

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2025/62/92279/E</b>
Site Address:	210, Whitehall Road East, Birkenshaw, BD11 2LL
Description:	Demolition of existing dwelling and erection of detached dwelling
Recommending Officer:	Elenya Jackson

**DECISION – REFUSED**

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

John Holmes

***AUTHORISED OFFICER***

**Date:** 10<sup>th</sup> November 2025

## **Officer Report**

### **Site Description**

The application site is an existing residential property which is occupied by 210, Whitehall Road East, Birkenshaw, BD11 2LLa detached traditional style dwelling with a render and stone finish. The property has outside amenity areas to the front and side with access taken from the east of the site.

To the south of the site is largely open fields and to the east of the site are stone built residential dwellings. The north of the site is fronted by Whitehall Road East and due to topography, the existing dwelling appears elevated from the street scene.

The character of the area is low density, with properties set a reasonable distance back from the highway, there are more developed residential settlements to the west (Birkenshaw 310m west) and east (Adwalton 200m).

The site is located within the Green Belt, a Bat Alert Layer and a high risk coal area.

### **Description of Proposal**

This application has been received for the demolition of the existing dwelling and the erection of a detached dwelling.

The proposed dwelling would have a depth of 17.4m and a width of 13.2 at its widest point with a maximum height of 6.4m.

The dwelling is proposed to be contemporary in design, running parallel with Whitehall road east along the northern boundary with a splayed south-western elevation. The main components of the shape of the building are two rectangles with an irregular quadrilateral centrally joining the northern and southern sections.

The proposed dwelling features a flat roof, large amounts of full-length glazing, a rendered first floor which would overhang the ground floor of the proposal.

### **History of negotiations/amendments received**

N/A

### **Relevant Planning History**

N/A

### **Representations**

The application was advertised by a site notice which expired on 24/10/2025. No comments were received as a result of site publicity.

## **Consultation Responses**

KC Ecology: Informal discussion on 5/11/2025 as the site is in a bat alert layer. Ecology confirmed that a PEA would be required.

KC Highways: Informal on 5/11/2025. No further comments

The Mining Remediation Authority: No objections subject to conditions requiring the submission of a scheme of intrusive investigations.

## **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 27<sup>th</sup> February 2019).

The site is allocated as Green Belt within the Kirklees Local Plan. The site falls within an area with a known presence of bats and an area identified by the Mining Remediation Authority as being at risk of ground movement as a result of former mining activity.

### **Kirklees Local Plan:**

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 33 - Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land
- LP 57 – The extension, alteration or replacement of existing buildings
- LP59 – Brownfield sites in the Green Belt

### **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 6<sup>th</sup> 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 4 – Decision-Making

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Efficient Use of Land

Chapter 12 – Achieving Well-Designed places

Chapter 13- Preserving the Green Belt

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and Enhancing the Natural Environment

### **Supplementary Planning Guidance**

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

### **Assessment**

#### **Principle of 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.

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 Council’s 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 is 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 within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

### *Is the development inappropriate in the Green Belt?*

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, these are as follows:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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. '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.

### *Exemptions*

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless the proposal accords with one of the exemptions outlined in paragraphs 154 and 155.

### *Consideration of paragraph 154*

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant:

- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (g) 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.

Policy LP57 of the Kirklees Local Plan provides some parameters for what would normally be considered acceptable alterations/extensions to a building within the Green Belt.

Subsection b,c and d outline the following points:

*'in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing; the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'*

LP59 of the Kirklees Local Plan is relevant, this sets out that:

*'Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:*

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

*Land at Storthes Hall has been designated in the Local Plan in order to recognise it is a major brownfield site in the Green Belt. Development proposals should be accompanied by a masterplan with special attention paid to the impact of any proposal on the openness of the Green Belt. In all cases regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.'*

It should be noted that the updated NPPF supersedes the policy set out within Policies LP57 & LP59 with the reference to development not resulting in 'substantial harm' rather than 'greater impact' on openness'. Development on previously developed land can now only be considered inappropriate if it causes substantial harm to openness.

Officers have calculated that the existing dwelling has an overall volume of approximately 565m<sup>3</sup> (this is an approximation and does not include the porches) with a footprint area of 470m<sup>2</sup>.

Officers have calculated the approximate volume of the revised dwelling to be 1,177m<sup>2</sup>.

It is considered that due to the scale and mass of the development when considered with its associated hard standing would fail to accord with exemption D of paragraph 154 as it would be materially larger both in volume and scale compared to the existing dwelling on site.

On consideration of exemption g of paragraph 154, for the redevelopment of previously developed land, it is considered that the site would align with the NPPF definition of previously developed land. However, given its design it is considered the proposal would have a substantial impact upon openness in this case. This is discussed in more depth in section 2 of this assessment. Notwithstanding this conclusion, there remains the exemption as set out in paragraph 155 of the NPPF, which is discussed in more depth below.

### Grey Belt

With regard to exemptions, paragraph 155 of the NPPF states: "*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- 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;*
- b. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- c. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*

'Grey Belt' is defined in the NPPF glossary 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.*"

The application site is considered previously developed land and it is considered the land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and would therefore be considered Grey Belt land. *The nearest bus stop to the application site is located ~300m away which is considered a reasonable distance however, it is considered that the bus runs reasonably frequently and allows for the potential for sustainable modes of transport.*

It is considered that The 'Golden Rules' in paragraphs do not apply in this case, as they relate specifically to larger-scale or plan-led allocations of Grey Belt land involving multiple homes or mixed-use development. This proposal,

by contrast, is for a single dwelling and is being brought forward outside of a strategic context. Therefore, while it follows the broader intent of sustainable and sensitive development in lower-performing Green Belt areas.

This application is therefore consistent with the provisions of paragraph 155.

The proposed development would therefore constitute an acceptable form of development in the Green Belt. As outlined in paragraph 153 of the NPPF, “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. No very special circumstances have been required in this instance as the proposal would be considered acceptable in the context of the exemption set out within paragraph 155 of the NPPF. Therefore, the proposal would comply with the requirements of Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan.

The principle of development would therefore be considered acceptable. Notwithstanding this, a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

### **Visual Amenity:**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 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...”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines 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.

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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context and Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

The proposal would be located on a plot of land which is currently occupied by a residential property. As previously discussed, the site is within a low-density area with a few residential properties located to the east of the site.

The dwellings in the vicinity are not dissimilar to the existing structure on site in that they are constructed out of stone, traditional in design with pitched roofs and visually considered a typical style of dwelling given their rural setting.

No substantial design justification has been provided to support scheme; however, the proposal would be two storey featuring a flat roof with a rendered first floor and large amounts of glazing. It is considered that the proposed dwelling would have a prominent position in the street scene and would appear top heavy and poorly integrated into the landscape.

No street scene plan has been submitted to support the application. However, it is considered that with the layout whereby the proposed garage would back onto Whitehall Road East and be positioned closer to the boundary than both the existing development and the proposed dwelling, it would appear out of keeping with the revised building line, relate poorly to the street scene, and fail to make a positive contribution to the character of the area. This would conflict with Principle 8 of the Housebuilders Design Guide.

While contemporary design can be appropriate in certain contexts, the plot is not sufficiently separated from neighbouring properties to be read as an isolated dwelling within the public realm. Therefore, architectural cues from surrounding buildings would be more appropriate to ensure a coherent contribution to the street scene. The proposed dwelling makes limited reference to the local vernacular, and as a result, fails to comply with Principles 2, 14, and 15 of the Housebuilders Design Guide, as well as Policy LP24(A) of the Kirklees Local Plan.

Furthermore the countryside setting of the development is such that the proposal would represent a stark and highly urbanised design that is not in keeping with the established local character of the street / existing site. Due to its scale, design, location, and prominence, the proposed development would appear incongruous within its rural setting. The contemporary form, lacking reference to the local vernacular, would fail to integrate with the character of the area or contribute positively to the street scene. Consequently, the proposal conflicts with Principles 2, 8, 14, and 15 of the Housebuilders Design Guide and Policy LP24(A) of the Kirklees Local Plan and policies within chapter 12 of the NPPF.

### **Residential Amenity:**

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, The National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder’s Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

Adjoining neighbours are considered to be located a sufficient distance away that no issues would be raised regarding overshadowing/loss of light or overbearing.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site has residential properties in the wider area and the occupiers of these could potentially be disturbed by noise generated during the construction process. To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the

hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

#### Future Occupiers

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

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

Notwithstanding the above, National space standards require the following gross internal floor area for a three bed two storey dwelling:

- 5 Bedroom, 6-person dwelling set over 2storey's- 110square metres.
- 5 Bedroom, 7-person dwelling set over 2 storey's- 119 square metres.
- 5 Bedroom, 8-person dwelling set over 2 storey's- 128 square metres.

The proposed floor plans show the proposal would have 5 bedrooms and therefore is required to have an internal floor space of a minimum of 110m<sup>2</sup>. The proposal would comfortably exceed this.

The proposed development, subject to conditions, is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

#### **Impact on Highway Safety:**

With regards to Highway Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

The proposal would replace one dwelling with another dwelling.

There is an existing access on site which the proposed plans demonstrate would be utilised.

The proposal has been reviewed with KC Highways and no further comments have been provided; however, should the application receive planning permission, it is considered necessary to impose conditions to ensure that the driveway is appropriately surfaced and drained in accordance with standard

guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk.

Finally, details of bin presentation points are required. Officers consider that this can be secured via condition.

Therefore, having taken into account the above, KC Highways Development Management consider the layout to be acceptable subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

### **Other matters:**

*Climate Change* - On 12<sup>th</sup> 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 pre-dates 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.

The proposal is for the erection of one dwelling. The details provided in the climate change statement are considered sufficient. This would comply with the aims of policies LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

### **Biodiversity Net Gain/Bats/ Ecology**

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraphs within Chapter 15 of the NPPF outline that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Officers have discussed the application informally with KC Ecology as the site is located within a bat alert layer on the Council's GIS system and requires demolition of the existing structures on site. It has been stated that a pre-liminary ecological appraisal including consideration of the impact of the

development upon bats is required enable the LPA to undertake an informed decision in relation to impact upon a protected species.

Officers have not requested these details are provided during the course of the application as the scheme is to be recommended for refusal on other, design, grounds.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions. In this case, the dwelling would constitute a self build and therefore biodiversity net gain is not required on site. Whilst it is noted that the submitted application form contains a discrepancy in this respect, the applicant has confirmed that the development is a self-build.

Notwithstanding the exemption from the legislative requirement for BNG. It is considered there is a lack of information provided as part of the application to enable the LPA to fully assess the impact of the development upon a protected species and the proposal is therefore recommended for refusal on this basis.

#### Contaminated land/Coal Mining Legacy:

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 site is located in a high risk coal area and a Coal Mining Risk Assessment has been provided in support of the application prepared by Haigh Huddleston Associates Ltd.

This has been reviewed by the mining remediation authority and conditions requested relating to the submission of a scheme of intrusive investigations and a signed statement by a suitably competent person that confirms the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Due to the site being located in a High Risk Coal area and The Mining Remediation Authority requiring further details to be provided, KC

Environmental Health have been informally consulted on the application. It is considered that due to the risks from ground gases and combustible material which can impact human health, full contaminated land conditions would be required. Including the submission of a phase one preliminary risk assessment, a phase II intrusive investigation, remediation strategy and finally a verification/validation report.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

#### Representations:

No comments received

#### Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**Refuse**

#### **Decision Authorisation - Delegated Powers**

**Application Number: 2025/92279**

#### **Officer Recommendation: Refuse**

1. Due to its scale, design, location, and prominence, the proposed development would appear incongruous within its rural setting. The contemporary form, lacking reference to the local vernacular, would fail to integrate with the character of the area or contribute positively to the street scene. Consequently, the proposal conflicts with Principles 2, 8, 14, and 15 of the Housebuilders Design Guide and Policy LP24(A) of the Kirklees Local Plan and policies within chapter 12 of the NPPF.
2. The application provides insufficient information to adequately assess the ecological impact of the proposed development. Given the failure to submit a preliminary roost assessment to demonstrate whether protected species would be affected by the development, the proposal

is contrary to Policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			15/09/2025
Proposed site plan	03		15/09/2025
Proposed plans	04		15/09/2025
Existing site plan	01		15/09/2025
Existing elevations	02		15/09/2025
Coal Mining Risk Assessment			15/09/2025
Climate change statement			15/09/2025
Design and access statement			15/09/2025

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 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 amended plans were requested during the course of the application.