting, the site proximity to local facilities and services, and the limited scale of development, it is considered that the development would be in a reasonably accessible and sustainable location for the purposes Paragraph 155c of the NPPF.

Principle of development – Conclusion

The land makes a weak to moderate contribution to Green Belt purposes (a), (b) and (d) due to its small scale and previously built nature. While the change of the land to residential use would result in domestication through additional glazing and associated activity, the scale, massing and footprint of the development would remain similar to existing structures. Parking and amenity space would be well related appropriately with the building. The proposal

dwelling would be well confined, safeguarding the wider countryside from encroachment.

There is a demonstrable unmet need for housing in the borough due to the lack of a five year housing land supply, and the site is in a reasonably sustainable location.

Taking these factors together, the proposal is considered to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is acceptable in principle. As a single dwelling Paragraph 155(d) is not applicable.

1) Impact on Visual Amenity

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, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

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 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 application is seeking approval for outline permission for layout and access only, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping and scale).

The application site is a corner plot, located in between residential properties to the side boundaries. The positioning of the proposed detached property, which incorporates a detached garage is considered acceptable, located within the middle and therefore retaining a sense of openness to the side and front elevations. The proposed hardstanding demonstrated is also considered acceptable being necessary to facilitate one new dwelling on this site. As such the layout of the proposed development within this green belt site is considered acceptable and would not cause any detriment to the openness of the green belt.

The site is predominantly rural in character, but there are residential properties located to the side boundaries of the site which are constructed from stone and render with gabled roofs. It is considered that an appropriate scheme could be devised which would protect the amenity of surrounding properties and retain the local character. In the event that outline permission be approved, it is recommended that a condition be attached to ensure the proposed external materials of the new dwelling be provided at the reserved matters stage, to ensure the dwelling is sympathetic to the locality and green belt setting.

The principle of a new dwelling at this location is therefore considered acceptable, and the proposal would need to ensure the appearance, landscaping and scale would meet the guidance as set out above and would be addressed at a reserved matters stage.

2) 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.

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 Housebuilders 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 Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 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 non-habitable rooms;
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

The proposed site will accommodate 1 new dwelling with an attached garage. Officers consider that 1 new dwelling can achieve the minimum separation distances as set out by Principle 16. This would be assessed further at the reserved matters stage.

In the event that outline planning permission be approved, it is recommended that a condition be imposed regarding forms of boundary treatment to be installed at the site, as part of the scheme for residential development. This condition will request details of location, heights and materials for boundary treatments. In addition, a condition to control the finished slab and floor levels of the dwelling (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the dwelling) is

recommended. The inclusion of these conditions is considered to mitigate any potential harm of boundary treatments to the residential amenity of neighbouring properties, ensuring that they do not pose an overbearing impact, or overshadowing.

Further to the above, an informative is recommended to control construction hours of the development to protect the amenity of residential properties.

Future Amenity of the 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.”*

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.”*

Officers consider that residential development which is compliant with the NDSS can be achieved at this site. In terms of external amenity space, it is considered that, it is possible to provide a suitable private amenity space to serve the dwelling given the modest size of the plot with is contained by hedging. This would be assessed further at the reserved matters application stage.

In conclusion, the principal of residential development on the application site could be acceptable from a residential amenity perspective.

3) Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 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 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The application is seeking approval for outline permission for access.

Access to the site is proposed via an existing access onto Shelley Woodhouse Lane, which will be shared with No. 15 Shelley Woodhouse Lane. An illustrative plan has been submitted demonstrating how the plot is intended to be developed. The plan indicates the erection of a single detached dwelling with an attached double garage, two off-street parking spaces to the front of the dwelling, and on-site vehicle turning provision.

The provision of two off-street parking spaces together with internal vehicle turning is considered acceptable. It is also noted that off street parking can be accommodated within the attached garage, increasing off-street parking spaces. It is noted that KC Highways Development Management requested that appropriate visibility splays be demonstrated in plan form. In response, the agent submitted a proposed site plan illustrating the required visibility splays. The plan indicates that boundary walls would be set back to achieve visibility splays of 2.4m x 34m. However, there is some uncertainty regarding the ownership of the existing stone boundary walls and, as such, it may not be possible to alter these. The applicant should therefore be advised that all necessary landownership and third-party consents must be secured prior to the commencement of development; this matter is recommended to be addressed by way of an informative.

Notwithstanding the above, it is considered that the use of the established existing access that is shared with an adjacent residential property is acceptable in principle. Therefore, the access as existing can remain and the visibility splays are not required from the west direction. The access is 5 metres in width, which allows vehicles to pass, and is therefore considered acceptable as originally submitted.

Bin storage and collection points are shown on the submitted plans, and it is considered that sufficient space is available within the site to accommodate bin storage. The proposed bin collection arrangements are acceptable and would not give rise to any highway safety concerns.

It is recommended that electric vehicle charging points be installed, and this is recommended to be added as an informative.

In conclusion, it is considered that the proposed access point for the new residential site for 1 dwelling is acceptable and would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) Other Matters

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The applicant has submitted a Drainage Strategy which confirms that attenuation is not required, as surface water disposal will be achieved through infiltration. Consequently, no discharge limit is proposed.

Foul water will be stored on site within a cesspool with a capacity of 40.0m³, which is proposed to be emptied at intervals of approximately 53 days. These calculations are based on an occupancy of five persons. This arrangement is considered acceptable, however, it is necessary that the development is constructed in full accordance with the submitted Drainage Strategy and the details contained within.

Contaminated Land:

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

Part of the site access is located on potentially contaminated land. As the site lies within a semi-rural setting, and the proposed development would involve ground works and the creation of a residential dwelling (sensitive end user), it is considered necessary for a Phase I land contaminated report to be conditioned. The imposition of the condition would ensure that risks to future occupiers can be properly assessed and addressed where necessary.

The site is located within a low coal risk area and as such there are no concerns in this regard.

It is considered that with the inclusion of this condition, the proposal will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Ecology:

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.

However, the following policies are relevant:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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.

A Preliminary Ecological Assessment (PEA) has been submitted and has been reviewed by KC Ecology who deem the assessment reasonable and acceptable.

The submitted PEA makes recommendations for amphibians, birds, hedgehogs, and reptiles. As a result, it is recommended that the submission of a Construction Environment Management Plan (CEMP) be secured via condition.

As the report makes recommendations for reptiles and amphibians, KC Ecology consider it necessary to also condition a Precautionary Working Method Statement (PWMS). This is to ensure clearance of the site is completed with care.

The submitted PEA states that the site is suitable for foraging and sett making for badgers, although they are limited in extent due to the small size of the Site. However, due to the mobile nature of this species, their presence cannot be ruled out. As such a condition is recommended to ensure a survey is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected during this survey, a suitable course of action shall be submitted to the Local Planning Authority to ensure the protection of badgers.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will be imposed also if the applicant decides to install any external lighting.

To ensure the site does benefit from biodiversity enhancements, a Biodiversity Enhancement Plan Survey will be conditioned.

No protected trees are present on site, and it is not considered that the proposed development will lead to any harm to mature trees.

In conclusion, therefore considered that the proposal will accord with policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

A Climate Change Statement has not been submitted. However at a reserved matters stage, further information to how the scheme will be environmentally sustainable will need to be provided.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change.

5) Representations

4 representations have been received. The comments have been summarised and addressed below:

- Expresses support for the development, noting that a new house would improve the appearance of the site compared to its current unused and unattractive condition.
- The representation supports the principle of a single self-build family home on the site, viewing it more favourably than multiple homes by a large developer, and notes that a single dwelling is likely to have minimal impact on local amenities.

Officer comment: The above support comments are noted.

- The site should be cleared of all invasive weeds

Officer comment: The site will have be cleared before any work commences and a reserved matters application submitted.

- Existing hedges and stonewalls will should be retained to protect wildlife and neighbouring privacy.
- Concern of new trees, hedging and fences impact residential amenity of surrounding neighbours in regard to overshadowing and outlook.

Officer comment: *This comment is noted. Existing and proposed boundary treatments will be assessed at reserved matters stage to ensure wildlife and residential amenity of properties are protected.*

- Measures should be implemented to ensure noise disturbance is minimised during construction.

Officer comment: *An informative will be added to ensure construction activities are controlled.*

Kirkburton Parish Council – No Comment

Officer comment: *This comment is noted.*

6) 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 materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/92184

Officer Recommendation: Approve

1. Approval of the details of Appearance, 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: This is a pre-commencement condition to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Appearance, 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.
3. 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.
4. 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.
5. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

6. The development hereby permitted shall be carried out in full accordance with the approved Drainage Strategy, received on 04/08/2025. This shall include the installation of a cesspool for the storage of foul water, which shall be emptied at intervals of no more than 53 days. The approved drainage arrangements shall thereafter be retained and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage provision in the interests of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

7. Development shall not commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

8. The development hereby approved shall not be brought into use until a scheme detailing the installation of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of location, heights and materials. The boundary treatments shall be installed prior to the development being brought into use. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

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
 - b) Identification of "biodiversity protection zones"
 - c) 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)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) 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 and Chapter 15 of the National Planning Policy Framework 2024.

10. 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 lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

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

11. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of reptiles and amphibians shall be submitted to and approved by the local planning authority. In order to minimise risk and avoid harm to reptiles and amphibians, the PWMS shall include (but not be limited to) toolbox

talks provided by a suitably qualified ecologist, attendance of an ECoW (Ecological Clerk of Works) as required, and careful hand search around potential reptiles and amphibians features. In the event of encountering a reptiles or amphibians, all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of this advice and provided with the contact details of the ecological clerk of works.

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

12. A Biodiversity Enhancement Management Plan must be provided to the LPA prior to the commencement of works on-site. It must include the following items that will be installed post development:

- 2no Bird boxes for swifts and house sparrows.
- 2no bat boxes
- Amphibian hibernacula from rubble and logs from works onsite.
- A planting scheme should be implemented within the scheme with fruit trees and flowerbeds. Plantings should comprise native species of high biodiversity value.
- Small holes within fences (and other mechanisms) for hedgehogs' mobility.

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

13. The development hereby permitted shall not commence, including any demolition, until a survey of the site by an appropriately qualified and experienced ecologist is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. This badger survey should be undertaken immediately prior to the commencement of works, and no more than 3 weeks prior to the commencement of the works. If any badger activity is detected during this survey, a suitable course of action shall be submitted to and approved in writing by the Local Planning Authority before any works commence to prevent harm to this species.

Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

14. 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.

15. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 14 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.

16. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 15 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

17. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 16. 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

18. 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.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*

- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable

electrical requirements in force at the time of installation.

Approval of EVCPs under the Building Regulations may also be required, and the

applicant should contact their Building Control Provider for further information in

relation to Approved Document S.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Illustrative Site Plan	0478_WOOD_102	C	04/12/2025
Design and Access Statement	-	-	04/08/2025
Highways Supporting Statement	23007/IJT/SD	-	04/08/2025
Drainage Strategy	23007	-	04/08/2025
Preliminary Ecological Appraisal (PEA) Report	FE575/PEA01		30/09/2025

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 Planning Authority has, 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. A Preliminary Ecological Assessment was submitted and reviewed by KC ecology who found the report reasonable and acceptable. Updated site plans were also received to show the bin collection point.

Report dated: 15/12/2025

Coal – Low