

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/92244/W
Site Address:	Trust Ford, St Andrew's Road, Huddersfield, HD1 6RJ
Description:	Extension of hardstanding to increase area of parking and used car display
Recommending Officer:	Joshua Merriman

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 23-Oct-25

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Officer Report – 2025/92244

Site Description

The application site relates to Trust Ford, St Andrew' Road, Huddersfield, HD1 6RJ, a large building hosting a car dealership showroom and forecourt. The application site lies among other warehouse type buildings, some also selling cars and other high value items. The application site currently benefits from a large hard-standing forecourt area and garden areas between the parking spaces and adjacent highways.

Description of Proposal

The Scheme

The applicant is seeking permission for the extension of hard standing to increase the area for parking and used car display.

Supporting Information

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

- Landscape Management and Maintenance Plan
- Biodiversity Net Gain Assessment
- Design and Access Statement

History of Negotiations / Amendments Received

A copy of the applicant's Biodiversity Metric Calculation Tool was requested by KC Ecology and received by the case officer. This was considered acceptable by both the case officer and KC Ecology.

Relevant Planning History

The most relevant planning history relates to the following planning applications

95/92653 – Erection of illuminated signs – Advertisement Consent Granted.

2005/91135 – Erection of various illuminated and non-illuminated signs – Advertisement Consent Granted.

2006/94468 – Installation of roller shutter – Conditional Full Permission.

2009/91525 – Formation of new vehicular access – Conditional Full Permission.

2010/92066 – Relocation of spray booths to rear of building – Conditional Full Permission.

2012/90571 – Extension to time limit to previous permission 2009/91525 for formation of access – Extension to Time Limit – Grant.

2013/90578 – Installation of replacement garage doors and shopfront – Conditional Full Permission.

2013/93274 - Non material amendment to previous permission 2013/90578 for installation of replacement garage doors and shopfront – Approved.

2014/91369 – Installation of 14 illuminated signs – Advertisement Consent Granted.

2024/93229 - Prior notification for installation of roof mounted solar photovoltaic equipment – Details approved.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 10/09/2025.

Consultation Responses

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

KC Ecology – No objections, subject to condition.

KC Highways Structures – No objections.

Environment Agency – No objections.

KC Local Lead Flood Authority – Application supported.

KC Highways Development Management – No objections.

Allocation and Policy

The site is allocated as priority employment area and in a Strategic Green Infrastructure Network area within the Kirklees Local Plan (adopted 2019). The site is also located within Flood Zone 1 and partially 2 (see Environment Agency comments), a bat alert layer, area with previous swift nesting records, upon potentially contaminated land, and has had permitted development rights removed.

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
- LP8 Safeguarding Employment Land and Premises
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP27 Flood risk
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network
- LP53 Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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.

- Chapter2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

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 favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Policy LP8 is relevant given the site is within a Priority Employment Area. Redevelopments that are within Priority Employment Areas will be supported where there is no conflict with the established employment uses. Non employment uses are only considered to be acceptable where it can be demonstrated that the site or premises are no longer capable of employment use; and the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

Paragraph 85 of the NPPF states: ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth

and productivity, taking into account both local business needs and wider opportunities for development.'

As the proposal is to aid a business, the development will not conflict with established employment uses, and will continue to support investment and its function in making more efficient use of the site and land associated with it. As such, the development is considered acceptable against Policy LP8 of the Kirklees Local Plan.

Given the above, it is considered that the proposal is acceptable in principle and fulfils the relevant policies listed above.

2 – Impact on character and appearance of the area

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.

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'*.

The proposed extension of hard standing on the application site is to be located to the South of the site, adjacent to Stadium Way. Despite this being a highly visible location, it is considered that the area is currently populated with display vehicles and is an active forecourt, surrounded by other car dealerships and warehouse type industrial buildings. Considering this, the extension of the forecourt is not considered to have any significant impact upon visual amenity. Whilst the loss of the greenspace is unfortunate weight is afforded to making more efficient use of the site. The benefits of improvements to site operations outweighs the loss of the greenspace.

As a result, the proposal is considered to be acceptable with regard to visual amenity, complying with Policies LP1, LP2, and LP24 of the Kirklees Local Plan and Section 12 of the NPPF.

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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

As no physical structure will be developed as part of the application, and the application site is located an adequate distance away from any neighbouring businesses and sites, it is considered that there will be no significant impact upon overshadowing, overbearing, light, outlook, and privacy of the surrounding area. Furthermore, as there is no residential property in the vicinity of the application site, it is considered that there will be no significant impact upon residential amenity.

It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact and comply with all relevant policies.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off street parking, and adequate space for waste storage, are retained are also considered to be of relevance.

Although nothing specific is detailed within the submitted plans, it is considered that there is adequate space on site for waste storage.

There were no objections from KC Highways Development Management, therefore, the proposal is considered acceptable with regard to parking provision and highway safety.

An informative note has been added to the report ensuring the parking area will be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

It is therefore considered that in terms of access and highway safety/parking the proposed extension would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan

predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Policy LP31 of the Kirklees Local Plan is also of relevance as the application site is located within the Strategic Green Infrastructure Network.

The site is also located within a bat alert layer, twice buffer, and area with previous swift nesting records.

Due to the nature of the works, a PEA was not considered necessary in this case, however, a CEMP will be conditioned for the protection of the watercourse.

A Biodiversity Net Gain Assessment has been submitted as part of this application. This states that there is a lack of opportunity within the current scheme to provide sufficient habitat quality to achieve net gain. As such offsetting is proposed to meet the policy requirements.

The Biodiversity Net Gain Assessment states that there will be a -13.17% (-0.06 HU) change in habitat units, which would not meet the required 10% net gain and therefore not fulfil the statutory requirement. To ensure a 10% biodiversity net gain, the applicant is suggesting 'the purchasing of Conservation Credits through a registered provider, habitat creation directly through the client owned or LPA offered land, or a financial contribution towards another provider such as local nature reserve or park'. Although the option of off-site biodiversity net gain should only be seen as a last resort when other options of on-site gain are not feasible, it is recommended that units are attained via habitat bank if there are no on-site alternatives.

In order for this to be achieved, the LPA consider it necessary to ensure an informative is in place upon any grant of permission which sets out the requirements of Biodiversity Net Gain legislation. Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

Therefore, subject to inclusion of the recommended informative note, the proposal is considered to be acceptable in this regard.

As such, subject to conditions, the proposal is considered to accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Flood risk

Most of the proposed external layout changes fall within flood zone 1 though some of the redline development boundary falls within flood zone 2. Environment Agency have confirmed they have no objections to the proposed development.

7. Representations

No representations have been received.

8. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation
PERMISSION

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/92244

Officer Recommendation: Conditional Full Permission

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework
2. The vehicle access and hard standing hereby approved shall be constructed from tarmac and block paving. These materials shall be thereafter retained.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.
3. 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.

The CEMP must also include the following specific plans / documents:

- Pollution Prevention Plan for the ponds and watercourses near the site (using good practice guidance such as CIRIA C532)
- Tree protection measures of any of the priority habitat adjacent to the site must also be provided.

Reason: In the interests of biodiversity and in accordance with LP30 and NPPF15

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the

Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to accord with Policies LP28, LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapter 9 of the National Planning Policy Framework.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of Chapter 15 of the National Planning Policy Framework.

INFORMATIVE NOTE – Biodiversity Net Gain:

Based on the information available, this permission is considered to be one which requires the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being: 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- i) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high-speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High-Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan,
- and ii
-) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

NOTE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities1environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	AA05-OS	-	08/08/2025
Existing Site/Block Layout	AA05-10	-	08/08/2025
Existing Site/Block Layout	AA05-11	2 of 2	08/08/2025
Soft Landscape Proposals	01	-	08/08/2025
Proposed Site/Block Layout	AA05-01	Rev D	08/08/2025
Application Forms	-	-	08/08/2025
Landscape Management and Maintenance Plan	80013-LMP	-	13/08/2025
Biodiversity Net Gain Assessment	BNG – Trust Ford	V1	13/08/2025
Design and Access Statement	-	-	08/08/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant

in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

09/10/2025